



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Application for Ministry of the Environment, Conservation and Parks Environmental Compliance Approval for a Waste Disposal Site (Waste Processing and Transfer Station), Reference # 3285-CW2P8E, 354 Nash Road North, Hamilton (PED24132) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Shaival Gajjar (905) 546-2424 Ext. 5980
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	Per: 

RECOMMENDATION

That Waste Approvals, Environmental Permissions Branch of the Ontario Ministry of the Environment, Conservation and Parks be advised that should the Ministry consider approving **Application MECP-24-01, Re-Source Disposal Inc, Owner/Applicant**, for a new Environmental Compliance Approval for a Waste Disposal Site, Reference # 3285-CW2P8E, to permit a waste processing and transfer station on the lands located at 354 Nash Road North (Hamilton), as shown on Appendix "A" attached to Report PED24132, that the City of Hamilton requests:

- (a) That, if approved, the Environmental Compliance Approval includes the following requirements:
 - (i) That the applicant receives final approval of Minor Variance application (HM/A-24:36), to reduce the required separation distance between the proposed facility and nearby residentially zoned properties from 300 metres to 270 metres, to the satisfaction of the Director of Planning and Chief Planner;

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- (ii) That the applicant applies for and receives final approval of a Site Plan Control application or receives a Site Plan Waiver Letter from the City's Planning Division, to the satisfaction of the Director of Heritage and Urban Design;
- (iii) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list, including product quantities and exact location within all facilities, along with the applicable Material Safety Data Sheets, be externally stored in a secure location (exterior lock box) on site in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24 hours a day, 7 days a week, 365 days a year;
- (iv) That storage and housekeeping practices must be in place to allow ease of access by emergency personnel such as Hamilton Fire and/or other first responders;
- (v) That a final version of the "Plan of Operations Liquid and Excess Soil Processing Site 354 Nash Road North, Hamilton ON" stamped by a professional engineer, be provided to the City of Hamilton, Superintendent, Environmental Monitoring and Enforcement, Public Works Department;
- (vi) That the Owner obtain the City of Hamilton's Surcharge Discharge Permit and comply with the City of Hamilton's Sewer Use By-law No. 14-090;
- (vii) That the Environmental Compliance Approval limit the maximum daily receipt of non-hazardous waste to a maximum rate of 200 tonnes per day, including aggregate and soil materials, and water;
- (viii) That the Environmental Compliance Approval limit the maximum storage capacity to 1,000 tonnes of solids and 80 cubic metres of water;
- (ix) That the proponent implements spills prevention on-site, and containment measures be included in the Environmental Compliance Approval;
- (x) That the Contingency Plans for spills on-site and clean-up procedures are covered under the Environmental Compliance Approval, and that the City's Spills phone number (905) 546-2489 is included in the company's on-site Contingency Plan. The Contingency Plan shall also deal with run-off water and from any fire-fighting activity from the operation and consider

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efforts to mitigate or eliminate materials and spill runoff from entering the catch basins from vehicle activity on site. Secondary containment measures must be explored to reduce spill runoff. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton, and be submitted to the satisfaction of the Ministry of the Environment, Conservation and Parks;

- (xi) That in case of any spills, the General Manager of the Operations must immediately contact the City of Hamilton's Spills line at 905-546-2489;
- (xii) That an effective odour / dust / noise mitigation control plan for day-to-day activities be implemented;
- (xiii) That the Owner establish a Fire Response Box providing up to date data and details (such as contents, amounts, locations, etc.) of all waste materials transferred and stored on site, to the satisfaction of the Chief Fire Prevention Officer, Hamilton Fire Department;
- (xiv) That the Owner contact the Hamilton Fire Department's Fire Prevention Division and schedule an inspection of the facility and that all violations identified as part of the inspection be resolved prior to approval, to the satisfaction of the Chief Fire Prevention Officer, Hamilton Fire Department;
- (xv) That the owner establishes a fire access route, to the satisfaction of the Chief Fire Prevention Officer, Hamilton Fire Department;
- (xvi) That an inventory of waste types stored on-site should be updated daily, and be provided to the Ministry of the Environment, Conservation and Parks;
- (xvii) That waste shall not be accepted from the United States of America and / or any other Province or Territories;
- (xviii) That the proponent be required to provide financial assurance to the Ministry of the Environment, Conservation and Parks to cover final clean-up of the site, following the cessation of use;
- (xix) That a Ministry of the Environment, Conservation and Parks staff person be identified to the City as the contact for all issues and complaints regarding the subject property;

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- (b) That a copy of Report PED24132 be forwarded to the Waste Approvals, Environmental Permissions Branch of the Ontario Ministry of the Environment, Conservation and Parks for their consideration;
- (c) That the Waste Approvals, Environmental Permissions Branch of the Ontario Ministry of the Environment, Conservation and Parks be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.

