



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 13, 2015
SUBJECT/REPORT NO:	Application for a Ministry of the Environment Environmental Compliance Approval (Waste) for Lands Located at 800 Parkdale Avenue North, Hamilton (PED15002) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Heather Travis (905) 546-2424 Ext. 4168
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Environmental Approvals Branch of the Ontario Ministry of the Environment be advised that should the Ministry consider approving **Application MOE-CA-14-001, by Sanimax A.B.P., Applicant**, for an Environmental Compliance Approval (Waste), MOE Reference #3108-9L6JET, to allow the existing waste transfer facility to receive and transfer organic waste from industrial, commercial and institutional sources, for the lands located at 800 Parkdale Avenue North (Hamilton), as shown on Appendix "A" to Report PED15002, that the City of Hamilton requests:

- (a) That, if approved, the Environmental Compliance Approval include the following requirements:
 - (i) Provide a current copy of the following in an exterior, secured lock-box at the front gate. This box should be installed in such a manner that the Hamilton Fire Department can readily access all documents at any time:
 - (1) Emergency Response Plan, Spills Containment and Contingency Plan;
 - (2) Approved Fire Safety Plan;
 - (3) Approved Spills Procedure;
 - (4) Daily Product Inventory List – including product quantities and exact location with all facilities;
 - (5) Material Safety Data Sheets;
 - (ii) That an effective odour mitigation control plan for day-to-day activities be implemented, to the satisfaction of the Ministry of the Environment;

- (iii) That a final version of the “Design and Operations Report for Receipt and Transfer of Organic Waste – Sanimax 800 Parkdale Avenue North”, stamped by a professional engineer, be provided to the City of Hamilton, Superintendent, Environmental Monitoring and Enforcement, Public Works Department;
- (iv) That the Overstrength Permit which has currently been issued to Sanimax A.B.P. to allow discharge above the limits of the City of Hamilton Sewer Use By-law 14-090 be updated as required, to the satisfaction of the City of Hamilton, Superintendent, Environmental Monitoring and Enforcement, Public Works Department;
- (v) That the Environmental Compliance Approval limit the maximum daily receipt of non-hazardous industrial, commercial and institutional organic waste to a maximum rate of 180 tonnes of organic material per day;
- (vi) That the Environmental Compliance Approval limit the maximum storage capacity of non-hazardous industrial, commercial and institutional organic waste to 35 tonnes per day;
- (vii) That the proponent implements spills prevention on-site, and containment measures be included in the Environmental Compliance Approval. That the Contingency Plans for spills on-site and clean-up procedures are covered under the Environmental Compliance Approval, and that the City’s Spills phone number (905) 540-5188 is included in the company’s on-site Contingency Plan. The Contingency Plan shall also deal with run-off water from any fire-fighting activity from the operation. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton, and be submitted to the satisfaction of the Ministry of the Environment;
- (viii) That an inventory of waste types stored on-site should be updated daily, and be provided to the Ministry of the Environment;
- (ix) That waste shall not be accepted from the United States of America and / or any other Province or Territories;
- (x) That the proponent be required to provide financial assurance to the Ministry of the Environment to cover final clean-up of the site following the cessation of use;
- (xi) That a Ministry of the 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 PED15002 be forwarded to the Environmental Approvals Branch of the Ministry of the Environment for their consideration;
- (c) That the Environmental Approvals Branch of the Ministry of the Environment be requested to forward a copy of its final decision respecting the Environmental Compliance Approval to the Clerk, City of Hamilton.

EXECUTIVE SUMMARY

The applicant, Sanimax A.B.P. Inc., has applied to the Ministry of the Environment (MOE) for an Environmental Compliance Approval (ECA) (Waste) to permit the receipt and transfer of organic waste from industrial, commercial, and institutional sources at the existing Sanimax A.B.P. facility at 800 Parkdale Avenue North (see Appendix "A").

The MOE requests affected municipalities to provide comments on new and amended ECA 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 ECA applications are forwarded to the MOE.

Based on the comments received from an internal circulation of this application, and the analysis undertaken, this MOE application for an ECA is considered acceptable, subject to a number of conditions being included in the Certificate.

Alternatives for Consideration – See Page 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

Legal: Environmental Compliance 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.

