To: Chair and Members
   Economic Development and Planning Committee
   PED08064

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Re: Private Waste Disposal Sites Study (PED08064) (City Wide)

Council Direction:

Not applicable.

Information:

The purpose of this Report is to provide Members of the Economic Development and Planning Committee with an update on the study currently being undertaken for Private Waste Disposal Sites which will develop a strategy and implementation plan for addressing issues related to such operations.

1.0 Background

In Ontario, the operation of a private waste disposal site requires the issuance of a “Certificate of Approval” pursuant to Part V of the Environmental Protection Act. The Certificate is a legally binding document that is administered by the Ontario Ministry of the Environment (MOE). 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, and compliance with legislative and policy requirements. The Certificate of Approval stipulates the types of wastes that these operations can process. As part of their review process, the MOE requests affected municipalities to provide comments on new and amended Certificate of Approval applications. In Hamilton, planning staff prepare a report for the consideration of the Economic Development and Planning Committee (ED&PC), which makes recommendations to the MOE on the applications, including appropriate conditions. Once ratified by Council, the recommendations are sent to the MOE. The MOE then makes a decision on the application on the basis of the recommendations received, in addition to various technical and environmental considerations.
Over the past years there have been a number of planning issues that have come into play during the review of Certificate of Approval applications for private waste disposal facilities in Hamilton and, in particular, issues related to organic waste transfer and processing facilities. The issues are largely concerned with nuisances such as odours and their impacts on sensitive land uses. Such issues have been reflected by concerns raised by citizens in the community with respect to various Certificate of Approval applications.

Vision 2020, the City of Hamilton’s strategy for a sustainable community, contains goals and actions aimed at the effective reduction and safe management of waste. The City of Hamilton has a historical setting of heavy industrial and residential land uses located within proximity of each other. At the time of preparation, most of the local planning documents in the amalgamated City of Hamilton did not anticipate the range of recycling and waste management industries that are being processed today under Certificate of Approval legislation. The City’s current Zoning By-laws do not specifically define these uses and permit them depending on whether or not they are deemed to have noxious impacts or categorize them as “warehouses” and “materials” and permit them on that basis. Other than general policies respecting industrial land uses in the Official Plans, there are no comprehensive policies or criteria by which private waste disposal facilities can be evaluated.

In the absence of municipal planning policy and regulation, the only opportunity for the City to provide input on proposed private waste disposal sites is by commenting to the Province when circulated Certificate of Approval applications. Once a Certificate of Approval is issued by the MOE, the City is often requested to comment on amendments to revise the operation or increase the intensity of the use. Therefore, to date, the City’s review of these applications has taken place on an ad-hoc basis. Furthermore, the number and intensity of these sites in Hamilton has resulted in concern with respect to the cumulative impacts on nearby sensitive land uses and the perpetuating negative image of the City through continued concentrations everywhere. City Council has also expressed concern with respect to the enforcement and monitoring of Certificates of Approval by the MOE.

In light of the above, Planning staff has recently retained the services of Jacques Whitford Limited through a Request for Quotation to complete a planning study on private waste disposal sites, including refinement of the Terms of Reference. With a branch office operating in Burlington, the firm has significant experience in the areas of Municipal Waste Management Policy and Facility Permitting. This experience includes the recent development of the City of Hamilton’s Solid Waste Management Master Plan, waste audits, and the Niagara Hamilton “WastePlan” Environmental Assessment Study.

2.0 Purpose of Study

The purpose of the study is to determine if private waste disposal sites should/must be permitted within the City and, if so, to recommend a preferred strategy and an implementation plan for addressing them. The recommendations will form the basis for new policy direction in the City’s Official Plan as part of the Official Plan Reform program and new zoning regulations as part of the Zoning By-law Reform program.
The study will provide a balanced approach to the provision of private waste disposal sites in Hamilton, considering economic (including the City’s economic development strategy), environmental and social implications. It will also consider the full range of uses included as “private waste disposal facilities”, including both non-hazardous and hazardous solid and liquid waste transfer and processing facilities (especially organic wastes) and power generation facilities.

The following steps will need to be undertaken to complete the study:

1. Confirmation of the general methodology and study approach. The consultant’s key staff, a detailed work plan, and consultant’s staff time and rates must be established.

2. Collection by the consultant of all relevant background research for a compendium, including:
   i) Provincial legislation, guidelines and processes;
   ii) enforcement and monitoring procedures;
   iii) compliant records;
   iv) an inventory of existing private waste disposal sites in Hamilton; and,
   v) a survey of other municipalities’ policies, regulations and best practices.

3. Evaluation and analysis of the alternative strategies and a preferred strategy for Hamilton with an implementation plan.

4. As work proceeds under the direction of the City’s project management team, a steering committee will need to review and provide feedback on key components.

It is suggested that the committee be made up of representatives from the following:

i) Planning and Economic Development Department
   • Strategic Planning/Special Projects Division
   • Planning Division
   • Building Services Division
   • Economic Development and Real Estate Division

ii) Public Works Department
   • Traffic Engineering and Operations Section
   • Water and Wastewater Division
   • Waste Management Division

iii) Public Health Protection Branch

iv) Hamilton Emergency Services Department

v) Ontario Waste Management Association
5. The Ministry of Municipal Affairs and Housing and the Ministry of the Environment must be consulted.

6. At least one Public Information Meeting be held to present the alternative and preferred strategies and implementation plan. This information will be incorporated into the study report.

7. Presentation of the study by the consultant at the ED&PC.

8. Statutory Open House(s) and Public Meeting(s) at the ED&PC with notice given in accordance with the Planning Act to consider the proposed Official Plan and Zoning By-law Amendments prior to Council adoption.

3.0 Deliverables and Timing

The study will comprise a background/research compendium of the issues relating to the different types of private waste disposal facilities, an evaluation/analysis of the alternative strategies for regulating them, and the preferred strategy with an implementation plan. The consultant will be responsible for arranging the Public Information Meeting(s) to present this information. A sufficient number of hard copies and an electronic copy of the study will be supplied for circulation to various City departments and outside agencies, for posting on the City’s web site, and for presentation by the consultant at the ED&PC.

The Public Information Meeting(s) is expected in June 2008 and presentation of the study’s findings to the ED&PC is expected in September 2008. Depending on the findings and recommendations of the study, the Department may recommend that the City proceed immediately with amendments to the existing Official Plans and Zoning By-laws rather than wait to incorporate the amendments into the City’s new Official Plan and comprehensive Zoning By-law in the Spring of 2009.

Further updates will be provided as the study progresses.

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RW: dkm