EXECUTIVE SUMMARY

The applicant, Re-Source Disposal Inc., has applied to the Ministry of the Environment, Conservation and Parks for a new Environmental Compliance Approval for a Waste Disposal Site to permit a waste processing and transfer station facility on the lands located at 354 Nash Road North (Hamilton) (see Appendix “A” attached to Report PED24132).

The proposal is to operate a liquid soil processing site to manage excess soils and slurry created from hydrovac equipment used to uncover utilities and conduct utility locates. The proposed operations will serve as a hydrovac slurry (liquid soil) processing facility that will receive a soil-water slurry from hydrovac trucks that have been used to support utility locates and subsurface utility investigations. The operations will involve prefabricated soil-water separation process equipment that can separate the slurry into three components; water, fines (silts and sands) and larger sized materials including gravels and small rocks (aggregates). The operation will process slurry and store the processed materials in separate uncovered areas of the site. The facility proposes to reuse the separated water for future hydrovac excavations, while redistributing the fines and aggregate materials for resale/reuse as permitted. The facility will not accept material suspected of being contaminated.

The subject site is approximately 0.35 hectares in size and is zoned as General Industrial (M5) Zone under Zoning By-law No. 05-200. The proposed use of Waste Processing Facility is permitted, as per Section 9.5.1 of Zoning By-law No. 05-200.

Urban Hamilton Official Plan and Zoning By-law No. 05-200 requires waste processing and transfer facilities to be located a minimum of 300 metres from sensitive land uses such as institutional or residential. There are residential uses located approximately 270 metres to the south of the subject lands. The applicant has applied for Minor Variance application (HM/A-24:36), which was tabled at the March 12, 2024, Committee of Adjustment Hearing pending Council’s decision on this report. Based on the operations plan provided, the portion of the property closest to the sensitive residential uses to the

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south, which is approximately 270 metres, is being used for administrative offices and staff washrooms. The portion of the site where the processing of the waste is occurring is approximately 350 metres from the existing sensitive uses to the south.

Alternatives for Consideration – See Page 15

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Environmental Compliance Approval applications are processed by the Ontario Ministry of the Environment, Conservation and Parks under the authority of the *Environmental Protection Act*. The City of Hamilton has been formally requested to provide comments to the Ministry on this specific application.

HISTORICAL BACKGROUND

Environmental Compliance Approval

An “Environmental Compliance Approval” pursuant to Part V of the *Environmental Protection Act* is a legally binding document, through which an individual, company, or municipality is permitted, by Ontario’s Ministry of the Environment, Conservation and Parks, to undertake an activity related to the processing and management of waste.

Each Environmental Compliance Approval is drafted to address the site specific considerations relevant to the proposal and contains enforceable requirements that ensure environmental and health protection, compliance with legislation, and policy requirements. The Environmental Compliance Approval stipulates the types of wastes that can be processed and managed at the facility and contains “conditions” that describe the manner in which the facility is to be operated. Failure to comply with any of the Environmental Compliance Approval conditions constitutes a violation of the *Environmental Protection Act* and is grounds for enforcement through the *Provincial Offences Act*.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Transportation storage and vacant land	General Industrial (M5) Zone
Surrounding Land Uses:		
North	Industrial / commercial plaza	General Industrial (M5, 641) Zone
South	Transportation storage Offices	Light Industrial (M6, 414) Zone
East	Gas station, truck repair, truck wash, tire shop, and restaurant	General Industrial (M5) Zone
West	Wholesale and commercial shops	Light Industrial (M6, 640) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement and conform to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended). The following policies, amongst others, apply to the proposal:

- “1.1.1 Healthy, liveable, and safe communities are sustained by:
 - c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;”

The application has been reviewed with respect to the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended). Staff notes that via the Environmental Compliance Approval (ECA) process,

the applicant will demonstrate consistency with the sustainability of healthy, liveable, and safe communities, as outlined in Policy 1.1.1 (c) of the Provincial Policy Statement (2020).

