



GENERAL ISSUES COMMITTEE REPORT 15-009

9:30 a.m.

Wednesday, April 15, 2015
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor L. Ferguson (Chair)
Councillors A. Johnson, M. Green, S. Merulla, C. Collins,
T. Jackson, T. Whitehead, D. Conley, M. Pearson, B. Johnson,
A. VanderBeek, R. Pasuta, J. Partridge

**Absent with
Regrets:** Councillors S. Duvall, J. Farr – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 15-009 AND RESPECTFULLY RECOMMENDS:

**1. Port Fuels and Material Services, Inc. Energy-from-Waste / Gasification for
Port Lands (LS15004(a)/PED15023(a)) (City Wide) (Item 7.1, formerly 8.6)**

That staff be directed to write to the Director, Ministry of Environment and
Climate Change (MOECC) Approvals Branch requesting that the Director:

- (a) Elevate the Port Fuels and Materials Services Inc. proposed Energy-From-Waste Facility to a full Environmental Assessment, pursuant to the *Environmental Assessment Act*; or,
- (b) In the alternative, require the proponent, Port Fuels and Materials Services Inc., to provide the additional information and assessment work set out in Section 3 of the WSP Summary Report and bring this information and assessment work forward for stakeholder review and comment, and consideration by the Director before a final decision is made with respect to the elevation request.

2. Airport Sub-Committee Report 15-001, March 23, 2015 (Item 8.1)

(a) SELECTION OF CHAIR (Item A)

- (i) That Councillor L. Ferguson be appointed -Chair of the Airport Sub-Committee for the 2014 – 2018 term of Hamilton City Council.
- (ii) That Councillor M. Pearson be appointed Vice Chair of the Airport Sub-Committee for the 2014 – 2018 term of Hamilton City Council.

(b) 2014 Capital Expenditure Request for John C. Munro Hamilton International Airport (HIA) Update (PED14082(a)) (City Wide) (Item 6.1)

That Report PED14082(a), respecting the 2014 Capital Expenditure Request for John C. Munro Hamilton International Airport (HIA) Update, attached as Appendix “A” to the Airport Sub-Committee Report 15-001, be received.

(c) 2014-2015 John C. Munro Hamilton International Airport (HIA) - City of Hamilton Joint Marketing Initiatives Update (PED14083(a)) (City Wide) (Item 6.2)

That Report PED14083(a), respecting 2014-2015 John C. Munro Hamilton International Airport (HIA) - City of Hamilton Joint Marketing Initiatives Update, attached as Appendix “B” to the Airport Sub-Committee Report 15-001, be received.

(d) 2015-2016 John C. Munro Hamilton International Airport (HIA) - City of Hamilton Joint Marketing Initiatives (PED15046) (City Wide) (Item 6.3)

That the City of Hamilton allocate approximately \$182,500 from the Airport Joint Marketing Reserve Fund, as the City’s contribution to the 2015-2016 John C. Munro Hamilton International Airport (HIA) – City of Hamilton Joint Marketing Initiatives, outlined in Report PED15046 attached as Appendix “C” to the Airport Sub-Committee Report 15-001.

(e) 2015-2016 Capital Expenditure Request for the John C. Munro Hamilton International Airport (HIA) (PED15047) (City Wide) (Item 6.4)

That the City of Hamilton allocate approximately \$328,000 from the Airport Capital Expenditures for Municipal Services Reserve Fund to install a

Storm Water Management Facility at the John C. Munro Hamilton International Airport (HIA) as outlined in Report PED15047 attached as Appendix “D” to Airport Sub-Committee Report 15-001.

3. Arts Advisory Commission Report 15-001, respecting a Request to Transfer Funds from Reserves (Item 8.2)

That a one-time transfer of \$7,500 from the Arts Advisory Commission’s Reserve to the Arts Advisory Commission’s operating budget, to support the peer adjudication and facilitation of the City Enrichment Fund (Arts Program), be approved.

4. Complement Enhancement – Hamilton Water (PW15026) (City Wide) (Item 8.3)

That an additional 3.0 Full Time Equivalent Rate Supported Staffing for Hamilton Water, Public Works Department, be approved.

5. Mayor's Blue Ribbon Task Force on Workforce Development (PED15042) (City Wide) (Item 8.4)

- (a) That the establishment of a Mayor’s Blue Ribbon Task Force on Workforce Development, to address Hamilton’s workforce development needs and co-ordinate a collaborative response to “upskilling” the local labour force, be approved.
- (b) That the Mayor’s Blue Ribbon Task Force on Workforce Development be comprised of representation from the following sectors: industry, labour, education, workforce specialists, the Chamber of Commerce, and Councillor T. Whitehead.
- (c) That the Director of Economic Development and the Manager of Business Development, of the Economic Development Division, Planning and Economic Development Department, serve as support staff to the Mayor’s Blue Ribbon Task Force on Workforce Development.
- (d) That staff be directed to prepare a Terms of Reference for the Mayor’s Blue Ribbon Task Force on Workforce Development and report back to the General Issues Committee.
- (e) That the Mayor’s Blue Ribbon Task Force – Workforce Development provide an update report semi-annually to the General Issues Committee of Council.

