

Planning and Economic Development Department

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SENT BY E-MAIL
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March 10, 2017

Gavin Battarino, Special Project Officer
Ministry of the Environment and Climate Change
Environmental Approvals Branch,
Environmental Assessment Services Section
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario M4V 1P5

RE: Comments on the Terrapure Stoney Creek Regional Facility Environmental Assessment Proposed Terms of Reference

Dear Gavin Battarino,

In response to your Memorandum dated February 6, 2017, requesting comments on the Stoney Creek Regional Facility (SCRF) Environmental Assessment Proposed Terms of Reference (ToR), please find attached the consolidated comments from City of Hamilton staff. These comments are planned to be discussed by the City's Planning Committee at their April 18, 2017 meeting. The Staff Report and Council's resolution will be forwarded to the Ministry following the April 26, 2017 Council Meeting.

The City of Hamilton previously reviewed the Draft Proposed Terms of Reference, dated June 2, 2016. Planning Committee received the Staff Report PED1618 and presentation at its September 20, 2016 meeting. City Council, at its September 28, 2016 meeting, approved the staff recommendation and the comments included in report PED16184 were forwarded to Terrapure and to the Ministry of the Environment and Climate Change (MOECC).

Council's current position on the SCRF size and configuration is according the Environmental Compliance of Approval (ECA) No. A181008, as amended in 2013. Therefore, the proposed changes, as indicated in the Proposed ToR, are contrary to Council's position regarding the maximum height, capacity and layout of the facility.

Summary of Comments

Staff have a number of outstanding issues that have not been adequately addressed through the Proposed Terms of Reference or would have to be addressed during the EA phase (see attached comments for more detail). These issues include:

- Impacts on approved and planned residential development to the north of the facility if a reduced distance between the residual material and residential developments is approved by MOECC;

- Need for a Landfill Impact Assessment to be carried as part of the EA;
- Visual Impacts. A comprehensive visual impact assessment must be included in the EA;
- Air Quality and Noise impacts;
- Financial assessment. An assessment of potential changes in property value and assessment value must be included in the EA;
- Drainage, servicing impacts, and future urbanization of roads abutting the subject lands;
- Transportation and traffic, specifically the items expected to be addressed during the EA phase;
- Source water protection, specifically the items expected to be addressed during the EA phase;
- Confusing/Conflicting information on the total amount of waste/fill;
- EA Process. Pre-determination of the “Alternatives To” and the exclusion of a null option; and,
- Need for a review of current agreements with the City of Hamilton.

We thank you for the opportunity to comment on the Draft Proposed ToR. Should you have questions or comments, please contact Eniber Cabrera, Planner, at 905-546-2424 Ext. 6685 or via email at 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
 Udo Ehrenberg, Manager Hamilton Water
 Justyna Hidalgo, Solicitor
 Geoffrey Knapper, Hamilton District Manager, MOECC
 Ian Dobrindt, GHD
 Blair Shoniker, GHD

Terrapure Stoney Creek Regional Facility Environmental Assessment – Proposed Terms of Reference

City of Hamilton Comments

The City of Hamilton appreciates the opportunity to comment on the Proposed ToR and acknowledges the changes made to the Proposed Terms of Reference (ToR) have improved the readability and overall flow of the document. In response to comments from stakeholders and the public, including the City's recommendations that were previously provided in September 28, 2016, the Proposed ToR has been revised to broaden the number of Alternative Methods (footprints) from 2 to 6.

Council's current position on the SCRF size and configuration is according to the Environmental Compliance of Approval (ECA) No. A181008, as amended in 2013. Therefore, the proposed changes, as indicated in the Proposed ToR, are contrary to Council's position regarding the maximum height, capacity and layout of the facility. Nevertheless, Staff have reviewed the Proposed ToR for the Stoney Creek Regional Facility (SCRF) Environmental Assessment (EA) and has the following comments:

Summary of Comments

Staff has a number of outstanding issues that have not been adequately addressed through the Proposed Terms of Reference or would have to be addressed during the EA phase. These issues include:

- Impacts on approved and planned residential development to the north of the facility if a reduced distance between the residual material and residential developments is approved by MOECC;
- Need for a Landfill Impact Assessment to be carried as part of the EA;
- Visual Impacts. A comprehensive visual impact assessment must be included in the EA;
- Air Quality and Noise impacts;
- Financial assessment. An assessment of potential changes in property value and assessment value must be included in the EA;
- Drainage, servicing impacts, and future urbanization of roads abutting the subject lands;
- Transportation and traffic, specifically the items expected to be addressed during the EA phase;
- Source water protection, specifically the items expected to be addressed during the EA phase;
- Confusing/Conflicting information on the total amount of waste/fill;
- EA Process. Pre-determination of the "Alternatives To" and the exclusion of a null option; and,
- Need for a review of current agreements with the City of Hamilton.

