SUBJECT: Application for a Certificate of Approval (Waste Disposal/Transfer Station) Ministry of Environment Reference 1339-69TRKK, 332 Lake Avenue North (Hamilton) (PED07221) (Ward 5)

RECOMMENDATION:

That the Ministry of Environment Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that should the Ministry approve the application CA-06-03, by 1520818 Ontario Inc. (O/A TD Services), applicant, for a Certificate of Approval for a future waste disposal/transfer facility at 332 Lake Avenue North, as shown on Appendix “A” to Report PED07221, that the City of Hamilton requests the following to be undertaken:

(a) That the Certificate of Approval includes the following requirements:

   (i) That prior to receiving any waste materials, the proponent obtains site plan approval from the City’s Planning Division; a building permit from the Building Services Division; and completes construction of the proposed facility and all required site works; to the satisfaction of the Director of Planning, Planning Division, City of Hamilton.

   (ii) That a sufficient bond be provided to the Province for financial assurance for the removal of any materials left on the site should operations end.

   (iii) That the Certificate of Approval limits the maximum waste capacity to 250 tonnes daily. That any request for increase of capacity be contingent upon the proponent demonstrating that they have successfully operated the facility for a period of at least one year, operating at least 75% daily capacity, to the satisfaction of the Ministry of Environment. That any increase of capacity requires that the proponent reapply to the Ministry of Environment to amend any existing Certificate of Approval.
(iv) That the Certificate of Approval limit the maximum daily stored waste capacity to 37 tonnes daily and any additional stored volumes be subject to a future amendment to the Certificate of Approval.

(v) That the amount of any outside material storage be limited to 15 sq.m. in area, as shown on the proponents concept plan, because of the limited land area available due to site constraints.

(vi) That the waste streams be limited to solid residential (construction and demolition waste materials only) industrial, commercial and institutional waste. That no hazardous, liquid, food, medical or nuclear waste be accepted at this facility.

(vii) That the waste accepted be limited to waste generated from the City of Hamilton and surrounding regions in southern Ontario.

(viii) That the Certificate of Approval includes a contingency plan that identifies an acceptable alternative disposal site to the City of Hamilton Taro Landfill, should this site not be available in the future.

(ix) That prior to receiving any waste materials at the facility that the proponent obtains written approval from the Chief Fire Prevention Officer, Hamilton Fire Services, that the constructed facility is in compliance with Parts 3 and 4 of the Ontario Fire Code.

(x) That the proponent implements spills prevention on site and containment measures be included in the Certificate of Approval. That the contingency plans for spills on site and clean up procedures are covered under the Certificate of Approval and that the City’s Spills number (905) 540-5188 is included in the company’s on site Contingency Plan.

(xii) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

(b) That a copy of Report PED07221 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

(c) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The applicant, 1520818 Ontario Inc. (O/A TD Services), has applied to the Ministry of Environment (MOE) for a Certificate of Approval for a waste disposal transfer and processing facility for 475 tonnes per day of solid non-hazardous waste. The proponent’s supporting documentation indicates that the immediate need is approximately 250 tonnes per day. The requested additional capacity is to allow for any future growth.

The majority of the 0.71 hectare site (1.76 acres) is occupied by an existing truck repair facility (Taylor Diesel) and residential building. The proposed 594 sq.m. (6,394 sq. ft.) building for this proposed facility does not exist, but is proposed on the east portion of the site (see Appendix B”). The new building is subject to a site development application and a building permit from the City. The proponent has submitted a preliminary site plan application to the City to assist the City and commenting agencies consider the viability of this proposal. It is recommended that the proponent be limited to its immediate need daily waste capacity of 250 tonnes per day. Also, that the proponent be required to successfully operate the facility at this 250 tonnes per day level for a period of at least one year, at least 75% capacity prior to MOE consider approving any further application to increase waste capacity or stored materials for this facility. The amount of daily stored volume is recommended to be limited to 37 tonnes per day for this facility. There are also a number of other operational requirements recommended to be included in the Certificate of Approval.