6. 2015 Tax Policies and Area Rating (FCS15030) (City Wide) (Item 8.5)

(a) That the following optional property classes be continued for the 2015 taxation year:

- New Multi-Residential
- Parking Lot and Vacant Land
- Large Industrial

(b) That, based on the 2015 final approved tax operating budget, the following final tax ratios be established for the 2015 taxation year:

• Residential	1.0000
• Multi-Residential	2.7400
• New Multi-Residential	1.0000
• Commercial (residual)	1.9800
• Parking Lot & Vacant Land	1.9800
• Industrial (residual)	3.1223
• Large Industrial	3.6613
• Pipeline	1.7367
• Farm	0.1807
• Managed Forest	0.2500

(c) That the following tax reductions be established for the 2015 taxation year:

• Excess land subclass (residual commercial)	30%
• Excess land subclass (residual industrial)	30%
• Vacant land subclass (residual industrial)	30%
• Excess land subclass (large industrial)	30%
• Farmland awaiting development (1 st subclass)	25%
• Farmland awaiting development (2 nd subclass)	0%

(d) That the existing property tax relief deferral program for low-income seniors and disabled persons, be continued for the 2015 taxation year;

(e) That the existing 40% tax rebate for eligible charities and similar organizations, be continued for the 2015 taxation year;

(f) That the existing 30% vacancy rebate for eligible commercial and industrial properties, be continued for the 2015 taxation year;

- (g) That the existing 100% tax rebate for Veteran's Clubhouses and Legion Halls, be continued for the 2015 taxation year;
- (h) That the existing Senior's (65+) Tax Rebate Program, be continued with the following criteria updated for the 2015 taxation year:
 - (i) **Income threshold (150% of GIS couple)** increased to \$33,840 (\$33,120 in 2014);
 - (ii) **Assessment cap (120% of city-wide average)** increased to \$369,000 (\$357,300 in 2014);
 - (iii) **Rebate** increased by the CPI index to \$179 (\$174 in 2014);
- (i) That, for the 2015 taxation year, the tax capping percentage for any assessment-related tax increases in the Commercial, Industrial and Multi-Residential property classes be set at the maximum allowable of 10%;
- (j) That, for the 2015 taxation year, any capped property in the Commercial, Industrial and Multi-Residential property classes that is within \$250 of its Current Value Assessment (CVA) taxes in 2015, be moved directly to its full Current Value Assessment (CVA) taxes;
- (k) That, for the 2015 taxation year, the minimum percentage of Current Value Assessment (CVA) taxes for properties eligible for the new construction / new to class treatment be set at 100% of Current Value Assessment (CVA) taxes;
- (l) That for the 2015 taxation year, any property in the Commercial, Industrial and Multi-Residential property class, which paid full Current Value Assessment (CVA) taxes in 2014, no longer be eligible for capping protection in 2015 and future years;
- (m) That, for the 2015 taxation year, all properties eligible for a tax reduction under the existing capping program receive the full decrease, funded from the approved capping program operating budget;
- (n) That, for the 2015 taxation year, the Area Rated Levies be approved as identified in Appendix "A" to Report 15-009 "2015 Tax Policies & Area Rating"; and,
- (o) That the City Solicitor and Corporate Counsel be authorized and directed to prepare all necessary by-laws, for the purposes of establishing the tax policies and tax rates for the 2015 taxation year.

7. Correspondence from Susan Margles, Vice President of Government Relations and Policy for Canada Post, respecting Community Mailboxes (Item 11.1)

That the correspondence from Susan Margles, Vice President of Government Relations and Policy for Canada Post, respecting Community Mailboxes, be received.

8. Correspondence from Robert Fabes, Assistant General Counsel, Canada Post respecting the Roads – Equipment Installation By-law (Item 11.2)

That the correspondence from Robert Fabes, Assistant General Counsel, Canada Post respecting the Roads – Equipment Installation By-law, be received.

9. 124 King Street East, Dundas - Partial Property Purchase (PW15024) (Ward 13) (Item 12.2)

- (a) That the Real Estate Section of the Economic Development Division, Planning and Economic Development Department be authorized and directed to purchase a vacant parcel of land with frontage of 32.0 metres and depth of 46.7 metres with an area of 1642 square metres, designated as Part 1 on draft Plan RC-D-859 Surveys (the “Lands”), being the east portion of property owned by the Hamilton Air Force Association (HAFA) at 124 King Street East, Dundas, as shown on Appendix “A” attached to Report PW15024, for the purpose of a parking lot to serve the public using adjacent parks;
- (b) That the Report PW15024, respecting 124 King Street East, Dundas - Partial Property Purchase remain confidential until the completion of the real estate transaction; and,
- (c) That the Mayor and the City Clerk be authorized and directed to execute all necessary documents, respecting the partial property purchase of 124 King Street East, Dundas, in a form satisfactory to the City Solicitor.

