

# CITY OF HAMILTON

## MOTION

Council: September 28, 2016

**MOVED BY COUNCILLOR D. CONLEY.....**

**SECONDED BY COUNCILLOR B. JOHNSON.....**

**Terrapure Stoney Creek Regional Facility Environmental Assessment (EA) – Draft Proposed Terms of Reference (PED16184) (Ward 9)**

That Council authorize and direct the Chief Planner to forward the Letter of Comment, attached hereto as Appendix “A”, to Terrapure Environmental outlining the City’s comments respecting the “Stoney Creek Regional Facility Environmental Assessment (EA) - Draft Proposed Terms of Reference, June 21, 2016”.

Planning and Economic Development Department

Planning Division

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**SENT BY E-MAIL**

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September 28, 2016

GHD Consulting  
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Senior Environmental Assessment and Approvals Planner  
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**RE: Comments on the Terrapure Stoney Creek Regional Facility Environmental Assessment Draft Proposed Terms of Reference**

In response to your June 23, 2016 request for comments on the Stoney Creek Regional Facility Environmental Assessment Draft Proposed Terms of Reference ("ToR"), please find attached the consolidated comments from City of Hamilton staff. City Council have formally considered these comments at their September 28, 2016 meeting.

Summary of Concerns/Issues

Staff has a number of outstanding concerns that have not been adequately addressed through the Draft Proposed Terms of Reference (see Attachment for more detail). These concerns include:

- Reduced buffering/setbacks and impacts to approved residential building lots;
- Traffic concerns;
- Drainage and servicing impacts;
- Noise;
- Lack of data on the GHG emissions;
- Confusing/Conflicting information on the total amount of waste/fill; and,
- Visual Impacts.

In addition to these concerns, Staff feel that the full range of options/alternatives have not been explored through this process and suggest that Terrapure investigate other alternatives to those presented in the draft ToR. In particular, it is recommended that Terrapure review alternative footprints that would increase the buffer between the residual waste area and the lands approved for development through Draft Plans of Subdivision located at 22 Green Mountain Road W and 420 First Road West.

City Council indicated serious concerns with this proposal to change the facility's footprint being put forward only six (6) months after the removal of the Holding Zone on the approved Draft Plans of Subdivisions north of Green Mountain Road. Given the approvals are in place for the residential development, it is important to consider the effects of the proposed changes on these future residents.

City Council also indicated concerns regarding odours allegedly coming from the facility. Odours coming from the facility need to be investigated and mitigated, and if warranted, a "one odour" unit should be implemented, meaning that the odour coming from the facility's operations should be kept within the boundaries of the property.

In addition, City Council expressed serious concerns regarding the proposed height increase of the landfill and the resulting visual impacts.

We thank you for the opportunity to comment on the Draft Proposed ToR. Should you have questions or comments, please contact Eniber Cabrera at 905-546-2424 Ext. 6685 or via email at [eniber.cabrera@hamilton.ca](mailto:eniber.cabrera@hamilton.ca).

Regards,

Steve Robichaud, *MCIP OPPI RPP*  
Director of Planning and Chief Planner, Planning Division  
Planning and Economic Development Department  
City of Hamilton

SR:ec  
Attachment

cc:  
Doug Conley, Councillor Ward 9  
Maria Pearson, Councillor Ward 10  
Dan McKinnon, General Manager, Public Works  
Emil Prpic, Manager of Recycling and Waste Disposal Operations  
Betty Matthews-Malone, Director of Operations, Public Works  
Tony Sergi, Senior Director, Growth Management  
Joanne Hickey-Evans, Manager Policy Planning & Zoning By-law Reform  
Christine Newbold, Manager Community Planning & GIS  
Anita Fabac, Manager Development Planning, Heritage & Design  
Matt Lawson, Manager, Public Health Services  
Justyna Hidalgo, City Solicitor  
Debbie Edwards, Assistant City Solicitor  
Udo Ehrenberg, Manager Hamilton Water  
Geoffrey Knapper, Hamilton District Manager, Ministry of Environment and Climate Change  
([geoffrey.knapper@ontario.ca](mailto:geoffrey.knapper@ontario.ca))

**Terrapure Stoney Creek Regional Facility Environmental Assessment – Draft  
Proposed Terms of Reference  
City of Hamilton Comments**