The acceptable wastes for the proposed facility will consist of solid residential (construction and demolition waste materials only), industrial, commercial, and institutional wastes. No hazardous waste, liquid waste and food waste is proposed for the facility. This report recommends a number of standard conditions and requests that the MOE limit the amount of daily waste received and stored at the proposed facility.

BACKGROUND:

What is a Certificate of Approval

A “Certificate of Approval” pursuant to Part V of the Environmental Protection Act is a legally binding document, through which an individual, company or municipality is permitted, by the Ontario Ministry of Environment (MOE), to undertake an activity related to the management of waste.

Each Certificate of Approval is drafted to address the site-specific considerations relevant to the proposal and contains enforceable requirements that ensure environmental and health protection, compliance with legislation and policy requirements. The Certificate of Approval stipulates the types of wastes that can be managed at the facility and contains “conditions” that describe the manner in which the facility is to be operated. Failure to comply with any of the Certificate’s conditions constitutes a violation of the Environmental Protection Act and is grounds for enforcement through the Provincial Offences Act.
As part of their review process, the MOE requests the affected municipalities to provide comments on new and amended Certificate of Approval applications. The MOE then makes a decision on the application, on the basis of the comments received, in addition to various technical and environmental considerations. Comments from the City of Hamilton on Certificate of Approval applications are forwarded to the MOE.

**ANALYSIS/RATIONALE:**

The applicant, 1520818 Ontario Inc. (O/A TD Services), has applied to the Ministry of Environment for a Certificate of Approval for a waste disposal site (waste transfer/processing) in order to permit a maximum allowable waste storage limit of 475 tonnes per day. The proponent’s supporting documentation indicates that the immediate need is approximately 250 tonnes per day. The proposed amount of waste received is a significant amount of waste materials for any facility. It is appropriate that the waste volumes received at the site be limited, until such time as the proponent has demonstrated that they can properly operate their immediate anticipated levels of waste volumes on this site. The proposed waste transfer facility is limited in site area, is restricted by natural topographical features to the east, and has potential for on-site traffic conflicts with the existing truck operation and residential dwelling which occupies more than 50% of the 0.71 hectare (1.76 acres) site.

Currently, the site is utilized as a truck repair facility (Taylor Diesel) and residential dwelling. It is proposed that these uses will remain and the proposed waste transfer station will be located at the east portion of the subject lands. The building for this facility has not yet been constructed and is subject to site plan approval and a building permit from the City of Hamilton.

**Proposed Operations**

The proposed waste transfer building of approximately 594 sq.m. (6,394 sq. ft.) will be used for unloading and loading of waste materials (see Appendix “C”). The unloading of trucks will occur within the proposed facility.

The actual waste transfer station will incorporate conveyor systems for the sorting of materials. The conveyor system includes protruding sections both on the north and south elevations with protected canopies. The building is proposed to be enclosed on all elevations except the west elevation with two proposed 3.6m wide and 4.87m in height openings for truck unloading accesses. Transport Trucks are shown in loading areas at the north section of the building to receive sorted waste, and roll-off bins are shown on the south section to receive sorted waste. There are also bins, a compactor and a grinder shown located within the building. A bailed product is shown to be stored outside the building in a 2.1m X 6.7m (approximately 15 sq.m.) area. It is recommended that the amount of any outside material storage be limited to 15 sq. m. in area (directly adjacent the proposed building), as shown on the proponents concept plan, because of the limited land area available due to site constraints.
The proponents supporting documentation indicates that the facility will not allow stock piling of materials. Recyclable material will be immediately placed in containers. When the containers are filled, they will be removed from the site to the designated receiver. Materials destined for landfill facilities will be immediately loaded into trailers, and the trailers secured. When the trailer is filled, it will exit the site to an approved waste disposal site. Materials will not be stored external to the containers or the trucks.