Urban Hamilton Official Plan

The following policies, amongst others, apply to the proposal.

“E.5.3 Employment Areas – Industrial Land Designation

The Employment Area – Industrial Land designation applies to older industrial areas of the City with a variety of industrial uses, many in older purpose- designed facilities on a variety of parcel sizes. These areas shall continue to play an important role accommodating traditional industrial uses and those which benefit from access to the Port of Hamilton. Planning for this designation must be flexible to allow new employment uses and supporting uses through redevelopment and adaptation of existing structures, while ensuring that sensitive land uses are protected from noxious and incompatible impacts.

E.5.3.2 The following uses may be permitted on lands designated Employment Area – Industrial Land on Schedule E-1 – Urban Land Use Designations, in accordance with the Zoning By-law:

e) waste processing facilities and waste transfer facilities

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

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

E.5.3.7 Waste processing facilities and waste transfer facilities, including expansions, shall be located a minimum of 300 metres from a sensitive land use within the Neighbourhoods, Institutional or Commercial and Mixed Use designations.

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- E.5.3.7.1 Notwithstanding Policy E.5.3.7 above, waste processing facilities and waste transfer facilities, including expansions, may be permitted within 70 metres to 300 metres of a sensitive land use within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, subject to amendment to the Zoning By-law. In addition to the requirements of Section F.1.19 – Complete Application Requirements and Formal Consultation, the Applicant shall demonstrate, through a planning justification report or any other study as may be required by the City, an analysis of the following:
- a) The appropriateness of the proposed land use in relation to surrounding land uses;
 - b) Mitigation of potential impacts to sensitive land uses, the natural environment or cultural heritage resources located within 300 metres of the proposed waste management facility, which shall include noise, odour, vibration, dust, traffic, air quality, litter, and vermin and pest control measures; and,
 - c) On-site wastewater and storm water management measures.”

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

As per Policy E.5.3.7 of Urban Hamilton Official Plan, waste processing facilities and waste transfer facilities, including expansions, shall be located a minimum of 300 metres from a sensitive land use within the “Neighbourhoods”, “Institutional” or “Commercial” and “Mixed Use” designations. Policy E.5.3.7.1 states that waste processing facilities and waste transfer facilities may be permitted within 70 metres to 300 metres of a sensitive land use, subject to an amendment to the Zoning By-law and the satisfaction of the identified criteria. The applicant has submitted a Plan of Operations that has satisfied these criteria and the rationale is discussed below.

Traffic

The proposed facility is expected to receive a maximum of 25 hydrovac trucks per day, and it is anticipated that traffic in the area of the subject site will remain unchanged with the exception of incoming and outgoing hydrovac trucks that will not need to stop outside of the site boundary. Transportation Planning staff were circulated the proposed Environmental Compliance Approval permit for comment and had no concerns.

Noise

The leased portion of the proposed operation is surrounded by industrial and commercial activities. The expected noise output from the processing equipment, hydrovac trucks, and associated activities is not anticipated to exceed the typical noise levels produced from the surrounding industrial and commercial operations. The operational hours are between 5:00 am and 10:00 pm, and noise occurring from hydrovac truck operations and moving materials within the site will be conducted within the hours of operations, mitigating isolated noise production from the proposed operations. The portion of the property closest to the sensitive receptors (residential) to the south (± 270 metres) is proposed to be used for staff offices, washrooms and parking, which are uses that do not generate significant noise. The portion of the lands being used for the processing of hydrovac truck slurry, which are the uses most likely to generate noise, is located over 350 metres from the existing sensitive receptors to the south. Furthermore, there is a major arterial road (Barton Street East) between the proposed operation and the existing sensitive receptors to the south, which would create a significant level of existing background noise.

Odour and Air Quality

The nature of the proposed operations will only accept liquid soil contents. Furthermore, the Plan of Operations document explains that shipments of slurry that are presumed to contain deleterious or foreign material outside of a typical soil-water complex will not be accepted at the facility. Since the proposed operations will only process water mixed with natural uncontaminated soils, extensive odour or adverse air quality impacts are not anticipated to occur at the site.