10. Potential Class Action Litigation (LS15012) (City Wide) (Item 12.3)

That Report LS15012, respecting Potential Class Action Litigation remain confidential and not be released as a public document.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

- (i) Added as Item 4.3 – a Delegation Request submitted by Heather Millar, respecting the Port Fuels and Materials Services Inc. Matter, for the April 15, 2015 GIC Meeting
- (ii) Added as Item 4.4 – a Delegation Request submitted by Kate Andrus, respecting the Port Fuels and Materials Services Inc. Matter for the April 15, 2015 GIC Meeting
- (iii) Added as Item 4.5 – a Delegation Request submitted by Stephen Rowe, respecting the Port Fuels and Materials Services Inc. Matter for the April 15, 2015 GIC Meeting
- (iv) Added as Item 4.6 – a Delegation Request submitted by Robert Clark, Chief Operating Officer of Port Fuels and Materials Services, Inc. respecting the Port Fuels and Materials Services Inc. Matter for the April 15, 2015 GIC Meeting
- (v) Item 8.6 – Report (LS15004(a)/PED15023(a)), respecting Port Fuels and Material Services, Inc. Energy-from-Waste / Gasification for Port Lands, has an added presentation; therefore, this matter will be moved up on the agenda to be addressed as Item 7.1.
- (vi) Added as Item 8.7 – Report PW15030, respecting a Roads – Equipment Installation By-law. As well, there is a small typographical error in Appendix “A” to Report PW15030 that requires a correction to the definition of “permit” in section 1.1 as follows:

“permit” means a permit issued under ~~Part 4~~ **“Part 5”** of this By-law to do work as set out in Appendix “M” of the Roads – Equipment Installation Manual;”
- (vii) Added as Item 11.1 – Correspondence from Susan Margles, Vice President of Government Relations and Policy for Canada Post, respecting Community Mailboxes

Recommendation: Be received.

- (viii) Added as 11.2 – Correspondence from Robert Fabes, Assistant General Counsel, Canada Post respecting the Roads – Equipment Installation By-law

Recommendation: Be received.

- (ix) Item 12.1 – Closed Session Minutes of the March 30, 2015 General Issues Committee were withdrawn from the agenda. These minutes will be brought forward to a future meeting.
- (x) Item 12.2 – the agenda should refer to sub-section (c) rather than sub-section (d) of both the Procedure By-law 14-300 and the *Municipal Act*, 2001
- (xi) Added as Item 12.3 – Private and Confidential Report LS15012, respecting Potential Class Action Litigation

The agenda for the April 15, 2015 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) March 30, 2015 (Item 3.1)

The Minutes of the March 30, 2015 meeting of the General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Keanin Loomis, President, Hamilton Chamber of Commerce, respecting Hamilton Chamber of Commerce Updates (for May 6, 2015 G/C) (Item 4.1)

The delegation request submitted by Keanin Loomis, President, Hamilton Chamber of Commerce, respecting Hamilton Chamber of Commerce Updates, was approved.

- (ii) **Lou Castellani, Municipal Relations Representative, Municipal Property Assessment Corporation (MPAC), Hamilton, Brantford, Brant, Haldimand & Norfolk, respecting an MPAC Information Update (Item 4.2)**

The delegation request submitted by Lou Castellani, Municipal Relations Representative, Municipal Property Assessment Corporation (MPAC), Hamilton, Brantford, Brant, Haldimand & Norfolk, respecting an MPAC Information Update, was approved to appear at the April 15, 2015 General Issues Committee meeting.

- (iii) **Heather Millar, respecting the Port Fuels and Materials Services Inc. Matter for the April 15, 2015 GIC Meeting (Item 4.3)**

The delegation request submitted by Heather Millar, respecting the Port Fuels and Materials Services Inc. matter, was approved to appear at the April 15, 2015 General Issues Committee meeting.

- (iv) **Kate Andrus, respecting the Port Fuels and Materials Services Inc. Matter for the April 15, 2015 GIC Meeting (Item 4.4)**

The delegation request submitted by Kate Andrus, respecting the Port Fuels and Materials Services Inc. matter, was approved to appear at the April 15, 2015 General Issues Committee meeting.

- (v) **Stephen Rowe, respecting the Port Fuels and Materials Services Inc. Matter for the April 15, 2015 GIC Meeting (Item 4.5)**

The delegation request submitted by Stephen Rowe, respecting the Port Fuels and Materials Services Inc. matter, was approved to appear at the April 15, 2015 General Issues Committee meeting.

- (vi) **Robert Clark, Chief Operating Officer of Port Fuels and Materials Services, Inc. respecting the Port Fuels and Materials Services Inc. Matter for the April 15, 2015 GIC Meeting (Item 4.6)**

The delegation request submitted by Robert Clark, Chief Operating Officer of Port Fuels and Materials Services, Inc. respecting the Port Fuels and Materials Services Inc. matter, was approved to appear at the April 15, 2015 General Issues Committee meeting.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 6)

(i) Lou Castellani, Municipal Relations Representative, Municipal Property Assessment Corporation (MPAC), Hamilton, Brantford, Brant, Haldimand & Norfolk, respecting an MPAC Information Update (Item 6.1)

Lou Castellani, Municipal Relations Representative, Municipal Property Assessment Corporation (MPAC), Hamilton, Brantford, Brant, Haldimand & Norfolk addressed Committee and provided a PowerPoint presentation respecting an MPAC Information Update. The presentation included, but was not limited to, the following:

- Understanding Property Assessment in Ontario
- About MPAC
- 2013-2016 Strategic Plan
- Ontario Assessment Cycle
- Property Assessment and Property Taxes
- How MPAC Assesses Properties
- Determining the Accuracy of your Assessment

The presentation by Lou Castellani, Municipal Relations Representative, Municipal Property Assessment Corporation, Hamilton, Brantford, Brant, Haldimand & Norfolk, respecting an MPAC Information Update, was received.