The materials for recycling will be sorted into the following type of categories:

(a) Materials for composting, e.g. timber.
(b) Metals for scrap metal yards in the Hamilton area.
(c) Plastics destined to plastic recycling plants in the Hamilton area.
(d) Paper products.

The Company proposes to operate the Site between the hours of 7:00 AM and 9:00 PM, Monday to Saturday, excluding Statutory Holidays.

A required record keeping process, closure plan, financial insurance and contingency plan is required by MOE and proposed by the proponent.

**Truck Movements**

The proponent indicates a maximum of 30 incoming trucks a day, and once the waste is sorted and placed in containers, approximately 5 tractor-trailer loads per day will be exiting the transfer station. These truck volumes will be significantly less with a 250 tonnes daily limit as recommended.

The proponent proposes to provide a combination of asphalt paving and concrete pavement where truck movements will occur. All unloading of trucks will be performed within the proposed building.

**Stored Volume**

The proponent indicates that approximately 15% of the total materials received daily volume will remain on the site. Based on an immediate capacity of 250 tonnes received per day, the facility would require a maximum 37 tonnes per day stored volume. The proponent has requested a maximum storage of 70 tonnes of material per day based on their future operating capacity. The stored materials will be stored in containers for recyclable materials and truck trailers for waste destined for an approved waste disposal facility.

**Security**

The waste transfer facility will be a secured facility with access to only authorized personnel. This will require upgrading to the existing fencing and placement of gates that will be controlled by personnel and truck manifests that will be checked at entry and exit points.
Preliminary Site Plan Application

The applicant has submitted a preliminary site plan under file PSR-06-095. A number of issues were identified in the review of the preliminary site plan by agencies and staff with regard to being able to site a building on the subject lands as proposed by the proponent for this facility. These issues were discussed at the City’s Development Review Committee with the proponent on July 26, 2006. Since that time, the proponent has been working to resolve these issues. On June 19, 2007, the proponent provided the City with a copy of a letter from the Hamilton Conservation Authority, dated May 24, 2007, indicating that Permit #2007-20 from the Hamilton Conservation Authority was issued for a revised location for the proposed building of approximately 13m setback from the top of bank established by the Hamilton Conservation Authority. Until such time as the proponent could demonstrate that there was the opportunity to site a building on the subject lands, staff considered the proposal premature. This recent information from the Conservation Authority has satisfied these concerns and we are able to proceed with providing the MOE comments on the proposed Certificate of Approval.

City Departments including: Hamilton Emergency Services – Fire Prevention Division; Waste Management Division, Public Works Department; Water and Wastewater Division, Public Works Department; Traffic & Operations Section, Public Works Department; have all reviewed this proposal and have indicated that they have no objections to the proposal, subject to the proponent satisfying specific conditions.

The Waste Management Division, Public Works Department, indicates that the site area seems to be of limited size to effectively handle the amount of waste proposed by the proponent. The potential waste amount, as proposed, is to process 137,750 tonnes of waste annually (290 operational days x 475 tonnes maximum per day). The proponent is requested to provide a contingency plan to the Taro Landfill in Hamilton and a condition is included in the Recommendation Section of the report. Also, Waste Management staff has identified that no residential curb side waste should be accepted at this facility. To address this concern, a recommendation is included that only solid residential construction and demolition waste materials be included from the residential waste stream, in addition to the solid industrial, commercial, and institutional waste. Finally, there is no other impact on the City of Hamilton’s Solid Waste Management Master Plan System.

The Compliance and Regulations Division, Water and Wastewater, Public Works Department, has indicated that the proposal is acceptable from a sewer standpoint, with the provision that wastewater discharged from this operation complies with Sewer Use By-law 04-150. Also, that the proponent implements spills prevention on site and containment measures be included in the Certificate of Approval. That contingency plans for spills on site and clean up procedures are covered under the Certificate of Approval and that the City’s Spills number (905) 540-5188 is included in the company’s on site Contingency Plan. A condition is included in the Recommendation Section for these requirements.
The Fire Prevention Division, Hamilton Emergency Services, has indicated that they have no objections to the Waste Transfer facility, subject to the facility being in compliance with Part 3 and Part 4 of the Ontario Building Code. A recommended condition of the Certificate of Approval is that prior to receiving any waste materials, that the proponent obtain written approval from the Chief Fire Prevention Officer, Hamilton Fire Services, that the constructed facility is in compliance with Parts 3 and 4 of the Ontario Fire Code.