Detailed Comments

Impacts on approved and planned residential development to the north of the facility if a reduced distance between the residual material and residential developments is approved by MOECC:

Based on the current SCRF Certificate of Approval, residential development has been approved on the north side of Green Mountain Road West (approximately 20 m from the Terrapure property line). According to the Proposed ToR, in Alternative Methods #1, #4, and #5, and partially in #2 and #6, the section closest to Green Mountain Road West would switch back to accepting solid, non-hazardous industrial residual material, rather than accepting industrial fill. As indicated in our comments on the Draft Proposed ToR, policy B.7.5.13.4 of the Nash Neighbourhood Secondary Plan indicates that 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.

Staff request the 160 m Holding Zone policy from the Nash Neighbourhood Secondary Plan be addressed during the EA stage. The EA should include the Holding Zone as one of the indicators in the evaluation criteria regarding “Effect on Existing Land Uses” and “Effect on approved/planned land uses”. The EA should include a comprehensive assessment of the effects of the alternative methods on the existing and future residential uses within the 160 metres holding zone affecting the developments north of Green Mountain Road West.

Need for a Landfill Impact Assessment to be carried as part of the EA:

As a result, staff have issues with the proposed revisions to increase the operation limits of the SCRF Site (which receives residual waste) and the impact that the site will have on the neighbouring residential uses to the north of Green Mountain Road West.

As previously discussed, and in order to assess potential effects of the residual waste on the current and future sensitive land uses surrounding the SCRF, Section 6.2.6.2 Investigative Studies, should also include a detailed study, similar to a Landfill Impact Assessment, on the potential effects of the Alternative Methods on the residential developments already approved north of Green Mountain Road West. Such study should be completed in order to speak to the compatibility issues that now exist.

Developers of the lands to the north of Green Mountain Road West undertook a Landfill Impact Assessment. Copies of the Assessment are available upon request. The assumptions and input into these studies require to be updated to determine if there are/may be any impacts on the current and planned residential developments to the north of the facility as a result of the proposed changes to the SCRF.

Visual Impacts. A comprehensive visual impact assessment must be included in the EA:

At this point, the Proposed ToR does not provide information regarding the resulting buffer zones, setbacks to surrounding developments, contours and slopes, peak elevation and height, footprint size, leachate generation rates or infrastructure requirements. Staff

acknowledge that this information will be described in detail and based on a conceptual level of design, during the EA phase (as indicated in the Proposed ToR, Appendix E). Consequently, Planning Division will provide detailed comments regarding the Alternative Methods during the EA phase.

However, Staff, Council and the surrounding community have indicated serious concerns regarding negative visual impacts as a result of any increase to the ultimate height of landfill. Visual impacts from increased height of the landfill must be studied in detail. Planning staff request that section 6.2.6.2 Investigative Studies, should specifically include a “detailed visual assessment”.

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. Comments from the NEC should be considered on any change to the maximum height and associated visual impact.

Staff reiterate Council’s position on the facility’s height, which is as per current ECA approvals. Therefore, any increase in height is contrary to Council’s position and cannot be supported.

Air Quality and Noise impacts:

Staff reiterate that the noise and air quality studies should consider the planned (approved) residential development on the north side of Green Mountain Road West (Victory Subdivision), which are located as close as 20 m to the Terrapure property line. These approved dwellings must be considered as sensitive receptors for the purposes of the noise and air quality studies.

Financial assessment. An assessment of potential changes in property value and assessment value must be included in the EA:

Table 6.1 – Potential Environmental Effects – Economic, should include the “Temporary and/or long-term impacts to approved and planned land uses” as well as the “Temporary and/or long-term impacts of the proposed Alternative Methods on the areas within the Holding Zone established in the Nash Neighbourhood Secondary Plan”.