A full copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(ii) Heather Millar, respecting the Port Fuels and Materials Services Inc. Matter for the April 15, 2015 GIC Meeting (Item 6.2)

Heather Millar addressed Committee respecting the Port Fuels and Materials Services Inc. matter. Her comments included, but were not limited to, the following:

- It has been just over a year since we first learned of the garbage incinerator project that was being proposed for the Pier 15 area, by Port Fuels and Materials Services Inc.
- The project was not presented as a garbage incinerator, but rather as a 'waste-to-energy facility' that would use groundbreaking technology to take waste that would normally end up in a landfill and convert it into energy, in the form of gas. The idea certainly sounded promising, but I

wanted to hear more about the proposal. I wanted to see the science, the financials, and the company's proven track record in this field.

- I studied all of their diagram boards, heard all the reassurances by the company's CEO (and retired naval admiral) Robert Clark. I was told: This plant has zero emissions. The waste will only be sourced locally. This technology is unique. Hamilton is fortunate to be 'chosen' for this groundbreaking technology. We have lots of experience in the waste-to-energy field, and we operate a plant like this in England.
- After a year of talking to, and sharing information with other concerned residents of Hamilton, researching the history of waste-to-energy plants, and reading the information presented by actual experts in the field, I learned that one of the worst decisions that Hamilton could make would be to allow this type of facility to be built on their waterfront. I came to this conclusion by examining the information provided by the experts.
- By listening to experts like Dr. Stan Blecher, MD, Fellow of the Canadian College of Medical Geneticists, and Professor Emeritus in Molecular Biology and Genetics at the University of Guelph, I learned about nanoparticles. Nanoparticles are particles that are about one millionth the size of the head of a pin. The burning of syngas, the gas that will be produced by Port Fuels' incinerator, will release toxic nanoparticles into Hamilton's air. They will not be caught or trapped by any sorts of filters or scrubbers, because, as stated by Dr. Blecher, 'to date no technique has succeeded in preventing the release of syngas incineration pollutants'. So despite Admiral Clark's claim of zero emissions, we will indeed be breathing in these toxic nanoparticles.
- It may seem puzzling that particles so small could be so harmful, but the reason is that these tiny toxic particles can enter the pores of our lungs, then into our blood vessels. Once in your bloodstream, they circulate to all your internal organs, including your brain. Our bodies have no filters to keep out these nanoparticles.
- Dr. Blecher goes on to state that 'with respect to medical problems that can arise from pollution caused by gasification effluent, in general terms the list includes: Cancers which are caused by genetic mutations; genetic mutations that could potentially produce cancers and birth deformities in the next generations - our city's children, and their children; effects on the nervous system causing mental deficiency and paralysis; respiratory system disease and heart disease in the elderly, and much more.
- And unlike the fly ash that is released from traditional burn incinerators, these nanoparticles are so tiny and light that they travel for significant

distances, so these toxins will be shared by all of Hamilton and the surrounding communities. Yes, even on the mountain.

- I listened to the information that was shared by Dr. Paul Connett, who spoke recently here at our City Hall. For those of you who were unable to attend this very important information session, I'm certain that Councillor Green would be happy to provide a summary of Dr. Connett's presentation. Dr. Connett is Professor Emeritus in Environmental Chemistry at St. Lawrence University in Canton, NY. For the past 30 years, he has used his scientific knowledge to help communities around the world in understanding the science of incineration. He explained that any type of incineration, including any gas plasma technology, is not a viable solution for waste issues. Aside from the associated health risks (which are significant), gas plasma technology does not work at the scale proposed, and their claims of zero emissions are quite simply a myth. Additionally, incineration of any type is a waste of energy, and communities can save four times the amount of energy by recycling and reusing.
- In short, these facilities are toxic, financially impractical, and kill the jobs that would be created by more practical waste solutions.
- The Ministry of the Environment states that an elevation request for a more rigorous assessment must demonstrate the project's potential for significant environmental effects. I can't think of a more important environmental effect than the potential poisoning of the residents of Hamilton and the surrounding communities. As a resident, the one thing I know for certain is that Hamilton's air shed simply cannot withstand another potential source of contamination. We are already suffering the negative effects of generations of accidental emission releases from our industrial neighbours such as the steel industry. Unfortunately we do not have the power to change what has occurred to-date, but we do have the power to demand that any new industry seeking to operate in Hamilton must prove that they will not cause any further damage to Hamilton's environment.
- Look at the history of environmental disasters in Hamilton: Plastimet, SWARU, and Randle Reef, to name but a few; all held to account by citizens who stepped forward to demand environmental assessments and monitoring. Where were the municipal, provincial and federal monitors and safeguards that should have prevented these disasters?
- Is it any wonder that we are skeptical each time a new industry comes to our city, promising to be an environmentally responsible neighbour? Is it surprising that Hamilton residents are wary of Port Fuels' unproven technology, and is it unreasonable for residents to expect that for once, just once, community health and safety will be our first priority?