Section/Department	Staff Comments
<p><b>Planning and Economic Development Department, Community Planning Section, Development Planning Section</b></p>	<p>The Proposed Draft ToR indicates that the EA will assess and evaluate the potential effects of the various footprint alternatives on the sensitive land uses located within the indicated local study area (500 m of the Site Study Area), including the effects on the residential subdivision under construction north of the Terrapure SCRF. The Draft Proposed ToR indicates that the nearest residential dwelling is located approximately 140 m north of the existing property boundary. The indicated distance between the closest residence and the site boundary changes throughout the Draft Proposed ToR and the Supporting Documents. Staff request Terrapure to verify the distance to the nearest residential dwelling, as there are residential dwellings located directly across the southern boundary of the property, on Mud Street. In addition, there are two approved Draft Plan of Subdivisions across Green Mountain Road West, very close to the facility property boundary.</p> <p>As indicated in policy B.7.5.13.4 of the Nash Neighbourhood Secondary Plan, a Holding Zone is required for lands intended for residential use within 160 metres of the Terrapure SCRF operating limits (i.e., landfill footprint). The purpose of the Holding "H" Provisions is to restrict development within 160 metres of the boundary of the landfill site in order to protect the public's interest. After 2013 when facility's footprint was amended, Empire Communities (Empire) requested the Holding provision to be lifted from the affected portions of two approved Draft of Subdivisions located at 22 Green Mountain Road West and at 420 First Road West. In the applications to lift the holding provisions, Empire indicated that the realignment of the footprint moved the landfill southward, resulting in a greater distance to the subject lands and rendering the holding provision unnecessary. City of Hamilton Planning staff was of the opinion that all of the requirements of the holding provisions were fulfilled and it could be removed from the subject lands and Council approved the removal of the "H" Provision on these lands.</p> <p>According to the Draft Proposed ToR, in both alternative footprints, the section closest to Green Mountain Road West would switch back to accepting solid, non-hazardous industrial residual material, rather than accepting industrial fill. The document indicates that</p>

Section/Department	Staff Comments
	<p>the "buffer areas to the south, east and west will not be altered ... Buffer areas to the north (towards Green Mountain Road) will be a minimum of 30 m under the alternative conceptual designs, consistent with the remainder of the site" (page 36). However, it appears that in one of the Alternative footprints the buffer to Green Mountain Road is less than 30 m.</p> <p>The figures showing the proposed alternative footprint do not contain the dimensions of the proposed buffer area between the limit of the waste footprint and the site boundary. Further analysis from Community Planning estimates that Alternative 1 will have a minimum 79 m setback from Green Mountain Road. Alternative 2, meanwhile, will have a minimum 28 m setback from the same road.</p> <p>Appendix "G" to Staff Report PED16186, attached to this table, includes four figures showing the original 1996 footprint, the current footprint (1996) and proposed alternative footprints. The figures also show the 160 m Holding zone for residential uses as described in Policy B.7.5.13.4 of the Nash Neighbourhood Secondary Plan, and the Draft Approved Subdivisions north of the SCRF. These figures show that the proposed alternative footprints will place the Draft Approved subdivisions at 22 Green Mountain Road West and at 420 First Road West within the 160 m setback from the landfill and in Holding Provision area.</p> <p>Should Terrapure choose to modify the boundary of their operation again, there are no opportunities to implement development restrictions to protect anyone within the approved plans to the north of the operations, as there are no Planning applications to trigger such provisions.</p> <p>Staff is also concerned that Terrapure has not mentioned or addressed the 160 m Holding Zone policy from the Nash Neighbourhood Secondary Plan in the Draft Proposed ToR nor have they included this factor in the evaluation of alternatives. The ToR should be updated to indicate that new dwellings will be located in the proximity of the proposed alternative footprints. The EA should include a comprehensive assessment of the effects of the alternative methods on the residential uses to be built within the 160 metres holding zone that was previously stipulated for those developments north of Green Mountain Road West.</p>