Traffic Engineering & Operations, Public Works Department, has requested (at minimum) that the existing gravel driveway between Lake Avenue and the existing truck repair building be hard surfaced to assist in reducing any drag out to Lake Avenue North. Also, there is a preference that the entire front yard area be hard surfaced. Also, that the applicant must assure that the existing inbound and outbound maneuvering requirements of waste management and tractor trailer units are to the satisfaction of the Manager of Traffic Engineering. Any change in site access to Lake Avenue North requires an Access Permit, and more details are available by contacting the Traffic Engineering office at 905-546-2424, Ext. 5925. Any utility relocation as a result of access changes will be undertaken at the expense of the applicant/owner. These traffic operational issues will have to be resolved by the proponent at the site plan application stage.

Proposed MOE Certificate of Approval

This MOE application for a Certificate of Approval is considered acceptable. Based on the comments received from the circulated departments and the analysis undertaken, should the MOE approve the Certificate of Approval, the City of Hamilton requests a number of matters to be undertaken, as outlined in the Recommendation Section of this report.

**ALTERNATIVES FOR CONSIDERATION:**

The City of Hamilton is not the approval authority for Certificate of Approval applications, but has been requested to submit comments on this application to the MOE. The MOE will consider the City’s comments in making a decision on the application. The following alternatives are available to the City in providing comments to the MOE.

1. **Request MOE to Deny the Application**

   The City could request MOE to deny the Certificate of Approval application.

2. **Request MOE to Incorporate the City’s Conditions**

   The circulation of the application to City Departments did not result in any objections to the proposal. Staff has identified requirements that are to be addressed through the Certificate of Approval.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A.

Staffing – N/A.

Legal – Certificate of Approval applications are processed by the Ontario Ministry of the Environment under the authority of the Environmental Protection Act. The City of Hamilton has been formally requested to provide comments to the Ministry on this specific application.

POLICIES AFFECTING PROPOSAL:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff notes that via the Certificate of Approval process, the applicant will demonstrate consistency with the sustainability of healthy, liveable and safe communities, as outlined in Policy 1.1.1(c) of the PPS.

Region of Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Therefore, as the application is for an MOE Certificate of Approval for a proposed waste transfer facility, the proposal conforms to the intent of the Hamilton-Wentworth Official Plan policies.

City of Hamilton Official Plan

The proposal conforms with the Hamilton Official Plan. The subject lands are designated “Industrial“ in the Hamilton Official Plan.

Hamilton Zoning By-law

The subject lands are zoned “KK” (Restricted Heavy Industrial) District, permitting the temporary storage/processing of waste material.

RELEVANT CONSULTATION:

Public notification/consultation requirements for Certificate of Approval applications are regulated by the Environmental Protection Act and administered by the MOE. Upon receipt of the application, the MOE required the applicant to circulate an information Notice to abutting property owners. The Notice provides a description of the proposed operation and the MOE requires a Notice of the proposal to be posted on the Environmental Registry (website).
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Community well-being is safeguarded by providing for continued opportunities for recycling.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Waste is reduced and recycled.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines?
☑ Yes ☐ No
Reducing waste materials by recycling enhances overall community well-being and makes economic sense.

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
☐ Yes ☑ No

:SH
Attachs. (3)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: CA-06-03
Date: June 26, 2007

Appendix "A"
Scale: N.T.S.
Planner/Technician: SHF

Subject Property

332 Lake Ave N

Site of the Application

Ward 5 Key Map N.T.S.