- As a resident of Hamilton, I am calling upon municipal and provincial authorities, including the Ministry of the Environment and Climate Change, to ensure that the most rigorous level of scrutiny be applied to any environmental assessment of this proposed facility, and I urge this City Council to take the necessary steps to formally oppose this project.

The presentation by Heather Millar, respecting the Port Fuels and Materials Services Inc. matter, was received.

(iii) Kate Andrus, respecting the Port Fuels and Materials Services Inc. Matter for the April 15, 2015 GIC Meeting (Item 6.3)

Kate Andrus addressed Committee respecting the Port Fuels and Materials Services Inc. Matter. Her comments included, but were not limited to, the following:

- Ms. Andrus spoke in strong opposition to the proposed Port Fuels and Materials Inc., Energy-from-Waste facility in Hamilton.

The presentation by Kate Andrus, respecting the Port Fuels and Materials Services Inc. matter, was received.

A full copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(iv) Stephen Rowe, respecting the Port Fuels and Materials Services Inc. Matter for the April 15, 2015 GIC Meeting (Item 6.4)

Stephen Rowe addressed Committee respecting the Port Fuels and Materials Services Inc. matter. His comments included, but were not limited to, the following:

- As of June, I will be the Chair of the Keith Community Hub. Further, I am a member of the Infrastructure Working Group of Hamilton's Engagement Committee, individually tasked to understand Hamilton's Waste Management challenges as a citizen. I am also a member of the Port Fuels Community Liaison Committee.
- Although there is no internationally accepted, or even commonly agreed upon, definition of "green technology", the United Nations Conference on Environment and Development defined it to be Environmentally Sound Technology and was further defined as

technologies geared to protect the environment, are less polluting, use all resources in a more sustainable manner, recycle more of their waste and products, and handle residual waste in a more acceptable manner than the technologies for which they are substituted.

- When compared to our current method of land filling our waste, that is not composted or recycled, it becomes obvious that Port Fuels and Materials Services, Inc. is, in fact, green technology.
- A quick internet search has been able to put into perspective the veritable army of professionals having a hand in evaluating this process. Conestoga-Rovers and Associates, WSP, Golder and Associates, the Fichtner Group, the U.S. Army and the Gas Technology Institute constitute the resources of over 50,000 engineers, consultants and scientists, and a likely investment of over \$150,000 by the City of Hamilton, having been involved in assessing Port Fuel's Gas plasma technology.
- Further, in December 2014, the Ministry of the Environment and Climate Change (MOECC) issued a New Environmental Technology Evaluation Certificate for Gas Plasma Energy-from-Waste process for Port Fuels. It was based on a review of the data and information submitted and the Ministry concluded that it may be used to convert waste material into a fuel gas suitable to generate power.
- With this legion of professionals working on this issue, WSP was able to come up with 11 further questions in their Summary and have no mention of a recommendation for a bump up to a full Environmental Assessment (EA) in the report. Some of the answers for these questions were already available in the original work provided by Conestoga-Rovers and Port Fuels, but were perhaps missed by the peer reviewers.
- The City of Hamilton professes to be Open for Business, yet instead of exploring this 21st century usage of century old well-proven technologies to deal with our problems that will quickly be out of hand, there are some who would use extreme measures to stand in its way.
- Port Fuels is estimated to pay half a million dollars a year in property taxes alone. Add to this the 35 to 50 well-paying jobs that will be created by the company, putting millions into the local economy. Then add to this the 3 spin-off jobs that are created for every job created in the industrial and advanced manufacturing sector. Further, include the potential for another 150 jobs in a

second stage development of an advanced technology, a Solid Oxide Fuel Cell factory, and a further 3 to 1 spin off jobs plus additional property taxes from the Fuel Cell factory. I don't profess to be an economist, but the potential of 800 jobs and, eventually over, 1 million a year in property taxes, all in one small neighbourhood.

- I have to ask, what might be the intention behind demanding a full EA, when the Ministry has already said that the proponents have used the proper methodology for waste processing facilities that have the potential to generate energy.
- PFMSI has already conducted their Environmental Screening Report with all of the same technical requirements and protocols of a full EA. There is no new technical information to be gained from a full EA.
- Why don't we just let PFMSI respond to the latest questions of the City's consultants and let's get back to responsibly dealing with our own waste issues, getting Hamiltonians back to work, expanding the non-residential tax base, and truly being open for business.
- My own 15 years in logistics for the mining and smelting industry, has at least given me the insight into the ability and workings of the pollution controls that are available.

The presentation by Stephen Rowe, respecting the Port Fuels and Materials Services Inc. matter, was received.