Table 6.1 – Potential Environmental Effects - Economic, should also include additional measures regarding “Temporary or long-term changes in property value and assessment value” and “Financial changes on residential users affected”.

The impact of changes from industrial fill to residual material on the existing and approved sensitive uses should be explored in detail. In particular, a financial assessment should be included to evaluate the potential changes in property values and assessment values.

Drainage, servicing impacts, and future urbanization of roads abutting the subject lands:

Does Section 6.2.6.2 – Investigative Studies – Surface Water Resources – Include Quality and Quantity Control with monitoring including for potential spills?

Clarify whether there will be a structure or stop valve to cease the flow into the downstream system if there is a potential spillage into the pond, or where the monitoring results exceed the prescribed parameters.

The changes to the SCRF footprint and operations may require a Municipal Site Plan Amendment Approval and subsequent road widenings as per the Urban Hamilton Official Plan. Green Mountain Road West has a rural cross-section and urbanization is required.

Regarding the Evaluation Criteria provided is in the Surface Water Resources Work Plan, is of Staff opinion that the criteria is weak and will need to be refined through the actual EA Process. The City has identified areas of interest and should be included in the evaluation criteria, being:

- Drinking water and fire protection needs;
- Stormwater runoff;
- Sanitary discharge quantity; and,
- Sanitary discharge quality with respect to Sewer Use By-law.

Of note, these items have been identified previously, but do not appear to be explicitly addressed in the ToR as criteria to evaluate the alternatives to the Problem / Opportunity Statement. Of note, these items are typically approved through the City's Site Plan Process.

Transportation and traffic:

As indicated in our comments on the Draft Proposed ToR, the following items should be addressed during the Environmental Assessment:

- All intersections within 500 m of site that may be impacted from additional truck traffic.
- Require proposed haul routes including maneuvers from City roads in/out of site.
- Impact on capacity/safety and overall operations of heavy trucks climbing the Red Hill Valley Parkway or Centennial to access site.
- All intersections along proposed route to truck route and onto freeway:
 - Down Upper Centennial/Centennial to QEW.
 - Across Mud to LINC/RHVP.
- A Traffic Impact Study is needed.
- Reference to our Truck Route Master Plan and impacts.
- Pedestrian and cycling impacts along First Road West and Green Mountain Road West.
- Analysis should be done for what they can ultimately service, not just what is predicted (250 vehicles maximum).

Source water protection:

More information will be required during the EA process to simply gain a better understanding of onsite operations and groundwater chemistry throughout the monitoring

network to assist staff with the review. As a result, the following is required to be discussed within the EA report:

1. Design details of the Engineered Liner System, specifically if the liner is graded to promote the direction and collection of leachate and/or recharged water.
2. More information on the leachate collection system, namely if LS1 and LS2 will be used to monitor leachate chemistry in the future. Furthermore, we would also like more details on the operation of the automated monitoring equipment at the permanent leachate pumping station. As of July 2013, it was reported that it was not operational and had yet to be repaired based on the last annual monitoring report that was publically available. City staff would expect discussion of this system through the EA process.
3. Annual monitoring reports show water chemistry data for select stations, and primarily focus on inorganic chemistry. Although organic chemistry has been provided for select locations, City staff request all historic inorganic and organic chemistry data for the following monitoring stations: 14, 44, 45, 46, 47, 48, 56, 60, 61, 68, 76, TS-1, T-12, T, 29, T-30, T-31, T-32. We would expect that both organic and inorganic chemistry has been comprehensively analyzed throughout the monitoring network, and that there is sufficient representativeness from all hydrostratigraphic units (or flow zones). Borehole records should be provided to better understand groundwater chemistry from each hydrostratigraphic unit.
4. Previous reports indicate 23 off-property monitoring locations and 2 private domestic wells. City staff request all water chemistry and water level data from these off-property monitoring locations, provided that these locations are not already captured by the requested data above. Only one domestic well was identified north of the SCRF, near decommissioned well 34. No data was able to be located for this domestic well. City staff expect that data will be made available during the EA process.
5. Within Attachment 2 of the previous Draft ToR Appendix, a Conceptual Design Report is discussed, which would include predictive modelling of contaminating lifespan as per O. Reg 232/98, mitigation measures, impacts on the local groundwater system, and a groundwater monitoring program for the preferred alternative. City staff We would like to be circulated on the Conceptual Design Report once completed.
6. From the 2014 Annual Monitoring Report (Jackman Geoscience), City staff seek clarification from the following statement within the report:

“From here the collected water can be pumped to a transmission line for discharge to either the sanitary sewer or stormwater depending on whether the groundwater has been impacted or not”. Our questions are as follows:
 - What indicators or triggers would suggest that groundwater has been impacted?

