



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: April 8, 2025

Report No: PED25091

Subject/Title: Application for Ministry of the Environment,
Conservation and Parks Environmental Compliance
Approval for a Waste Processing Facility for Lands
Located at 1133 Industrial Drive

Ward(s) Affected: Ward 3

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 0433-D4GP8R by 2388455 Ontario Inc. (c/o Alex Agius)**, applicant for a new Environmental Compliance Approval for a Waste Disposal Site Reference # 0433-D4GP8R to permit a waste processing and transfer station on the lands located at 1133 Industrial Drive (Hamilton) as shown on Appendix A attached to Report PED25091, that the City of Hamilton requests:

- (a) That, if approved, the Environmental Compliance Approval includes the Recommended Conditions as shown in Appendix B attached to Report PED25091;
- (b) That a copy of Report PED25091 be forwarded to the Waste Approvals, Environmental Permissions Branch of the Ontario Ministry of the Environment, Conservation and Parks for their consideration; and,
- (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.

Key Facts

- The applicant has applied to the Ministry of the Environment, Conservation and Parks for a new Environmental Compliance Approval to permit a waste processing facility on the lands located at 1133 Industrial Drive within an existing vacant industrial building, as shown in Appendix C attached to Report PED25091.
- The subject lands are designated “Industrial Land” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan, and zoned General Industrial (M5, 433) Zone in City of Hamilton Zoning By-law No. 05-200.
- The operation accepts liquid soil mixtures from hydro evacuation trucks and then separates it via a combination of settling, screening, heat evaporation, and filtration into dry soil and clean water.
- The facility’s operations include receiving, processing, and shipping activities which may occur 24 hours a day, seven days a week and 365 days a year.
- Staff recommends that the conditions included in Appendix B attached to Report PED25091 be included for the proposed waste processing facility, if approved by the Ministry of the Environment, Conservation and Parks.

Financial Considerations

Not applicable.

Analysis

The subject property is municipally known as 1133 Industrial Drive and is located north of Industrial Drive. The subject lands currently contain a vacant 19,000 square metre industrial building. The subject lands do not have frontage onto a municipal right-of-way and have an area of approximately 21 hectares. Details on the surrounding land uses are included in Appendix A1 attached to Report PED25091.

The proposal is to operate a liquid soil processing site to manage excess soils and liquid soil mixtures from hydro evacuation trucks which separates them via a combination of settling, screening, heat evaporation, and filtration into dry soil and clean water.

The subject site has a maximum daily receiving rate of 276 cubic metres of liquid soil and a maximum total storage capacity of 510 tonnes of dry soil at any one time. The facility will operate 24 hours a day, seven days a week and 365 days a year for receiving, processing, and shipping activities.

A full review of the applicable Provincial Policy Statement (2024) and Urban Hamilton Official Plan policies is provided in Appendix D attached to Report PED25091.

Provincial Planning Statement (2024)

The proposal is for a waste processing facility on lands located within an employment area and is surrounded by existing industrial uses. The proposed development of a waste processing facility is considered a major facility that requires separation from sensitive land uses. Employment areas are an appropriate location for major facilities. The adjacent “Core Area” (Hamilton Harbour) is considered a sensitive land use, however, the operations for the proposed facility are located within an existing building and therefore impacts to sensitive land uses are not anticipated.

Based on the foregoing, the proposal is consistent with the Provincial Planning Statement (2024).

Urban Hamilton Official Plan

The subject lands are designated “Industrial Land” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. Adjacent lands have been identified as “Core Areas” on Schedule B – Natural Heritage System.

The “Industrial Land” designation permits a wide range of employment activity, including waste processing facilities. The Urban Hamilton Official Plan provides criteria for evaluating new waste management facilities including, compatibility between existing sensitive land uses, protection of public health and safety, protection of the natural heritage system, service capacity, and appropriate site design. The subject lands are located within an employment area and the adjacent “Core Area” (Hamilton Harbour) is considered a sensitive land use. However, the proposed facility’s operations are located within an existing building and impacts to sensitive land uses, public health and safety, and the adjacent natural heritage features, are not anticipated. The facility will operate 24 hours a day, seven days a week and 365 days a year. Noise, odour, and dust impacts are not anticipated as the site is surrounded by industrial uses.