HISTORICAL BACKGROUND

Previous Environmental Compliance Approvals (Certificate of Approvals)

The Sanimax A.B.P. facility has been in operation on the subject lands since 2006. The site currently processes only used cooking oil and grease, and is a transfer station for animal protein meal and red meat. These activities, which will continue, do not require

an ECA Waste approval from the MOE. It is the introduction of the organic waste component that triggers the subject ECA application.

However, Sanimax A.B.P. does currently hold two existing ECAs for their 800 Parkdale Avenue North facility. These existing ECAs are for air emissions, issued in 2007, and for the on-site collection vehicles, issued in 2012.

Current Proposal

Sanimax A.B.P. has applied to the MOE for an ECA (Waste) to permit the receipt and transfer of organic waste from industrial, commercial, and institutional sources at the existing Sanimax A.B.P. facility at 800 Parkdale Avenue North. As noted above, the facility currently processes used cooking oil and grease and is a transfer facility for animal protein and red meat. These activities will remain unchanged. The addition of the change to receive organic waste triggers the requirement for the ECA. There are no changes proposed to the site or the site operations as a result of this change in type of waste input (see Appendix “B”).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff note that via the ECA 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.

In addition, Policy 1.6.10.1 states that “Waste management systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives....Waste management systems shall be located and designed in accordance with provincial legislation and standards.”

“Waste management system” is defined as sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

Based on the above, the application is consistent with the PPS.

Urban Hamilton Official Plan

The subject lands are identified as “Employment Areas” on Schedule “E” - Urban Structure and designated “Industrial Land” on Schedule “E-1” - Urban Land Use Designations in the Urban Hamilton Official Plan.

The following policies, amongst others, are applicable to the application for an Environmental Compliance Approval:

- “E.5.2.4 Uses permitted in the Employment Area designations shall include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, *building or contracting supply establishment*, tradesperson’s shop, warehousing, *waste management facilities*, private power generation, office, and accessory uses. *Ancillary* uses which primarily support businesses and employees within the Employment Area shall also be permitted. Permitted uses specific to the four Employment Area designations are contained in Policies E.5.3.2, E.5.4.3, E.5.5.1, E.5.5.2 and E.5.6.1.
- E.5.3.2 The following uses shall be permitted on lands designated Employment Area – Industrial Land on Schedule E-1 – Urban Land Use Designations:
- a) full range of manufacturing uses, warehousing, repair service, *building or contracting supply establishments*, building and lumber supply establishments, transport terminals, research and development, communication establishment, private power generation, dry cleaning plants, salvage/storage yards, and motor vehicle repair and wrecking;
 - d) *waste processing facilities* and *waste transfer facilities*; and,
 - e) *accessory* uses, such as limited retail and office.
- E.5.3.6 New waste management facilities shall be evaluated on the basis of the following criteria:
- a) compatibility between existing *sensitive land uses* and the proposed *waste management facility*;
 - b) protection of public health and safety;
 - c) protection of the natural heritage system and *cultural heritage resources*;
 - d) capacity to effectively service prospective *waste management facilities*, including traffic management, adequate water and wastewater services and storm water management facilities;

- e) appropriate site design, including: access, parking, building design and setbacks, outdoor storage, noise and odour abatement, and visual barrier requirements.

5.3.6.2 The City shall provide comments to the Ontario Ministry of the Environment concerning applications for a Certificate of Approval for Waste Disposal site, as required under Part V of the Environmental Protection Act and / or any other applicable legislation for the approval of new *waste management facilities* or expansions or alterations to existing *waste management facilities* within the City of Hamilton.

5.3.6.3 Existing *waste management facilities* shall be recognized as permitted uses in the Zoning By-law.”

The subject application is to permit a change in the type of waste to be received at an existing waste transfer facility located in the Bayfront Industrial Park. The use is permitted under the “Industrial Land” designation. No expansions or changes to the facility are proposed, and review of the ECA application by the MOE will ensure that appropriate odour and noise mitigation techniques are in place. As such, the proposal conforms with the Urban Hamilton Official Plan.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned General Industrial (M5) Zone and Conservation/Hazard Land (P5) Zone in City of Hamilton Zoning By-law No. 05-200. All development on the site is located within the portion zoned M5. The M5 Zone permits a Waste Processing Facility and/or a Waste Transfer Facility provided that any building, structure or land used for such a facility is setback a minimum of 300 m from a residentially zoned or institutionally zoned lot line. The existing Sanimax A.B.P. facility is setback approximately 310 m from the nearest residentially zoned lands, and therefore, conforms to Zoning By-law No. 05-200.