Dust

The potential for adverse impacts caused by fugitive dust is not anticipated due to low quantity of dust production expected from the proposed operations. The Plan of Operations document further explains that the possibility of dust production in warm, dry, and windy conditions may occur from the processed soils stored onsite as well as from the site's gravel surface. In such a situation where high production of fugitive dust persists, mitigation measures such as tarping and managing the height of the soil stockpiles to below the concrete walled partitions, as well as wetting the stockpiles and gravel surfaces, are expected to prevent adverse impacts. Staff have recommended that the Ministry of Environment, Conservation and Parks include a condition that an effective odour / dust / noise mitigation control plan for day-to-day activities be implemented.

Site Drainage

The overland flow of surface water on the site is expected to follow in accordance with the local topography of the immediate area. The expected direction of surface drainage is westerly to north-westerly, directed toward the portion of the subject property that is not leased. The surface drainage will flow to stormwater catch basins located on the unleased portion of the property, and along the City of Hamilton Road right-of-way. Development Engineering staff have reviewed the Environmental Compliance Approval permit application and had no concerns.

Visual Buffering

The leased portion of the subject property is where the proposed operations will take place and it is expected to be fenced within the subject property. The leased portion is located at the rear of the subject property, away from the road right-of-way and sensitive land uses. The proposed operation will be partially screened from the street by the existing buildings located on the subject lands and will not be easily visible from the public right-of-way. Staff do not anticipate any visual impacts.

Centennial Neighbourhoods Secondary Plan

The following policies, amongst others, apply to the proposal.

- “B.6.6.7.8.1 Employment Areas are designated General Industrial, Light Industrial and Business Park on Map B.6.7-1 – Centennial Neighbourhoods – Land Use Plan.
- B.6.6.7.8.2 Section E.5.3 – Employment Area – Industrial Land Use Designation of Volume 1 shall apply to lands designated General Industrial and Light Industrial.
- B.6.7.8.5 Notwithstanding the permitted uses in Policy E.5.3.2 of Volume 1, for lands designated Light Industrial on Map B.6.7-1 – Centennial Neighbourhoods Secondary Plan – Land Use Plan, new industrial uses which result in significant potential for frequent noise, vibration, odours, dust, or other emissions shall be prohibited.”

The subject lands are identified as “Light Industrial” in the Centennial Neighbourhoods Secondary Plan on Map B.6.7-1 – Centennial Neighbourhoods – Land Use Plan. Based on the submitted Plan of Operations, the proposal is not considered to have significant potential for frequent noise, vibration, odours, dust, or other emissions.

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City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned General Industrial (M5) Zone under Hamilton Zoning By-law No. 05-200 and the proposed operation is considered a Waste Processing Facility. A Waste Processing Facility is a permitted use in the General Industrial (M5) Zone. Section 9.5.3 g) of the Zoning By-law No. 05-200 requires a Waste Processing Facility or a Waste Transfer Facility to be located a minimum of 300 metres from a residentially zoned or institutionally zoned property lot line. Staff have identified properties that are residentially zoned within 300 metres of the subject lands. Residential townhouse units are located at 245 Kenora Avenue and 2344 Barton Street East on the south side of Barton Street East and are zoned "DE/S-144" (Low Density Multiple Dwellings) District, Modified, and "DE-2/S-266" (Multiple Dwellings) District, Modified.

These residential zones are located approximately 270 metres from the subject lands and the applicant is subject to an amendment to the Zoning By-law, to seek a reduction in the required separation distance between the proposed Waste Processing Facility and residentially zoned lands. It should be noted that, based on the Operations Plan provided, the portion of the property closest to the sensitive residential uses to the south, which is approximately 270 metres, is being used for administrative offices and staff washrooms. The portion of the site where the processing of the waste is occurring is approximately 350 metres from the sensitive uses to the south.

