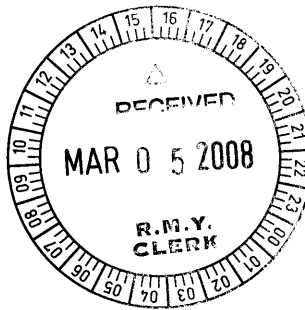


REGION OF YORK
CLERK'S OFFICE

FILE No. - P27



The City Above Toronto



Clerk's Department
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FOR INQUIRIES: PLEASE QUOTE ITEM & REPORT NO.

February 29, 2008

Mr. Denis Kelly, Regional Clerk
The Regional Municipality of York
17250 Yonge Street, Box 147
Newmarket, ON
L3Y 6Z1

Dear Mr. Kelly:

**RE: APPLICATION FOR APPROVAL OF WASTE DISPOSAL SITE –
(TRANSFER FACILITY) ON CN RAILWAY LANDS
MOE REFERENCE NUMBER 2845-79YM3L “FIRST WASTE TRANSLOAD INC.”**

Attached for your information is **Item 10, Report No. 9**, of the Committee of the Whole regarding the above-noted matter which was adopted without amendment by the Council of the City of Vaughan at its meeting of February 25, 2008.

Sincerely,

A handwritten signature in cursive script that reads 'Sybil Fernandes'.

Sybil Fernandes
Deputy City Clerk

Attachment:
Extract
Location Map

SF/pa

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 25, 2008

Item 10, Report No. 9, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 25, 2008.

10 APPLICATION FOR APPROVAL OF WASTE DISPOSAL SITE – (TRANSFER FACILITY) ON CN RAILWAY LANDS MOE REFERENCE NUMBER 2845-79YM3L "FIRST WASTE TRANSLOAD INC."

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated February 19, 2008, be approved;
- 2) That the MOE require sufficient Financial Assurance to cover the costs for the clean up, removal, transportation, disposal and supervision of any waste present on the site due to its hazardous nature or because of, including but not limited to, fires, spills, or any other emergency or financial insolvency on the part of the Company;
- 3) That in light of the information provided in bullet 1 under "Background – Analysis and Options" of the report regarding there being no review by any authority of the building plans because of it being situated on Federally regulated lands, that staff prepare a letter outlining this concern and that the letter be directed to the proper Federal authorities, AMO and FCM; and
- 4) That the following written submissions be received:
 - a) Mr. Denis Kelly, Regional Clerk, The Regional Municipality of York, 17250 Yonge Street, Newmarket, L3Y 6Z1, dated February 14, 2008; and
 - b) Mr. Dennis O'Leary, Aird & Berlis, LLP, Barristers and Solicitors, BCE Place, 181 Bay Street, Suite 1800, Box 754, Toronto, M5J 2T9, dated February 15, 2008.

Recommendation

The Commissioner of Engineering and Public Works, in consultation with the Fire Chief, recommends that:

1. Should the Ministry of Environment grant a Certificate of Approval, it should be contingent upon the concerns of the Vaughan Fire & Rescue Service, as outlined in this report, being addressed to the satisfaction of the City, and a detailed traffic study, prepared by a qualified professional engineer, that will address the concerns of truck traffic on local roads, must be submitted to the City;
2. Consideration should be given to alternatives such as the possible use of Costa Rd. as a relief for some of the traffic, and the possibility of constructing a right in entrance on Regional Road 7 (formerly Hwy. #7) as a direct route for trucks to access the site; and,
3. The Clerk send a copy of this report to Mr. Andrew Neill, Senior Engineer, Ministry of Environment.

Economic Impact

There is no economic impact to the City as a result of these recommendations.

Communications Plan

The Ministry of Environment will be advised of Council's comments and direction with respect to the above noted recommendations.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 25, 2008

Item 10, CW Report No. 9 – Page 2

Background - Analysis and Options

On January 18, 2008, the City received notification from MOE regarding an application for approval of a Waste Disposal Site, requesting comments and zoning. The application is from First Waste Transload Inc. to establish a waste disposal transfer facility at the MacMillan Yard, Concord Outlet, on lands owned by the Canadian National Railway Company. It is important to note that these lands are not subject to the City's Zoning jurisdiction, but are zoned EM4, for use as a rail yard.