Staff note that the existing Sanimax A.B.P. facility currently occupies two parcels, both with the municipal address of 800 Parkdale Avenue North, but with separate roll numbers, as seen on Appendix “A”. All buildings associated with the existing transfer facility are located on the northerly parcel, which, as noted above, is located approximately 310 m from the nearest residentially zoned properties, and therefore conforms to the Zoning By-law. The southerly parcel does not contain any buildings or structures associated with the transfer facility, but does contain parking. This southern parcel is located approximately 219 m from the nearest residentially zoned lands. However, this parking area for the waste transfer facility has been in existence since prior to the approval of the Industrial Zones for By-law No. 05-200, and therefore, is permitted to continue as a legal non-conforming use. Staff note that any future expansions of the Sanimax A.B.P. facility at 800 Parkdale Avenue North, or changes in

the type or amount of waste received at the facility, would require an amendment to the ECA, and would therefore allow an opportunity for the City to review and comment on any such changes.

RELEVANT CONSULTATION

Hamilton Fire Department has no objection to the issuance of the ECA provided the applicant ensures that a current copy of the Emergency Response Plan, spill containment and contingency plan, daily product inventory list and MSDS sheets are externally stored in a secure location on-site at the front gate, in such a manner that all documents are readily available to the Hamilton Fire Department at any time. This has been included in the Recommendation section of this Report as Recommendation (a) (i).

Public Health Services has reviewed the proposal and notes that the venue has historically processed cooking oil and grease and functioned as a transfer station for red meat and animal protein. Though it is anticipated that the new organic materials are no greater in their odour potential, it is recommended that the MOE conduct a thorough review of all odour mitigation and other control practices to ensure off-site odour discharge is minimal, as per Recommendation (a)(ii) of this Report.

Corporate Assets and Strategic Planning Division (Public Works Department) comment that this application has no adverse impact on the City of Hamilton's Solid Waste Management Master Plan (SWMMP) or the Waste Management System. The ECA would permit the receipt of material not accepted by the municipal waste collection system, thereby allowing for comprehensive handling of waste materials generated within the City of Hamilton.

The Compliance and Regulations Section (Public Works Department) provide the following comments:

1. A review of the application indicates that the facility is proposing to receive new organic waste from industrial, commercial and institutional sources originating from the Province of Ontario. This activity will utilize existing equipment and infrastructure. Standard operating procedures for the management of organic waste will be prepared to mandate the handling of organic waste independently of other processes, requiring the cleaning of the equipment between the two uses of the equipment. Any water released from the new organic material and wash operations will be collected and directed to the existing wastewater treatment system (Aqua-zyme). Sanimax A.B.P. Inc. currently has an Overstrength Permit (#140425-2A) which allows the facility to discharge specific concentrations of cBOD, O&G, P, TSS, and TKN above the limits established in City of Hamilton By-law 14-090. The new activity has the potential to change the wastewater quality

- characteristics which may require the company to update their current permit, as indicated in the Recommendation section of this Report (Recommendation (a)(iv)).
2. A review of the application indicates approximately 80 tonnes of organic material will be received daily at the facility. The engineering report anticipates that water released from the organic material will be a negligible amount and no impact to the facility's existing water balance is anticipated. It is requested that a final version, stamped by a Professional Engineer, of the "Design and Operations Report for Receipt and Transfer of Organic Waste – Sanimax 800 Parkdale Avenue North, Hamilton, ON" be forwarded to this Section. This report will be added to the company file for future company risk assessments and inspections as it relates to sewer use compliance. This has been included in the Recommendation section of this Report as Recommendation (a)(iii).

As it stands, the proposal put forth by Sanimax ABP Inc. is acceptable from a sewer use standpoint. Environmental Monitoring and Enforcement will continue to monitor the facility's wastewater effluent to determine if wastewater quality characteristics have changed as a result of the proposed activity.