(v) Robert Clark, Chief Operating Officer of Port Fuels and Materials Services, Inc. respecting the Port Fuels and Materials Services Inc. Matter for the April 15, 2015 GIC Meeting (Item 6.5)

Robert Clark, Chief Operating Officer of Port Fuels and Materials Services, Inc., addressed Committee respecting the Port Fuels and Materials Services Inc. Matter. His comments included, but were not limited to, the following:

- There are three process streams that waste management project could fall under:
 1. Projects exempt from Part II of the *Environmental Assessment Act*. Such projects are generally of small scale and are known, through past experience, to have insignificant environmental effects.

2. Projects exempt from Part II of the *Environmental Assessment Act*, subject to the legal requirement of completion of the Environmental Screening Process. Such projects are of moderate scale and are considered to have predictable environment effects that can be readily reduced that to acceptable levels through the application of mitigation measures.
 3. Projects designated under the *Environmental Assessment Act* that must undergo an individual environmental assessment. Such projects tend to be complex and major in scale with potentially far reaching environmental affects requiring significant levels of assessment and mitigation.
- The Proposed Full Environmental Assessment
 - Major differences between the Environmental Screening performed by Port Fuels and Materials Services, Inc. and a full Environmental Assessment
 - Working with the City and Peer Reviewers
 - Consultant Report Recommendations
 - Summary:
 - PFMSI voluntarily agreed to delay the process to work with the City. Port Fuels notified the Ministry of the Environment and Climate Change (MOECC) and they agreed with our proponent-driving delay request since it is required for the extension.
 - PFMSI welcomes a deeper level of scrutiny. That is why a technical equivalent of a full environmental assessment was completed.
 - PFMSI appreciates the professionalism of the City and all the consultants and their questions. This consultation will be included in our Environmental Screening Review.
 - We also acknowledge the positive comments:
 - “The severity of risk is low to medium... It can be concluded that the plant does not introduce unacceptable environmental risks.” - WSP

- “The proposed Energy-from-Waste facility is a promising, innovative technology to manage solid waste that could position Hamilton as a municipal leader in supporting environmentally “green” technology. The ability to minimize negative environmental impacts can clearly have positive impacts for public health.” – COH PHS
- This is a continuing process and we are in direct contact with our counter-parts to discuss the remaining items.
- Conclusions:
 - PFMSI respectfully submits to the City that they have completed an EA where the technical work and analysis for the proposed undertaking has been at a high level; similar to what is required of Full EA.
 - We believe that the EA completed under the Screening process is already a fully-detailed EA and there would be no additional benefit to the environment or to the public interest by requiring an Individual Full EA.
 - It is clear that once the 11 remaining issues are resolved, the end result of the evaluation and analysis of the undertaking show that standard mitigation measures reduce potential environmental effects to acceptable levels.
 - Therefore, the Peer Review will be satisfied and the project may be submitted for approval to the Director.

Blair Shoniker, Senior Environmental Planner, of Conestoga-Rovers and Associates, who carried out the Environmental Assessment for Port Fuels and Materials Services, Inc., also answered questions asked by the Committee.

The presentation by Robert Clark, Chief Operating Officer of Port Fuels and Materials Services, Inc., and Blair Shoniker, Senior Environmental Planner, of Conestoga-Rovers and Associates, respecting the Port Fuels and Materials Services Inc. matter, was received.

A full copy of the presentation is available on the City’s website at www.hamilton.ca or through the Office of the City Clerk.

(f) **STAFF PRESENTATIONS (Item 7)**

(i) **Port Fuels and Material Services, Inc. (PFMSI) Energy-from-Waste / Gasification for Port Lands (LS15004(a)/PED15023(a)) (City Wide) (Item 7.1)**

Peter Pickfield, LLM, Garrod Pickfield LLP and David MacGillvray, P. Eng., P. Geo., WSP Inc., addressed Committee and provided a PowerPoint presentation. The presentation included, but was not limited to, the following:

- Background/Chronology:
 - March 2014: Port Fuels and Material Services Inc. (PFMSI) issues a Notice of Commencement of an Environmental Screening Process under the *Environmental Assessment Act*.
 - April – November 2014: Stakeholder Consultation and Public Open Houses.
 - December 2014: PFMSI issues a Notice of Completion and Environmental Screening Report (ESR).
 - January 2015: External Environmental and Legal Consultants retained to provide peer review of the proponent's proposal and technical reports.
 - February 2015: 60-day extension is granted to May 4, 2015 to allow time for City to peer review and consideration of elevation request.
 - March 31, 2015: Building Division issues Zoning Verification Certificate.
 - April 6, 2015: WSP Canada Inc. completes technical review of the ESR and technical reports.
 - April 15, 2015: Presentation of Staff Report and Recommendations to GIC.
 - April 20, 2015: Presentation of Medical Officer of Health Report to Board of Health.
 - April 22, 2015: Council meeting to decide on request to MOECC.

