

THE REGIONAL MUNICIPALITY OF YORK

**REPORT NO. 4
OF THE REGIONAL COMMISSIONER OF TRANSPORTATION AND WORKS**

**For Consideration by
The Council of The Regional Municipality of York
on October 19, 2006**

**1
WASTE TRANSFER AND PROCESSING FACILITY - AMENDED APPROVAL
MAMMONE DISPOSAL SYSTEM LIMITED
CITY OF VAUGHAN**

***(Regional Council at its meeting on October 19, 2006, amended the following
Clause as follows:***

- 1. Regional Council endorses the position of Vaughan Council in opposing the proposed amendment to the Provisional Certificate of Approval No. A230624;***
- 2. If the Ministry of the Environment proceeds with the proposed amended approval, recommendation 1 in the Report of the Commissioner of Transportation and Works setting out additional conditions of the Region, be implemented; and***
- 3. Regional Council requests that the applicant be required to conduct a full clean-up of the site.***

1. RECOMMENDATIONS

It is recommended that:

- 1. In respect to the proposed amendment to the Provisional Certificate of Approval No. A230624, belonging to Mammone Disposal System Ltd., for the operation of**

a waste processing facility located at 8940 Jane Street in the City of Vaughan, the Region request the Ministry of the Environment to impose the following conditions in the approval in addition to those requested by the City of Vaughan:

- 1.1 Mammone Disposal Services Inc. submit to the Commissioner of Transportation and Works, at three-month intervals, sufficient records to document the quantities of materials received and processed by the facility; the municipalities of origin of these quantities; and the quantity of waste transferred to disposal facilities.
- 1.2 The MOE undertake a detailed analysis of the cost for the clean up, transportation, disposal and supervision of all quantities of waste on the site any one time as a result of any occurrence requiring such action including, but not limited to, fire, spills, or any other emergency and ensure that it requires and maintains sufficient financial assurance for site clean up as per Section 131 of the Environmental Protection Act.

The Regional Clerk forward copies of this report to Mammone Disposal System Ltd., the Clerk of the City of Vaughan, and the Ministry of the Environment.

2. PURPOSE

This report responds to a request from the Ministry of the Environment (MOE) for comments on the application by Mammone Disposal System Ltd. for an amendment to the Certificate of Approval to permit changes to the company's waste processing operation

3. BACKGROUND

Mammone Disposal System Ltd. has made application to the MOE for an amendment to its Provisional Certificate of Approval No. A230624 with respect to the company's solid waste transfer and processing facility located at 8940 Jane Street in the City of Vaughan. A location plan is attached (*see Attachment 1*). The MOE is seeking comments from the Region by September 29, 2006. Regional staff requested an extension on the deadline to the end of October.

4. ANALYSIS AND OPTIONS

4.1 Description of Location, Facility and Operation

The facility is located at 8940 Jane Street, in the City of Vaughan. The site is approximately 4.2 hectares (10.4 acres) in area. The company accepts waste and

recyclable materials from industrial, commercial and institutional generators, and also construction and demolition waste.

4.1.1 Current Operation

Mammone Disposal Systems Ltd. is open from 6:00 a.m. to 11:00 p.m. Monday through Sunday inclusive. Their Certificate of Approval allows them to receive solid, non-hazardous waste materials from within the Province of Ontario. Incoming materials are allowed from commercial and institutional sources which including cardboard, wood, paper, aluminium, ferrous metals, copper, plastics and construction and demolition waste. Minimum amounts of food or putrescible waste, as a contaminant of incoming waste material may be accepted.

The incoming truck loads of waste are weighed on a single outdoor scale and then unloaded onto the floor of the processing/transfer building, which has an area of 1672 square metres (18,000 square feet) with the remaining sorting being performed outside. The waste materials are sorted by manual labour and with mechanical equipment into different categories of recyclable materials. The sorted materials are loaded and sent to various recycling facilities. The remaining non-recyclable solid, non-hazardous waste materials are then sent in specially designed highway transfer trailers to either a landfill site in the Province of Ontario or the State of Michigan. All incoming and outgoing vehicle traffic is directed onto Jane Street.

4.1.1.1 Proposed Amendment

The proposed amendment would allow the facility to accept and process increased quantities of waste and recyclable materials as summarized in Table 1.

Table 1
Summary of Existing Approval and Proposed Amendment

Item	Current Approval	Proposed Amendment
Maximum received Quantity of Waste and Recyclable Materials	250 tonnes per day	500 tonnes per day
Maximum Storage Capacity at Any Time	170 tonnes per day	810 tonnes per day
Maximum Quantity of Waste for Final Disposal	199 tonnes per day	299 tonnes per day

Mammone has made an application to the MOE to re-develop their existing infrastructure to make improvements to the existing operation, which includes processing of all waste and recyclable materials indoors. All building within the proposed Bass Pro Mills Drive right-of way will be removed as detailed in an agreement between Mammone Disposal Systems Ltd. and the City of Vaughan. These include a truck garage and a greenhouse.

Incoming truck traffic will enter from the proposed Bass Pro Mills Drive and exit onto the existing Bass Pro Mills Drive.

A new garage/office with an area of 550 square metres (5,920 square feet) will be constructed on the east side of the processing/transfer building, hereinafter referred to as the Transfer Station and a new Waste Processing Facility, with an area of 1,117 square metres (12,823 square feet) will be established on the west side of the Transfer Station. A conveyor system will be installed between the new Waste Processing Facility and the existing Transfer Station so any residue waste found can be easily transferred for disposal. Selected recyclable materials will be stored in outdoor bunk areas with covered storage for drywall and cardboard.

The Transfer Station operation will remain the same with waste being loaded into a compactor and then into specially designed highway transfer trailers to be delivered to either a landfill site in the Province of Ontario or the State of Michigan. The hours of operation and types of material to be received remain the same as detailed above in the section 4.11 "Current Operation."

4.2 VAUGHAN COUNCIL'S POSITION

On September 18, 2006, Vaughan Council adopted a report (*see Attachment 2*) which contained the following recommendation:

"The Commissioners of Engineering and Public Works, Planning and Legal and Administrative Services recommends:

1. That the Ministry of the Environment (MOE) be advised that the City objects to the request from Mammone Disposal Systems Ltd., to allow for an increase in the amount of waste processed at their 8940 Jane Street facility from 250 tonnes per day to 500 tonnes per day.
2. That the request be considered for designation under the Environmental Assessment Act and that the Ministry be requested to hold a public meeting with respect to the application, and require a hearing before the Environmental Review Tribunal.
3. That in the alternative, should the application for amendment be approved, that the following conditions be imposed.
 - a) That all waste operations on the site shall cease on December 31, 2009, and the Certificate of Approval shall no longer be in effect after that date.

- b) That any amendment to the Certificate of Approval not come into effect until Bass Pro Mills Drive has been constructed to Jane Street and is dedicated as Public Highway.
- c) That an Emergency Plan pertaining to waste transfer and processing operations be submitted to the City and annually thereafter.

4.3 REGIONAL COMMENTS

Regional staff are not in a position to comment on local site planning issues and the resolution from Vaughan Council clearly indicates that they do not support the Certificate of Approval amendment and would like the facility closed. Private waste transfer facilities are necessary infrastructure and need to continue to operate to service the waste management needs in York Region. Therefore Regional staff's interest and concerns are that all transfer stations are constructed and operated to meet all environmental regulations. This application by Mammone is consistent with the required regulations and, subject to the City of Vaughan's concerns being addressed, is supported. The Region is not an approving agency for this MOE application and therefore only requests the following standard conditions for the transfer station:

- Mammone Disposal Services Inc. submit to the Commissioner of Transportation and Works, at three-month intervals, sufficient records to document the quantities of materials received and processed by the facility; the municipalities of origin of these quantities; and the quantity of waste transferred to disposal facilities.
- The MOE undertake a detailed analysis of the cost for the clean up, transportation, disposal and supervision of all quantities of waste on the site any one time as a result of any occurrence requiring such action including, but not limited to, fire, spills, or any other emergency and ensure that it requires and maintains sufficient financial assurance for site clean up as per Section 131 of the Environmental Protection Act.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

The MOE issued a letter to the City of Vaughan, asking the City to provide comments with respect to the proposal. The Commissioner of Engineering and Public Works, Planning and Legal and Administrative Services prepared a report that was adopted by

City's Committee of the Whole on September 18, 2006. The City's recommendation is detailed in Section 4.2 of this report.

7. CONCLUSION

This report responds to the MOE's request for comments with respect to the request by Mammone Disposal System Ltd. for an amendment to its Certificate of Approval with respect to the company's waste processing operation. This facility, if managed properly serves a useful role by diverting recyclable materials from disposal facilities. Therefore, it is recommended that the Region not object to the amendment, subject to the Region's standard conditions as outlined in this report and subject to the concerns raised by Vaughan's Council being adequately addressed.

The Senior Management Group has reviewed this report.

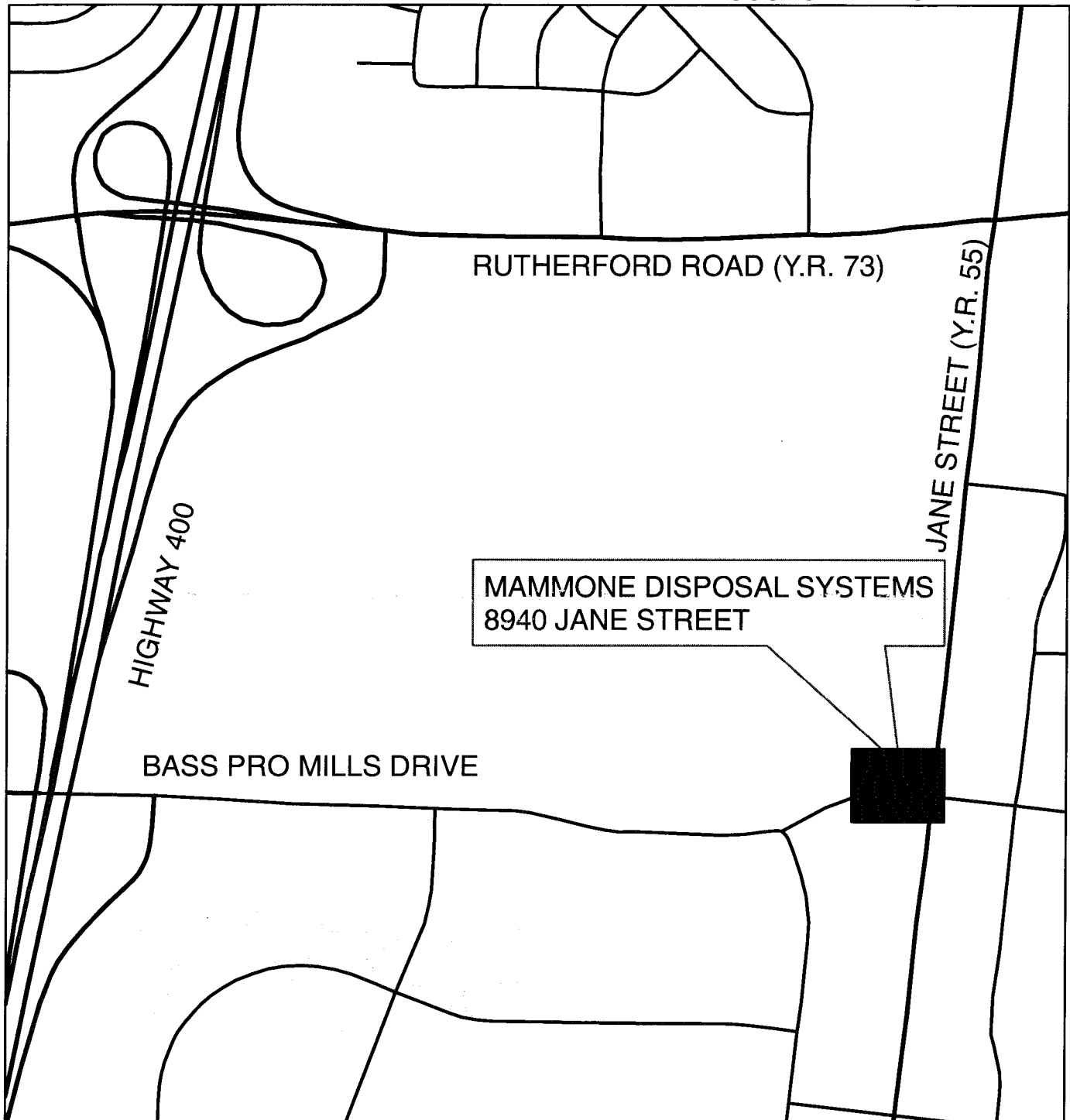
(The attachments referred to in this clause are attached to this report.)

Respectfully submitted,

**October 17, 2006
Newmarket, Ontario**

**B. Macgregor
Commissioner of
Transportation and Works**

(Report No. 4 of the Commissioner of Transportation and Works was adopted, as amended, by Regional Council at its meeting held on October 19, 2006.)

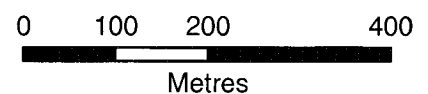
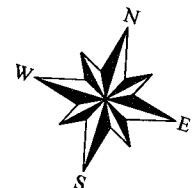


LOCATION PLAN

MAMMONE DISPOSAL SYSTEM LTD.
WASTE TRANSFER AND PROCESSING FACILITY
CITY OF VAUGHAN



WASTE MANAGEMENT BRANCH



CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 25, 2006

Item 77, Report No. 43, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on September 25, 2006, as follows:

By receiving the written submission of Mr. David A. Baffa, Ivanhoe Cambridge, 95 Wellington Street West, Suite 300, Toronto, M5J 2R2, dated September 22, 2006.

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**MAMMONE DISPOSAL SYSTEMS LTD.
APPLICATION FOR AMENDMENT
CERTIFICATE OF APPROVAL A230624**

The Committee of the Whole recommends:

- 1) That recommendation contained in the following report of the Commissioners of Engineering and Public Works, Planning and Legal and Administrative Services, dated September 18, 2006, be approved;
- 2) That the confidential memorandum from the Director of Legal Services, dated September 14, 2006, be received;
- 3) That the following deputations be received:
 - a) Ms. Catherine Dowling, Gartner Lee Limited, 300 Town Centre Boulevard, Suite 300, Markham, L3R 3Z8, on behalf of the applicant;
 - b) Ms. Mary Flynn-Guglietti, McMillan Binch Mendelsohn, 181 Bay Street, Suite 4400, Toronto, M5J 2T3, on behalf of the applicant;
 - c) Mr. Chris Barnett, Davis & Company LLP, 1 First Canadian Place, 100 King Street West, Suite 5600, Toronto, M5X 1K7, on behalf of Park Trail Estates Inc.;
 - d) Mr. Thor Eklund, Eklund & Associates Ltd., 35 Wynford Heights Crescent, Suite 2504, Don Mills, M3C 1L1, representing Vaughan Mills; and
 - e) Ms. Donna Taggart, President, Vaughan CARES; and
- 4) That the following written submissions be received:
 - a) Mr. Mario G. Racco, MPP, dated August 29, 2006; and
 - b) Mr. G. Vitullo, Century Grove Homes, 30 Moyal Court, Concord, L4K 4R8, dated September 16, 2006.

Recommendation

The Commissioners of Engineering and Public Works, Planning and Legal and Administrative Services recommend:

1. That the Ministry of the Environment (MOE) be advised that the City objects to the request from Mammone Disposal Systems Ltd., to allow for an increase in the amount of waste processed at their 8940 Jane Street facility from 250 tonnes per day to 500 tonnes per day;
2. That the request be considered for designation under the Environmental Assessment Act and that the Ministry be requested to hold a public meeting with respect to the application, and require a hearing before the Environmental Review Tribunal;
3. That in the alternative, should the application for amendment be approved, that the following conditions be imposed:
 - a) That all waste operations on the site shall cease on December 31, 2009, and the Certificate of Approval shall no longer be in effect after that date;

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- b) That any amendment to the Certificate of Approval not come into effect until Bass Pro Mills Drive has been constructed to Jane Street and is dedicated as Public Highway; and
 - c) That an Emergency Plan pertaining to waste transfer and processing operations be submitted to the City and annually thereafter; and
4. Copies of this report and Council's resolution be sent to: Ms. Veronica Pochmursky, Waste Evaluator at the Ministry of Environment, Environmental Assessment and Approvals Branch, Floor 12A, 2 St. Clair Ave. West, Toronto, Ontario, M4V 1L5

Purpose

The purpose of this report is to seek Council comment on the Application to amend Certificate of Approval A230624.

Economic Impact

There is no economic impact as a result of this report.

Background

Mammone Disposal Systems Limited has submitted a request to the Ministry of the Environment (MOE), to allow for an increase in the amount of waste processed at their 3.36 ha. facility located at 8940 Jane St., shown on Attachment 1. The request, if granted by the MOE, would allow for:

Daily Tonnage: An increase in the maximum daily tonnage from 250 tonnes to 500 tonnes per day. The maximum amount of waste to be removed daily from the transfer station for final disposal will be 299 tonnes.

Redevelopment: The site to be redeveloped to allow for the extension of Bass Pro Mills Drive to Jane Street.

Buildings: The existing Transfer Station will be expanded and upgraded (including the construction of a new waste processing facility) to improve efficiency and to enclose all waste processing operations indoors.

The intent of the request to amend its current Certificate of Approval (C of A) is to allow for improvements to overall operations and indoor management of waste and recyclable tonnage received from non-hazardous solid domestic (Ontario) Commercial Institutional and Industrial establishments.

Mammone Disposal Systems was issued a Certificate of Approval in 1995. Since that time the site has operated as a transfer facility, including the processing and separation of recyclable materials. The site is in a highly visible location with the operations easily seen from Jane Street and Bass Pro Mills Drive. The site is generally in an untidy condition, as can be seen in Attachment 3 with piles of dirt in various locations and cars and equipment parked haphazardly.

Official Plan

The subject lands are designated "General Commercial" by OPA #512, which has been incorporated into OPA #600, and identified as part of the Vaughan Centre Secondary Plan Area. The OPA permits a range of commercial uses intended to implement a land use regime that is compatible and complementary to the surrounding land uses. OPA # 512 has a number of provisions related to developing the subject lands in conjunction with the adjacent lands (Vaughan Mills Mall), including a new east-west collector road that will traverse the subject lands and meet Locke Street.

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Zoning

The subject lands are zoned EM2 General Employment Area Zone and EM1(H) Prestige Employment Area Zone with a Holding Symbol "H" provision (east of existing building and proposed additions by By-law 1-88, subject to Exception 9(881). The recycling facility and proposed additions are located within the EM2 Zone portion of the entire property. The new zoning by-law (Attachment # 3 to the OMB Decision) would rezone a majority of the lands (lying north of Bass Pro Mills Drive) C1(H) General Commercial with the addition of the Holding Symbol "H", which permits a range of commercial uses on the Mammone lands, consistent with the OPA #512.