As part of this transfer station, a new, large special purpose building is under construction and is nearing completion, south of Highway 7 and north of Highway 407, east of Creditstone Road, as shown of Attachment #1. Access to this facility is proposed to be from the east end of Freshway Drive. The trucks hauling material into this facility will proceed over established roads on the CN property and will be offloaded inside Transload's building into special purpose railway cars, which will transport the waste to Michigan.

This facility will receive non-hazardous, solid industrial waste, which will include waste generated at construction and demolition sites, together with waste from institutional, commercial and industrial operations. On an annual average daily basis, the facility will receive no more that 1000 tonnes of materials per day.

The Deputy Fire Chief attended the site with representatives of the applicant on January 30, and has provided comments to First Waste Transload regarding the following concerns:

- The building is on CN property and under federal regulatory review and therefore exempt from Ontario Building Code and City of Vaughan scrutiny with respect to the construction. Therefore VFRS staff have not been able to review the building plans before construction. We are not aware of any review of the building by federal regulatory agencies. We have advised the First Waste representative that VFRS would like to inspect the building and share any concerns that we might have about the fire protection systems with him.
- The building has a sprinkler system, but does not appear to have a fire alarm (pull stations).
- The hydrant at the north west corner of the building is not adjacent to a fire route and will prove difficult to access if needed.
- There is no municipal address for the property.
- Access to the property is through the driveway at 10 Freshway (BFI), and then follows a long and circuitous route which must be at least 700 m in length to the building. In normal Ontario Building Code regulated situations this access route would have to be a fire route. It would therefore be paved, be at least 6 m in width and marked as a fire route with no parking. The representative from First Waste Transload advised that he intended to pave the access route, but not before late spring or early summer. In the meantime the access route is rough and likely to be very muddy in the spring thaw.

The building and site appear to be nearing completion and should soon be ready to go into operation. Notwithstanding the above, the First Waste Transload representative expressed an interest in working with VFRS with respect to the above noted concerns.

In terms of traffic concerns, it is anticipated that there will be 33 tractor trailer units per 24 hour period arriving and leaving this site. The streets in this industrial area are built with a 20 metre right-of-way, with a 10.8 metre pavement width. Current industrial road standards call for a 23 metre right-of-way, with an 11.5 pavement width. There is already a large volume of truck traffic on Creditstone Road between Regional Road 7 (formerly Hwy. 7) and Freshway Drive, and the City currently receives complaints from area businesses about the difficulties they are

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 25, 2008

Item 10, CW Report No. 9 – Page 3

experiencing with traffic in this general area. It is anticipated that there will be increased concern from these businesses as a result of the additional truck traffic generated by the activity at First Waste.

Given the traffic issues, and congestion in this general area, a traffic impact study, that is prepared by a qualified professional engineer, should be provided to the City to address the concerns of this additional traffic on local and regional roads during peak and off-peak hours. Consideration should also be given to using alternative routes, such as the possible use of Costa Rd. as a relief for some of the traffic, and the possibility of constructing a right-in entrance from Regional Road 7 as a direct route for trucks to access the site.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and relates specifically to the following Vaughan Vision objectives:

A-2 Enhance and Ensure Community Safety, Health & Wellness.

Regional Implications

Due to the concerns with increased truck traffic on the local roads in the area, one suggested alternative to address some of these concerns would be for the applicant to seek permission from the Region of York to construct a right-in turn from Regional Road # 7 (formerly Highway 7), into this facility. This road is under the Region's jurisdiction, and would require their approval for such an entrance.

Conclusion

As the lands are federally regulated, they are not subject to City zoning. However, should the Ministry grant a Certificate of Approval for this operation, it should be contingent upon the concerns of the VFRS being addressed to their satisfaction, and a detailed traffic plan being submitted to the City showing the impact on the local road network, and mitigation measures to minimize such impacts.

Attachments

Location Map

Report prepared by:

Brian T. Anthony

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

Attachment No. 1 – Location Map