- May 4, 2015: Deadline for Submission to Ministry of the Environment and Climate Change (MOECC) on Elevation Request.
- Planning Framework:
 - Official Plan:
 - Designated “Employment Lands – Shipping and Navigation
 - Designation does not permit Waste Processing Facilities
- Zoning By-law:
 - Zoned “K” District in Zoning By-law No. 6593
 - Waste Processing Facility is a permitted use in the “K” District
- Waste Processing Facility by definition includes Thermal Treatment
- Peer Review/Technical Findings:
 - WSP initial review of Environmental Screening Report and supporting studies.
 - WSP Request for additional information from PFMSI / CRA.
 - CRA / PFMSI provides additional information and meets with WSP to respond to questions.
 - WSP completes draft discipline-by-discipline peer review reports.
 - WSP provides draft peer review reports to PFMSI / CRA and obtains comments.
 - Finalize WSP Report and Recommendations
 - Two key deficiencies identified in peer review:

- Reliance on small scale pilot plant as supporting data for the project;
- Uncertainty regarding various feedstock scenarios to support the plant and its air quality standards;
- Additional information and assessment is needed to support EA approval; and,
- Risk of environmental impairment if issues not addressed.

- Design and Operations:
 - Additional information is required to determine feedstock makeup and handling for Hamilton plant so that there is confidence that the operations would not exceed environmental standards.

- Air Quality:
 - Emissions modelling are not conservative enough. This is important given the existing limited data from the Swindon, UK pilot plant.

- Human Health Risk Assessment:
 - Study did not fully address all Contaminants of Concern (COCs) or address the potential of mixture effects and its effects on residents.
 - Malfunction or accident scenarios requiring air pollution controls were not evaluated.
 - The Assessment will be revised to accommodate the issues, however, this has not been provided for review.

- Surface Water/Stormwater:
 - Stormwater Management measures are inadequate to provide acceptable level of quality control for storm water discharge into Hamilton Harbour.

- More information in the Spills Response Plan to address liquid waste spillage from tanker trucks.

- Traffic:
 - The study should be revised to include a preferred truck route along Burlington Street and the QEW, and away from residential neighbourhoods.

- Geology and Hydrogeology:
 - Further information is needed showing the staging and handling of wastes, and the potential negative impacts on groundwater quality and quantity.

- Natural Environment:
 - Additional information is required on the term water inflow and how it may impact water quality on Randle Reef in Hamilton Harbour.
 - Monitoring is recommended during construction and operation of the facility.

- Land Use and Socio-Economic:
 - Additional information is required on the financial implications on the decommissioning of the project, and site remediation should the facility cease operations.

- Acoustic Impact Assessment:
 - The findings are satisfactory and potential noise impacts and mitigation has been identified.

- Conclusions:
 - Review of the technical reports identified two main deficiencies:

1. The use of the Swindon, United Kingdom (UK) pilot plant as part of the supporting data for the project; and,
 2. Uncertainty regarding various feedstock scenarios to support the plant and its air quality standards.
- Additional information and assessment is needed to support EA approval.
 - Risk of environmental impairment if issues not addressed.
- Five Key WSP Findings:
 1. Significant Uncertainties:
 - Reliance on small scale pilot project; and,
 - Waste stream feedstock.
 2. Uncertainties point to need for more air quality study.
 3. Revisions to Health Risk Assessment recommended.
 4. Need for assessment of overall advantages and disadvantages.
 5. WSP conclusion that risk of environmental impairment if issues not addressed.
- Other Relevant Considerations for Elevation Requests:
 - Precautionary Principle
 - Potential for Negative Environmental Impacts
 - Public Benefits of Full EA: Further Consultation and Transparency
 - Opinion of Medical Officer of Health: Need for a Health Equity Impact Assessment

The staff presentation, respecting LS15004(a)/PED15023(a) – Port Fuels and Material Services, Inc. Energy-from-Waste / Gasification for Port Lands, was received.

A full copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

The main motion CARRIED on the following Standing Recorded Vote:

Yeas: Eisenberger, Whitehead, Jackson, Collins, Merulla, Green, A. Johnson, Pearson, B. Johnson, Ferguson, VanderBeek, Pasuta, Partridge
Total: 13
Absent: Duvall, Farr, Conley
Total: 3

(g) DISCUSSION ITEMS (Item 8)

THE FOLLOWING RESOLUTION WAS BROUGHT FORWARD TO A SPECIAL MEETING OF COUNCIL (VIA MOTION) ON APRIL 15, 2015 FOR CONSIDERATION:

- (i) Roads – Equipment Installation By-law (PW15030) (City Wide) (Item 8.7)**
- (a) That the By-law to Regulate the Installation of Equipment on Roads and to Delete portions of The Corporation of the City of Hamilton By-law No. 86-77 and The Regional Municipality of Hamilton-Wentworth By-law No. 77-109, substantially in the form attached as Appendix “A” to Report PW15030, as amended, be enacted;
 - (b) That the Director of Engineering Services be directed to advertise a new provisional permit fee of \$200 for equipment, which will be accessed by the public (community mailboxes and any similar equipment), in accordance with the Public Notice By-law for consideration by the Public Works Committee at its meeting of May 21, 2015;
 - (c) That upon Canada Post Corporation paying for the first 500 permits for community mailboxes (\$100,000), staff undertake the processing of community mailbox locations, commencing with:
 - (i) implementing a system to track and manage the permit application process;

- (ii) developing templates, guides and standards to address resident and business concerns;
- (iii) assessing the need for an agreement between Canada Post Corporation and the City of Hamilton to address infrastructure impacts, upgrade costs, and operational impacts of community mailbox installations;
- (iv) finalizing the permit fee for equipment, which will be accessed by the public; and,
- (v) hiring additional staff required to process the permit applications.