Section/Department	Staff Comments
	<p>Community Planning strongly recommends Terrapure to consider additional alternative footprints that would keep the already approved Draft Plans of Subdivision located at 22 Green Mountain Road West and at 420 First Road West outside the 160 m Holding Zone boundary.</p>
<p><b>Planning and Economic Development Department, Policy Planning and Zoning By-law Reform Section</b></p>	<p>Is there an opportunity to comment on the Alternatives to the Undertaking discussed in Section 6.1 (Do Nothing, Establish New Site Elsewhere in Hamilton, Reconfigure Site, or, Export to Other Sites)? The report starts from the assumption that the preferred alternative is Reconfigure Site – is there an opportunity to comment on that?</p> <p>The report only reviews two alternative footprint options to reconfigure the site in Section 6.2. Neither of these options maintains the 160 m setback from residential uses which was previously identified in the Nash Neighbourhood Secondary Plan. It is recommended that a third alternative footprint be reviewed which will maintain this minimum 160 m setback from residential and / or sensitive uses.</p> <p>Is there an opportunity to challenge the assumption that 10,000,000 m<sup>3</sup> capacity is required? This represents an increased capacity of 3,680,000 m<sup>3</sup> for residual material (of which 2,000,000 m<sup>3</sup> was previously approved for industrial fill). This is a significant increase. Seeing as the landfill was reconfigured only 2 years ago (2014 approval of amended ECA), it would be interesting to understand why this increased demand was not identified at that time.</p> <p>Both of the alternative footprint designs include a significant increase in peak height. The 1995 approved height was 214.0 m. The revision in 2014 increased the height to 218.5 m. The two alternative footprint options have heights of 221.4 MASL and 222.8 MASL respectively. Clarification should be provided as to how this height increase will be mitigated through appropriate berming etc. Page 50 indicates that berm features will be “upgraded periodically as required to accommodate changes in Site operations or changes</p>

Section/Department	Staff Comments
	<p>to the surrounding land uses". More detail should be provided in this regard.</p> <p>It is also recommended that Terrapure consult with the Niagara Escarpment Commission (NEC) as the Niagara Escarpment Plan area borders the subject lands to the northwest. A change to the maximum height could be of interest to the NEC in terms of visual impact.</p> <p>There are continual references to GHG emission reductions as a result of the footprint reconfiguration, but little data to back this up. Without knowing where the waste would go in the alternative, it is difficult to evaluate this assumption.</p> <p>The report indicates that the closest planned residential is 140 m away. This is incorrect. Residential development has been approved on the north side of Green Mountain Road West (approximately 20 m from the Terrapure property line). With the removal of the Holding provision in 2015, these lands are now zoned for residential development. The removal of the Holding Provision was based on the 2014 amended ECA which moved the extent of the approved landfill boundary further south away from Green Mountain Road.</p> <p>Page 44 – states "the rural residential dwellings within the Local Study Area represent the receiver locations which are the subject of the assessment". This is incorrect – the planned (approved) residential development on the north side of Green Mountain Road is the closest residential receptor and is within the Urban Area.</p> <p>Is the traffic data accurate and does it take into account approved and planned future growth?</p> <p>Will there be a requirement to apply for a further amendment to the existing ECA? Will this occur following the completion of the EA depending on the results of the EA? This should be clarified in Section 12.</p>

Section/Department	Staff Comments
	<p>Figure 5.4 – Provincial Growth Plan Urban Growth Centres – is not relevant and should be removed.</p> <p>The inclusion of census and statistical information on local employment and labour supply on page 50 is irrelevant.</p> <p>Check with Chelsey Tyers, Cultural Heritage Planner at the City regarding archaeology and built heritage (p.41).</p> <p>Check with Carmen Vega, Source Water Protection at the City regarding the 500 m study area for hydrogeology (p.45) – is this an appropriate distance to measure well impacts?</p> <p>Check with Cathy Plosz or Melissa Kiddie, Natural Heritage Planners at the City regarding the statement that there are no ESAs, ANSIs etc. in study area (p.46) – is this correct?</p>
<p><b>Planning and Economic Development Department, Growth Management Division</b></p>	<p>The document references a "Project Team" - Who makes up this team?</p> <p>It is clear that Terrapure increasing the amount of Residual Material by 3,680,000 m<sup>3</sup>, but it may be prudent to also note a re-allocation in the industrial fill/soil to attain this capacity of 10,000,000 m<sup>3</sup>.</p> <p>It is referenced in the report, but other sections simply state the increase in residual material (3,680,000 m<sup>3</sup>), which may be confusing without accounting for the re-allocation of industrial fill/soil (i.e. -2,000,000 m<sup>3</sup>), as some may calculate the total capacity with that included resulting in 12,000,000 m<sup>3</sup>.</p> <p>We do not agree with the choice of Alternatives presented. Alternative 2, while supported by the fact that 50% waste is to come from Hamilton, the map provided and known growth projection numbers indicate that the rest of the GTHA and beyond is also to be serviced. We would like to propose that the Alternative be reworded to "Establish a New Site Elsewhere within the area serviced, within the Golden Horseshoe".</p>