The following conditions are included in Appendix B attached to Report PED25091 to ensure that the site is designed appropriately:

- i. Condition (a) requires that the applicant demonstrate that an access easement is in place to provide access to a public right-of-way; and,
- ii. Condition (b) requires that a Site Plan Control application be approved, which will ensure issues such as traffic management, servicing, stormwater management, parking, outdoor storage, and visual barrier are addressed.

Based on the foregoing, the proposal complies with the Urban Hamilton Official Plan.

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

The subject lands are zoned General Industrial (M5, 433) Zone in City of Hamilton Zoning By-law No. 05-200. The proposed development, which is considered a Waste Processing Facility, is a permitted use in the General Industrial (M5) Zone as per Section 9.5.1 of Zoning By-law No. 05-200. Waste Processing Facilities are not permitted to be located within 300 metres of a residentially or institutionally zoned property line. The subject lands are not located within 300 metres of either of these zones.

Based on the foregoing, the proposed use complies with City of Hamilton Zoning By-law No. 05-200.

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*.

Site Operations

The Liquid Soil Dewatering Facility Design, Operations, and Procedures Manual prepared by Environmental Business Consultants, dated April 2024, was submitted in support of the application. The manual indicated that 2388455 Ontario Inc. is proposing a waste processing facility located at 1133 Industrial Drive. The facility specializes in the dewatering of liquid soil from hydro excavating trucks. Hydro excavation is a process of removing soil with pressurized water. The facility accepts liquid soil mixtures from hydro evacuation trucks and then separates it via a combination of settling, screening, heat evaporation, and filtration into dry soil and clean water. Once separated, arrangements are made for the dry soil to be transported to clean fill sites and the water is stored in holding tanks inside the building and pumped into hydro evacuation trucks for reuse.

The proposed waste processing facility will operate within an existing building with a floor area of approximately 1,858 square metres. Receiving and processing of the liquid

soil from the hydro evacuation trucks will occur inside the building. Dry soil will be stored in bins inside the building prior to being hauled away to a site that accepts clean fill.

The facility will receive and transfer soil 24 hours a day, seven days a week and 365 days a year. The facility will accept a total of 60 hydro evacuation trucks per day. The trucks carrying the hydro evacuation are expected to queue along the site access route, which is approximately 1,700 metres long which is accessed from Industrial Drive. The access route is located on an adjacent property and staff require that the applicant demonstrate that an access easement be in place to facilitate this connection or that an easement be established. Condition (a) in Appendix B attached to PED25091 requires that the applicant demonstrate that an access easement is in place to provide access to a public right-of-way.

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. The recommended conditions have been included in Appendix B attached to Report PED25091. Staff have included standard conditions to ensure all typical areas of concern will be addressed.

Site Access

The City of Hamilton requires the applicant to demonstrate that an access easement for the 1,700 metre driveway access to Industrial Drive is in place to provide access to a public right-of-way as part of the Environmental Compliance Approval.

Site Plan Control

The City of Hamilton requires that a Site Plan Control application be approved as part of the Environmental Compliance Approval. Issues such as traffic management, services, and storm water management, parking, outdoor storage, and visual barrier will be addressed through the Site Plan Control process.

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 276 tonnes per day, including aggregate and soil materials, as well as water. The City of Hamilton also requires that the Environmental Compliance Approval limit the maximum storage capacity to 510 tonnes of solids and 650 cubic metres of water.

Emergency Response Plan

The City of Hamilton requires 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, 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, seven days a week, and 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.

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.

Alternatives

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 City could request that the Ministry of Environmental, Conservation and Parks deny the Environmental Compliance Approval application.

Relationship to Council Strategic Priorities

- Priority 1: Sustainable Economic & Ecological Development
- 1.2: Facilitate the growth of key sectors.

Consultation

Staff and agency comments received are provided in Appendix E attached to Report PED25091.

Appendices and Schedules Attached

Appendix A: Location Map
Appendix A1: Existing Land Use and Zoning chart
Appendix B: Recommended Conditions of Approval
Appendix C: Concept Plan
Appendix D: Policy Review
Appendix E: Department and Agency Comments

Prepared by: Mark Michniak, Senior Planner
Planning and Economic Development Department,
Development Planning East

**Submitted and
recommended by:** Anita Fabac, Acting Director of Planning and Chief Planner
Planning and Economic Development Department