Minor Variance Application HM/A-24:36

The applicant has applied for a Minor Variance application (HM/A-24:36) to reduce the separation distance requirement from a sensitive land use to 270 metres, whereas 300 metres is required. The application was tabled at the March 12, 2024, Committee of Adjustment Hearing pending more information related to land use compatibility and Council's direction on comments related to the Environmental Compliance Approval permit. The portion of the property closest to the sensitive residential uses to the south, which is approximately 270 metres, is being used for administrative offices and staff washrooms. The portion of the site where the processing of the waste is occurring is approximately 350 metres from the existing sensitive uses to the south. The City's Zoning By-law No. 05-200 requires that the separation distance be applied from the portion of the lands that are being used for a Waste Processing Facility and as the proposed administrative offices are supportive of the Waste Processing Facility use, staff have taken a conservative approach and considered it part of the use, thus triggering the requirement for the Minor Variance. Staff have reviewed the Plan of Operations and associated materials submitted with the Environmental Compliance Approval permit application and are satisfied that the four test for a Minor Variance

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under the *Planning Act* are being met. Should the submitted Minor Variance application be approved, a Zoning By-law Amendment application would not be required.

In the determination of the appropriateness of the proposed reduction in the required separation distance, the following shall be analyzed and evaluated by the City per Policy E.5.3.7.1 of the Urban Hamilton Official Plan:

- a) The appropriateness of the proposed land use in relation to surrounding land uses;
- b) Mitigation of potential impacts to sensitive land uses, the natural environment or cultural heritage resources located within 300 metres of the proposed waste management facility, which shall include noise, odour, vibration, dust, traffic, air quality, litter, and vermin and pest control measures; and,
- c) On-site wastewater and storm water management measures.

The proposed operation is located within the interior of an existing industrial area and is surrounded on all sides by existing industrial uses. Accordingly, staff find that the proposed land use is appropriate in relation to the surrounding land uses as per policy E.5.3.7.1 a). The mitigation measures submitted by the applicant that addresses Policy E.5.3.7.1 b) and c) of Urban Hamilton Official Plan have been analyzed in the Urban Hamilton Official Plan section, above.

There are sensitive land uses in proximity of the subject site. The sensitive land uses are residentially zoned and are located approximately 270 metres from the subject site, which, for the subject application would be considered a minor reduction from the required 300 metre separation distance. Through the Plan of Operations, the applicant has demonstrated mitigation measures that will be in place at the subject site. Mitigation measures range from processing, storage, and transporting of the materials, along with the Spill Response Procedure. The Committee of Adjustment, through the submitted Minor Variance application (HM/A-24:36), can impose conditions which can include limiting where on site storage related to the operations is stored and other mitigation measures related to the Environmental Compliance Approval permit, to mitigate potential impacts to the sensitive land uses.

Potential impacts related to traffic, noise, odour and air quality, dust, site drainage, visual buffering, and the environment due to operations are also identified and addressed in the document through conditions identified in the Recommendation section above and also attached as Appendix "D" to Report PED24132. It should be noted that the proposed operation will be regulated through an Environmental Compliance Approval permit, and the applicant will be required to operate in accordance with the approved Environmental Compliance Approval and the conditions

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of approval identified through the review of the application. The scale of the proposed operation is relatively minor and occupies approximately 11% of the subject lands furthest from the public street, towards the interior of the site. Staff are satisfied with the information provided within the submitted Plan of Operations and that the impact to sensitive land uses within 300 metres of the subject site will be appropriately mitigated.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Site Operations

Re-Source Disposal Inc. is proposing to operate a liquid soil processing site to manage excess soils and slurry created from hydrovac equipment used to uncover utilities and conduct utility locates. Re-Source Disposal Inc. has a lease agreement to operate on a portion of the subject property located at 354 Nash Road North, Hamilton, as shown in Appendix "B" attached to Report PED24132. The leased portion of the subject property is the easterly most 0.35 ha of the subject lands.

The proposed operations by Re-Source Disposal Inc. will serve as a hydrovac slurry (i.e., liquid soil) processing facility that will receive a soil-water slurry from hydrovac trucks that have been used to support utility locates and subsurface utility investigations. The operations will involve prefabricated soil-water separation process equipment that can separate the slurry into three components: water, fines (i.e., silts and sands), and larger sized materials including gravel and small rocks (i.e., aggregates). The operation will process slurry and store the processed materials in separate uncovered areas on the leased area of the subject parcel. The facility proposes to reuse the separated water for future hydrovac excavations, while redistributing the fines and aggregate materials for resale/reuse as permitted. The facility will not accept material suspected of being contaminated.

The leased portion on the subject parcel is approximately 0.35 ha in size and is currently zoned General Industrial (M5) Zone under the Hamilton Zoning By-law No. 05-200. The proposed use of Waste Processing Facility and Waste Transfer Facility is permitted, as per Section 9.5.1 of Zoning By-law No. 05-200, subject to meeting all other requirements of the Zoning By-law.