Section/Department	Staff Comments
	<p>The document mentions that the site collects only non-hazardous waste, but then also identifies "soils from contaminated site clean ups". Please specify the characteristics of "contaminated soils", and how they're considered "non-hazardous" under your Certificate of Approval / Environmental Compliance Approval.</p> <p>Note that there is a regulation that is being considered by the Ontario Legislature right now, dealing with excess soil – "Excess Soil Management Framework - EBR Reference Number 012-6065".  <a href="http://www.ebr.gov.on.ca/ERS-WEB-external/displaynoticecontent.do?noticeld=MTI2OTM0&amp;statusId=MTkxNjU3&amp;language=en">http://www.ebr.gov.on.ca/ERS-WEB-external/displaynoticecontent.do?noticeld=MTI2OTM0&amp;statusId=MTkxNjU3&amp;language=en</a>.</p> <p>This regulation proposes that soils be reused at the sites which produce them, which would require testing of both the source and potential receiving sites. This should be considered as part of your alternative evaluation, given that the site's operation is long term and will be affected by this legislation. How flexible are your plans' assumptions regarding "clean soil" and "contaminated soil", and where does this figure in the estimates of volume of source materials that would require landfilling?</p> <p>Figure 6.4 (Alternative Footprint #2); it appears that the existing access from Upper Centennial is eliminated under this alternative. The proponent should be required to physically remove this access.</p> <p>There is no detailed plan outlining how the site is currently serviced; the proponent will be required to modify the existing leachate collection system to reflect the revised footprint.</p> <p>As part of the Red Hill Development servicing, they are constructing a dedicated clean-water storm sewer from the existing pond at the south-east corner of Green Mountain and First Street to the outfall. This is not reflected in this report.</p> <p>The stormwater release from the existing &amp; revised SWM facility on</p>

Section/Department	Staff Comments
	<p>the subject land should be controlled to allocated capacity of the clean water pipe on 1st Road W per designed and constructed by Red Hill's 1/2 development.</p> <p>The stormwater discharge from the existing /revised SWM facility on the subject lands to clean water pipe must meet stormwater quality targets in accordance with City's sewer use Bylaw.</p> <p>Section 3 – Identification of How the EA will be prepared: Item 5 – You may wish to expand on "Environment" and include the definition description in the Ontario Environmental Assessment Act., for those members of public who are not familiar with the process, as it is a more encompassing term with respect to Environmental Assessments, and to ensure that all parts of the "environment" required for full alternative evaluation are fully understood by the project team.</p> <p>The quoted code of practice mentions the limitations of private proponents, and lists that it cannot implement a municipal waste diversion program such as curbside recycling. This should be included in the public consultation component of the EA, and become one of the criteria of evaluation of alternatives, to discuss whether Hamilton or other municipalities or industries are capable of recycling or reusing the materials collected. Also, only recycling is mentioned here, and reuse is not mentioned – The Ontario Waste Exchange is an example of a source of match up for exchanges, that should be considered for some of the waste collected - <a href="http://www.wastechange.com/cgi-bin/freexchange.cgi?gid=100261">http://www.wastechange.com/cgi-bin/freexchange.cgi?gid=100261</a></p> <p>Please revise Page numbers for referencing purposes. It's confusing with numbers before the actual page number itself.</p> <p>Figures 6.3 and 6.4: suggest that the orientation be rotated to be consistent with the other figures (i.e. north should be pointed to the top of the page)</p> <p>Section 7.2.1 – Natural Environment: staff would ask that details of</p>

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	<p>the information and the date of the most recent reports utilized be provided. (Note: City recognizes natural heritage inventories/assessments for a period of 5 years from the date of the field work)</p> <p>Page 42 and 44 have differing distances for the closest residence (110 m or 120 m?). Page 49 – Residential – 140 m for the closest residence conflicts with pages 42 and 44. Please review and update accordingly.</p> <p>Page 44, Second last paragraph – staff note that the report identifies a noise study completed in 2012. Of note, this may need to be updated given that the MOE, now MOECC issued “NPC-300 – Environmental Noise Guidelines – Stationary and Transportation Sources – Approvals and Planning” in August of 2013. Accordingly, requirements and regulations may have changed in this most recent guideline.</p> <p>Terrestrial and Aquatic Section – No mention of Species at Risk (SAR) screening. Should be included as part of the natural heritage evaluation.</p> <p>Note: Aboriginal Consultation may require their PAID attendance on-site for any filed investigations of the environment (Social, built, natural, etc.) and reviews of ToR, and any other supporting documentation, as per current Provincial Policy Statement direction.</p> <p>Presentations to the City of Hamilton – Is there a work plan, milestones? May not be required to be incorporated into ToR, but details should be provided where available.</p> <p>Geology and Hydrogeology/Surface Water Resources –</p> <ul style="list-style-type: none"> <li>▪ Data Sources to include Spills Records, with MOECC – Spills Control, and City of Hamilton – Spills Response – within Compliance and Regulations Section of Hamilton Water Division of Public Works. (please confirm the name of the Section, in case it’s changed, with Cari</li> </ul>