Public Consultation

Public notification/consultation requirements for ECA applications are regulated by the Environmental Protection Act, and administered by the MOE. Upon receipt of the application, the MOE normally requires the applicant to circulate an Information Notice to abutting property owners. The Notice provides a description of the proposed changes to the operation. The MOE will also post a notice of the proposal on the Environmental Registry (website) for a 45-day comment period. The MOE posted this proposal on the Environmental Registry on October 9, 2014. The MOE has been notified that the City of Hamilton would not meet the commenting deadline for this application.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. MOE Environmental Compliance Approval

An "Environmental Compliance 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 the Environment, to undertake an activity related to the management of waste.

Each ECA 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 ECA 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 ECA's conditions constitutes a violation of the Environmental Protection Act, and is grounds for enforcement through the Provincial Offenses Act.

The MOE requests affected municipalities to provide comments on new and amended ECA 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 ECA applications are forwarded to the MOE.

2. Recommendation and Conditions of Approval

Based on the comments received from an internal circulation of this application, and the analysis undertaken, this ECA application is considered acceptable, subject to a number of conditions being included in the Certificate, as will be further discussed below. These conditions have been included in the Recommendation section of this Report, which will form the City's comments to the MOE on this application.

Emergency Response Plan

As noted above in the consultation section, a copy of the facility's emergency response plan and related information must be readily available to the Hamilton Fire Department at all times. As such, the City requests a condition be added to the ECA to require this information be kept in a secure locked location at the front gate of the facility at all times (Recommendation (a)(i)).

Odour Mitigation

While it is not anticipated that the change to receive organic waste will cause any increase in odour above current operations at the facility, the City acknowledges the importance of the mitigation of odour and other nuisance impacts at these types of facilities. The City requests that effective odour mitigation techniques be required by the MOE as part of the approval, and included as a requirement of the ECA (Recommendation (a)(ii)).

Sewer By-law

The City's Compliance and Regulations Section notes that Sanimax A.B.P. currently holds a permit from the City to permit discharges above that permitted in the Sewer Use By-law. The City will monitor the facility's wastewater effluent as a result of this change in activity on the site, and will require an update to the discharge permit if necessary. This section also requires a final copy of the facility's Design and Operations Report (Recommendations (a)(iii) and (iv)).

Limitation on Amount of Waste

The City recommends that a condition be included in the ECA to limit the maximum daily receipt of non-hazardous industrial, commercial and institutional organic waste to a maximum rate of 180 tonnes of organic material per day, as proposed in the Design and Operations Report. Further, the ECA should limit the maximum storage capacity of non-hazardous industrial, commercial and institutional organic waste to 35 tonnes per day, as identified in the Design and Operations Report (Recommendations (a)(v) and (vi)).

Spills Containment

As with most ECA applications, the City requests that a contingency plan for spills prevention be prepared, including the City's spills response number. It is noted that the existing facility already has a spills response program, but that this may need to be updated as a result of the change in activity (Recommendation (a)(vii)).

Standard Conditions

In addition, several standard conditions of approval are also recommended relating to an inventory of waste types to be kept on site, financial assurances to the MOE for final site clean-up, limitation on the origin of the accepted waste, and identification of an MOE contact for all issues related to the operation (Recommendations (a)(viii), (ix), (x) and (xi)).

3. Servicing and Infrastructure

A 300 mm municipal watermain, 525 mm storm sewer and 450 mm sanitary are located within the bulb at the north end of Parkdale Avenue North and as such the property has frontage on these services.

Parkdale Avenue North from Burlington Street to King Street East is designated in the Urban Hamilton Official Plan as a "minor arterial" at 26.213 m. The subject section of Parkdale Avenue North is outside these limits and ends at the subject lands in a cul-de-sac bulb. As such, no road widening would be required as a result of any future development applications.

Staff further note that any future development on the subject lands would be subject to Site Plan Control.

ALTERNATIVES FOR CONSIDERATION

The City of Hamilton is not the approval authority for ECA 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 that the MOE deny the ECA application.

2. Request MOE to Incorporate Additional Conditions

The City can request that certain conditions be included in the ECA, if approved. Staff have identified requirements that are to be addressed through the ECA, as specified in the Recommendations section of this Report. Council may request additional conditions to be added to the Recommendation section for inclusion in the ECA.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

1.1 Continue to grow the non-residential tax base.

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Site Plan

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