- When the report states "... *sanitary sewer or stormwater*", is the collected water going to the stormwater management pond located in the northwest quadrant of the SCRF, or to some other stormwater outlet?
 - What is the ultimate fate of water within the stormwater management pond? We would expect water quality results and a thorough discussion of surface water monitoring on site.
7. Given the proponent's intention to discuss cumulative impacts, City staff would expect some discussion on how groundwater quality and quantity may be impacted by historic or future activities close to the SCRF. This would include construction dewatering in support of new developments, municipal water and sewer infrastructure, as well as any dewatering required to support the newly proposed commercial or residential developments in the area.
 8. Given the hydrogeologic setting, City staff are anticipating a discussion on potential risks, impacts, and mitigation due to the facility being situated on karstic carbonate bedrock. This would include the monitoring of the closed landfill adjacent to the SCRF.
 9. Newalta Corporation previously had a Compliance Agreement for Sulphates; The SCRF has been in compliance since October 2008. If the leachate becomes more concentrated there is potential to exceed the by-law limit of 1500 mg/L. Sulphates are naturally occurring in ground water in this area. Potential issues regarding the Sewer Use Bylaw Sulphate limit should be discussed during the EA.

Confusing/Conflicting information on the total amount of waste/fill:

The Proposed ToR does not provide clarity regarding the final capacity of the site. If the increased capacity of 3,680,000 m³ for residual material is approved, would the total capacity be 10,000,000 m³ or 12,000,000 m³? This is particularly confusing in Alternative Methods #2, #3, and #6, which indicate that the facility would still be approved to receive Industrial Fill.

It is referenced in the report that Terrapure is seeking to increase the amount of Residual Material by 3,680,000 m³; however, there is no clear indication whether the current approved capacity for industrial fill/soils (i.e. 2,000,000 m³) would be maintained. The proposed ToR simply state the increase in residual material (3,680,000 m³), which may be confusing without accounting for the re-allocation of industrial fill/soil (i.e. -2,000,000 m³), and some may calculate the total capacity with that included resulting in 12,000,000 m³.

EA Process: Pre-determination of the "Alternatives To" and the exclusion of a null option:

This EA does not follow the standard EA process in that the alternatives already seem to have been developed and the null option was not included. It is standard practice for the "Alternatives To" be determined through the EA process and the preferred alternative selected through public consultation and detailed evaluation. In addition, one of the alternatives for any EA is the null option and should therefore be included.

Need for a review of current agreements with the City of Hamilton:

The EA should consider the following:

- Current terms and conditions of the Compensation Agreements should be revisited as part of the proposed reconfiguration.
- Impacts on existing agreements with City and Heritage Green Community Trust need to be reviewed as part of the Environmental Assessment.

Other Comments:

- Municipal Review of the ECA amendment Application and Fee is required.
- It should be noted that a Site Plan Control Amendment application will most likely be required depending on the proposed changes to the use.
- Public Works, Recycling and Waste Disposal Division are of the opinion that the Ministry of Environment and Climate Change (MOECC) regulations are met with the conceptual options presented. Therefore from a technical standpoint, the conceptual designs are in accordance with regulations and we have no further comments to make at this point.
- Hamilton Public Health Services (PHS) does not have any objections to the Proposed ToR that was submitted to the MOECC on Feb.8, 2017. PHS appreciates the opportunity to participate in the EA process and looks forward to reviewing information coming forward, as identified in the ToR.

Conclusion

City of Hamilton staff have identified a number of issues that should be adequately addressed in the SCRF EA ToR. In addition, staff have identified a number of items and studies that are expected to be addressed during the EA phase, should MOECC grants approval to the ToR.