Staff have reviewed the proposed operation with respect to a reduction from the required 300 metre separation distance from a Waste Processing Facility to a sensitive land use in accordance with the criteria identified in Policy E.5.3.7.1 and are satisfied that adverse impacts will be appropriately mitigated, as discussed in the Urban Hamilton Official Plan section, above.. Additionally, the applicant will be required to successfully obtain an approval of a Minor Variance application to reduce the required separation

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distance from 300 metres to approximately 270 metres. Accordingly, the applicant has applied for Minor Variance application HM/A-24:36, which was tabled at the March 12, 2024, Committee of Adjustment Hearing pending Council's direction on Staff Report PED24132.

Conditions of Approval

Based on the circulation of this application to other City Departments, and the analysis undertaken by Planning staff, the Ministry of Environment, Conservation and Parks application for an Environmental Compliance Approval is considered acceptable, subject to conditions being addressed in the Environmental Compliance Approval, as discussed briefly below. These conditions have been included in the above Recommendation section and are also attached as Appendix "D" to Report PED24132. Transportation Planning, Development Engineering, Public Health, and Fire Department did not provide any comments. However, staff have included relevant standard conditions from previous Environmental Compliance Approvals to ensure all typical areas of concern will be addressed. The applicant has applied for a Minor Variance application and is pending decision from the Committee of Adjustment.

Emergency Response Plan

As noted in the Recommendations section, a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list, including product quantities and exact location within all facilities, along with the applicable Material Safety Data Sheets, will be externally stored in a secure location (exterior lock box) on site in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24 hours a day, 7 days a week, 365 days a year. The storage and housekeeping practices must be in place to allow ease of access by emergency personnel such as Hamilton Fire and/or other first responders.

Limitations of Amount of Waste

The City of Hamilton requires that the Environmental Compliance Approval limit the maximum daily receipt of non-hazardous waste to a maximum rate of 200 tonnes per day, including aggregate and soil materials, and water. The City of Hamilton also requires that the Environmental Compliance Approval limit the maximum storage capacity to 1,000 tonnes of solids and 80 cubic metres of water.

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Spills Containment

The City of Hamilton requires that the proponent implement spills prevention on-site, and containment measures be included in the Environmental Compliance Approval. The City of Hamilton also requires that the Contingency Plans for spills on-site and clean-up procedures are covered under the Environmental Compliance Approval, and that the City's Spills phone number (905) 540-5188 is included in the company's on-site Contingency Plan. The Contingency Plan shall also deal with run-off water from any fire-fighting activity from the operation. Further, a copy of the Contingency Plan is to be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton, and be submitted to the satisfaction of the Ministry of the Environment, Conservation and Parks.

Standard Conditions

The City of Hamilton requires the following standard conditions covered under the Environmental Compliance Approval:

- That a final version of the "Plan of Operations Liquid and Excess Soil Processing Site 354 Nash Road North, Hamilton ON" stamped by a professional engineer, be provided to the City of Hamilton, Superintendent, Environmental Monitoring and Enforcement, Public Works Department;
- That an inventory of waste types stored on-site should be updated daily, and be provided to the Ministry of the Environment, Conservation and Parks;
- That waste shall not be accepted from the United States of America and / or any other Province or Territories;
- That the proponent be required to provide financial assurance to the Ministry of the Environment, Conservation and Parks to cover final clean-up of the site, following the cessation of use; and,
- That a Ministry of the Environment, Conservation and Parks staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

ALTERNATIVES FOR CONSIDERATION

The City of Hamilton is not the approval authority for Environmental Compliance Approval applications, however, the City has been requested to submit comments on this application to the Ministry of Environmental, Conservation and Parks. The Ministry of Environment, Conservation and Parks will consider the City's comments in making a decision on the application. The following alternative is available to the City in providing comments to the Ministry of Environment, Conservation and Parks:

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- (1) The City could request that the Ministry of Environmental, Conservation and Parks deny the Environmental Compliance Approval application.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24132 – Location Map

Appendix "B" to Report PED24132 – Concept Plan

Appendix "C" to Report PED24132 – Department and Agency Comments

Appendix "D" to Report PED24132 – Recommended Conditions of Approval

SG:sd