(h) MOTIONS (Item 9)

Councillor M. Green introduced the following Motion:

(i) Formal Opposition to Port Fuels & Materials Services, Inc. – Energy-From-Waste Facility (Item 9.1)

WHEREAS, the precautionary principle guides us to not engage in activities that can potentially cause health related risks or serious disruption to the enjoyment of our community;

AND WHEREAS Port Fuels & Materials Services, Inc., the proponents of the Energy-from-Waste Facility project, have neither previous experience with energy-from-waste management projects of this scale, nor are there any comparable working examples currently in operation with evidence-based research to support their claims on this experimental technology;

AND WHEREAS, neighbourhoods near the industrial zone would be subjected to concentrated exposure to increased levels of hazardous pollution; affecting their key determinants of health, and are currently living under maximum air shed pollution health risks;

AND WHEREAS, the waste facility proponents Port Fuels & Materials Services, Inc. have applied to the province, under the classification of energy-from-waste, in order to fast track Ministry of Environment approval without any individual environmental assessment;

AND WHEREAS, Port Fuels & Materials Services, Inc. has recently applied to the City of Hamilton for “K” zoning (Heavy Industry, etc.), and has received a zoning verification as a waste processing facility;

THEREFORE BE IT RESOLVED:

- (a) That, taking into account the potential for serious safety and environmental risks and impacts, Hamilton City Council officially opposes Port Fuels & Materials Services, Inc.'s Energy-From-Waste Facility project, on the grounds of it being unproven as a waste processing technology facility at full scale operation;
- (b) That the Mayor correspond with The Honourable Glen Murray, Minister of the Environment and Climate Change, to immediately request an elevation to an Individual Environmental Assessment (Part II approval), under the *Ontario Environmental Assessment Act*, which is a process overseen directly by the Minister of the Environment and Climate Change, based on Port Fuels & Materials Services, Inc.'s recent switch in classification to waste management facility, and given the unproven nature of the proposed technology; and,
- (c) That, without a full Individual Environmental Assessment, a moratorium on any future business dealings with the proponents, Port Fuels & Materials Services, Inc., and any future private operators of said proprietary technology on Port Authority lands, be approved.

The motion, respecting Formal Opposition to Port Fuels & Materials Services, Inc. – Energy-From-Waste Facility, was amended by deleting sub-section (b) in its entirety, to read as follows:

- (a) That, taking into account the potential for serious safety and environmental risks and impacts, Hamilton City Council officially opposes Port Fuels & Materials Services, Inc.'s Energy-From-Waste Facility project, on the grounds of it being unproven as a waste processing technology facility at full scale operation;
- ~~(b) That the Mayor correspond with The Honourable Glen Murray, Minister of the Environment and Climate Change, to immediately request an elevation to an Individual Environmental Assessment (Part II approval), under the *Ontario Environmental Assessment Act*, which is a process overseen directly by the Minister of the Environment and Climate Change, based on Port Fuels & Materials Services, Inc.'s recent switch in classification to waste management facility, and given the unproven nature of the proposed technology; and,~~

- (b) That, without a full Individual Environmental Assessment, a moratorium on any future business dealings with the proponents, Port Fuels & Materials Services, Inc., and any future private operators of said proprietary technology on Port Authority lands, be approved.

The motion respecting Formal Opposition to Port Fuels & Materials Services, Inc. – Energy-From-Waste Facility, as amended, was TABLED until such time as the City of Hamilton has received a final response from the Ministry of the Environment and Climate Change with respect to the City's request to Item 1 above (Report LS15004(a)/PED15023(a) - Port Fuels and Material Services, Inc. Energy-from-Waste / Gasification for Port Lands).

(i) GENERAL INFORMATION / OTHER BUSINESS (Item 11)

(i) Amendments to the Outstanding Business List (Item 11.3)

The following item was considered complete and removed from the General Issues Committee's Outstanding Business List:

1. Item "E" - Economic Development Advisory Committee (Item 8.4 – Report PED15042)

(j) PRIVATE & CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – March 30, 2015 (Item 12.1)

This item was withdrawn from the agenda and will be brought forward to a future meeting.

The Committee moved into Closed Session respecting Items 12.2 - Report PW15024 – 124 King Street East, Dundas - Partial Property Purchase; and; 12.3 Report LS15015 – Potential Class Action Litigation, pursuant to Section 8.1, Sub-sections (c), (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (c), (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land for City Purposes; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(ii) 124 King Street East, Dundas - Partial Property Purchase (PW15024) (Ward 13) (Item 12.2)

Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.

For disposition of this matter, please refer to Item 9.

Staff was provided with further direction in Closed Session.

(iii) Potential Class Action Litigation (LS15012) (City Wide) (Item 12.3)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

For disposition of this matter, please refer to Item 10.

(k) ADJOURNMENT (Item 13)

There being no further business, the General Issues Committee, adjourned at 4:50 p.m.

Respectfully submitted,

Councillor L. Ferguson, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk