SUBJECT: Application to Amend an Existing Provisional Certificate of Approval (Waste Transfer/Processing Site) Ministry of Environment Reference #7379-6L8QPW, Waste Services (CA) Inc., Located at 306 Lake Avenue North (Hamilton) (PED06120) (Ward 5)

RECOMMENDATION: That the Ministry of Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that should the Ministry approve the application CA-06-01, Waste Services (CA) Inc., applicant, for an Amendment to an existing Provisional Certificate of Approval for an existing waste transfer/processing site to increase allowable waste storage limits from 100 tonnes to 150 tonnes/ day, within an existing facility at 306 Lake Avenue North, as shown on Appendix “A” to Report PED06120, the City of Hamilton requests the following to be undertaken:

(a) That the proponent obtains the necessary building permit from the City’s Building and Licensing Division, which is required for modifications to the existing building.

(b) That the amended Provisional Certificate of Approval require the following:

(i) That doors be installed for the Waste Processing and Transfer Building so that the building can be fully enclosed to contain the waste stored on-site at the end of each operating day, to the satisfaction of the Manager of Solid Waste, Public Works Department.
(ii) That the surface of the driveway area between Lake Avenue North and the existing weigh scale be hard surfaced to reduce the possibility of the tracking of material onto the municipal road, to the satisfaction of the Manager of Traffic Engineering & Operations, Public Works Department.

(iii) That the south side of the existing truck access approach be widened to properly accommodate right turning truck movements into the site, to the satisfaction of the Manager of Traffic Engineering & Operations, Public Works Department.

(iv) That the operator of the facility employ a reputable pest control company to service this site and perform a regular inspection of the premises and regular baiting program, to the satisfaction of the Director, Health Protection Branch, Public Health Services.

(c) That the amended Provisional Certificate of Approval requires that a sufficient bond be provided for financial assurance for the removal of any materials left on the site should operations end.

(d) That the amended Provisional Certificate of Approval include a requirement that a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

(e) That all other conditions and requirements of the Certificate of Approval remain in place.

(f) That a copy of Report PED06120 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

(g) 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.

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Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The applicant, Waste Services (CA) Inc., has applied to the Ministry of Environment (MOE) for an Amendment to an existing Provisional Certificate of Approval for a waste disposal site (waste transfer/processing) in order to permit an increase in allowable waste storage limits from 100 tonnes to 150 tonnes per day of non-hazardous solid waste from the industrial, commercial and institutional sectors and incidental food waste. This amendment will permit the proponent more flexibility in operations by permitting additional storage of materials at the end of each operating day. This additional volume of material can be stored internally within the existing Waste Processing and Transfer Building.

The Ministry of Environment requests 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.

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.
The applicant, Waste Services (CA) Inc., has applied to the Ministry of Environment for an Amendment to an existing Provisional Certificate of Approval for a waste disposal site (waste transfer/processing) in order to permit an increase in allowable waste storage limits from 100 to 150 tonnes per day.

The approximate 892 square metre (9,600 sq. ft.) size of the main building consists of a tipping and processing/transfer area. An office and maintenance shop are also located on the site, but in separate buildings (see Appendix B). The site only accepts solid, non-hazardous industrial, commercial and institutional wastes and incidental food waste.

The maximum amount of waste that is proposed to be stored on-site is 150 tonnes measured at the end of each operating day. Currently, the operation is permitted to store 100 tonnes. This will provide more flexibility as smaller loads will not have to be removed at the end of each operating day. Currently, total truck movements are approximately six to nine trucks per operating day.

The operations include the removal of recyclable material from waste material delivered to the site. The recyclable material is placed in dedicated containers and/or piles and removed when quantities warrant it. This exercise of separating recycling materials is done manually or by equipment used for loading transfer vehicles and moving materials within the Waste Processing and Transfer building. The recycling materials include; paper fibre, cardboard fibre, wood, metal, concrete and brick. All residual waste (non-recyclable waste) is then delivered to an approved Waste Disposal Site. The site can also accept incidental food waste that has been inadvertently mixed with non-hazardous solid industrial, commercial or institutional waste, or packaging materials that have been in direct contact with or are contaminated by food waste.

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; and the Health Protection Branch, Public Health & Community Services Department; have all reviewed this proposal and have indicated that they have no objections to the proposed amendment, subject to certain on-site operational modifications being requested.

The Waste Management Division indicates that the applicant has a plan for odorous loads and has an odour suppressant system. The Waste Processing & Transfer Building is currently not a fully enclosed building. The Waste Management Division requires that the Waste Process & Transfer Station building be equipped with closing doors so that at the end of each operating day the doors can be closed to prevent attraction from birds/vermin to any food wastes. The Health Protection Branch supports
any measures to eliminate any future pest problems. They also recommend that a program to monitor for pests would be desirable at this facility. A condition is included to address the issue of potential pests. The applicant is required to confirm with the Building and Licensing Division the applicability of building permit requirements for the addition of these required doors by submitting detailed plans to the City. With additional waste material being permitted to be stored on site, it is recommended that a sufficient Bond be posted to dispose of any materials left on site should operations be abandoned.

Traffic Engineering & Operations, Public Works, have requested that that the driveway area between Lake Avenue North and the weigh scale be hard surfaced to reduce the possibility of the tracking of material onto the municipal road; and that the truck access approach be widened on the south side of the existing approach to properly accommodate right turning truck movements into the site. Evidence of right turning vehicles riding over the curb and boulevard is visible. There is an existing utility pole in the vicinity of the truck access, and in the absence of any dimensions on the site plan it appears that there may be sufficient width available to widen the approach and still maintain a minimum 1.2 metre clearance to the pole. 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. The Health Protection Branch supports the hard surfacing of the driveway to avoid dust from vehicular movement, which is considered a nuisance.

Existing Certificate of Approval

The existing Ministry of Environment’s Provisional Certificate of Approval includes the following highlights:

- The Company may operate the Site between the hours of 6:00 AM and 8:00 PM, Monday to Saturday, excluding Statutory Holidays.
- The Company accepts waste generated within the Province of Ontario.
- Only non-hazardous solid waste industrial, commercial and institutional waste and processed organic waste and incidental food may be received at the Site.
- A required record keeping process, closure plan, financial insurance and contingency plan is required.

Proposed Amendment

This MOE application for an Amendment to the existing Provisional 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 Recommendations 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:**

**Provincial Policy Statement**

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 amendment to an existing MOE Certificate of Approval for an existing waste disposal/processing 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.

PUBLIC 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).

RELEVANT CONSULTATION:

- The Fire Prevention Division, Hamilton Emergency Services, has advised that they have no objections to the application.

- The Waste Management Division, Public Works Department, has advised that they have no objections to the application, subject to all conditions on the original Certificate of Approval remaining in effect and subject to the installation of closing doors for the Waste Processing and Transfer Building, as explained in the report.

- The Water and Wastewater Division, Public Works Department, has advised that they have no objections to the application from a sewer use stand point.

- The Health Protection Branch, Public Health & Community Services Department, has advised that they have no objections to the application.
• The Traffic Engineering & Operations, Public Works Department, has advised that they have no objections, subject to the hard surfacing the access driveway and widening the south access driveway, as explained in the report.

• The Building and Licensing Division, Planning and Economic Development Department, has no objections to the application, subject to issuance of a building permit in the normal manner due to the requirement of installation of large closing doors.

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. Existing waste loads are more efficiently managed.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported. An existing business can be run more efficiently.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

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

:SH
Attachs. (2)