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	<p>Vanderperk and/or her staff).</p> <ul style="list-style-type: none"> <li>▪ Leachate assessment to include laboratory test results of leachate and its treatability by the Wastewater Treatment Plan, including any Compliance Agreements with the City of Hamilton, and their progress/compliance.</li> </ul> <p>Appendix "C" - Attachment 6 – page c-14 – Land Use, Social and Economic – the considerations only include visual, and should also consider noise, vibrations, and air quality.</p> <p>It should establish a baseline assessment of current impacts and measure predicted impacts on surrounding sensitive user(s)/land use(s) as part of the evaluation of alternatives.</p>
<p><b>Public Works Department, Traffic Engineering</b></p>	<p>The following items should be addressed during the Environmental Assessment:</p> <ul style="list-style-type: none"> <li>• All intersections within 500 m of site that may be impacted from additional truck traffic</li> <li>• Require proposed haul routes including maneuvers from city roads in/out of site</li> <li>• Impact on capacity/safety and overall operations of heavy trucks climbing RHVP or Centennial to access site</li> <li>• All intersections along proposed route to truck route and onto freeway <ul style="list-style-type: none"> <li>○ Down Upper Centennial/Centennial to QEW</li> <li>○ Across Mud to LINC/RHVP</li> </ul> </li> <li>• A Traffic Impact Study is needed</li> <li>• Reference to our Truck Route Master Plan and impacts</li> <li>• Pedestrian and cycling impacts along First and Green</li> </ul>

Section/Department	Staff Comments
	<p>Mountain</p> <ul style="list-style-type: none"> <li>• Analysis should be done for what they can ultimately service, not just what is predicted (250 vehicles maximum)</li> </ul>
<p><b>Public Works Department, Hamilton Water</b></p>	<p>The EA should consider the following:</p> <p>All scenarios (current, interim, and ultimate) related to drainage need to be documented and evaluated in terms of downstream impact via the Site Plan Application protocol/requirements through Planning &amp; Economic Development.</p> <p>Stormwater - that all drainage/runoff scenarios (current, interim, and ultimate) related to drainage need to be documented and evaluated in terms of downstream impact.</p> <p>Sanitary Sewage – any increase in sanitary sewage discharge must be documented and is subject to the Adequate Services by-law.</p> <p>Water Distribution – any changes in daily water demand must be documented. Changes in Required Fire Flow must be documented. Both are subject to the Adequate Services by-law.</p> <p>The City's Adequate Services By-law, and Site Plan Application Process will be utilized in the future to determine if the changes at this location are supportable by existing services.</p>
<p><b>Public Works Department, Recycling and Waste Disposal</b></p>	<p>The following items should be addressed during the Environmental Assessment:</p> <p>Buffer areas have been addressed in previous comments. Regulations state 100 m from the site boundary can be reduced to 30 m if off site impacts are minimized. Provide details of proposed mitigation.</p> <p>Height has to be considered in both proposed footprint changes. Numerous complaints have been received based on the current</p>

Section/Department	Staff Comments
	<p>elevation of the site, which was increased to 218.5 MASL with the 2013 approval. In both proposals an additional elevation increase has been proposed. Current visual barriers may block the top of waste elevation from the site south residential survey, however the berm may not block operations equipment or litter screens from residential views that work on top of the waste.</p> <p>IC&amp;I waste contains very little organics or putrescible waste, therefore Terrapure has demonstrated to the MOECC that there is no need for a gas collection system due to the low methane levels produced at the site. Is this still applicable? IC&amp;I waste can produce nuisance gasses that cause odours, specifically Hydrogen Sulfide and Mercaptans which would need to be addressed and neutralized.</p> <p>Wind-blown litter remains a concern with IC&amp;I waste. Under the current approval, table 3 soils would not have nuisance concerns that could possibly surpass the point of impingement for the surrounding survey.</p>
<b>Public Health, Health Hazards Program</b>	Public Health Services (PHS) has reviewed the Draft Terms of Reference, as well as comments provided by other City Departments, and supports Planning`s approach outlined in the staff report. PHS has no additional comments at this time.
<b>City Manager`s Office, Dispute Resolution Section (Legal Services)</b>	<p>The EA should consider the following:</p> <ul style="list-style-type: none"> <li>• Current terms and conditions of the Compensation Agreements should be revisited as part of the proposed reconfiguration.</li> <li>• Impacts on existing agreements with City and Heritage Green Community Trust need to be reviewed as part of the Environmental Assessment.</li> </ul>