On June 28th, 2004, Council approved Site Development Application DA.01.053 to permit the reconfiguration of the site operation related to the temporary waste recycling facility shown on Attachment 2. Two additions were proposed to the existing site, one being a temporary garage /office use of 549.98 sq. m on the east side of the building, and the second being a temporary 1,117.24 sq m addition to the west side of the building as an extension of the recycling building.

Minutes of Settlement

The Owner had obtained party status at the Ontario Municipal Board Hearing in 1999 with respect to the Vaughan Mills Mall and related commercial development. The Minutes of Settlement between the Owner and Vaughan dated June 7, 1999 provided that prior to the issuance of the final Board Order, the owner was to transfer land to the City that is necessary for the east-west road (Bass Pro Mills Drive), free of all encumbrances, buildings and structures, which requires the existing truck garage and greenhouses to be demolished. The north portion of the dwelling will also be required to be demolished, as it encroaches into the site triangle at the intersection with Jane Street. The Owner provided a Record of Site Condition but has not demolished the necessary structures or conveyed the land to the City.

In accordance with the Minutes of Settlement, the Owner and Vaughan must also enter into an agreement to be registered on title, requiring the cessation of all activities currently undertaken on the subject lands and the demolition of all building and structures no later than ten years from the date of the execution of the agreement. This was in recognition that the existing use was not compatible with the proposed Vaughan Mills Mall and surrounding uses. To-date the Owner has not executed an agreement, however in keeping with the intent of the Minutes of Settlement, executed in June, 1999, the use was to cease in 10 years. Accordingly, any amendment to the Certificate of Approval should include a condition that the use cease December 31, 2009, approximately 10 years after the Minutes of Settlement were executed.

Analysis

The integrated waste management site will accept solid non-hazardous waste materials from industrial, commercial and institutional sources, including cardboard, wood, paper, aluminum ferrous metals, copper, plastics and construction and demolition waste. According to their C of A application, no hazardous waste or institutional / commercial / industrial liquid waste will be accepted.

The City has identified several areas of concern with Mammone Disposal Systems Ltd.'s submission to the MOE, as it relates to the application to amend its Certificate of Approval (C of A) A230624.

Outside Storage:

The proposal is to double the amount of waste received at the site, but the proposed addition to the existing Transfer Station Building will not double the size of the building. It will increase the size of the building by approximately 70 %.

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Activities relating to the unloading/loading, processing, transfer and storage of waste materials can cause odour problems. Mammone has been storing significant amounts of waste outside. In addition, their C of A amendment identifies a maximum storage capacity of 810 tonnes, which includes both the tip floor and an outdoor storage area. It is anticipated any additional waste stored outdoors will cause a greater odour problem. It appears there is no odour remediation plan to address odour complaints.

Contingency Plan / Emergency Plan:

From a waste disposal perspective, Mammone has identified "approved Ontario and Michigan landfill sites". In the event that unprocessed waste, processed material and residual are not able to be shipped from the facility to designated locations, the City has serious concerns that material will be stockpiled outdoors on the site. No contingency plan which describes how these materials will be stored and disposed of has been submitted.

A fire occurred in the unloading/sorting area of the recycling building in September 2005. This was a significant event requiring Vaughan Fire and Rescue Services to be on site for approximately 18 hours; and there were smoke and odour issues to the surrounding area. A building permit was issued for the repair of the building, which was completed by the end of September 2005. Given this incident, an Emergency Plan should be provided to the City, and annually thereafter.

Final Disposal Quantities:

Mammone's current C of A states that of the 250 tonnes / day it is permitted to receive, 199 tonnes/day are destined for final disposal – meaning 80% of the waste it receives is to be disposed of at approved landfills. The remainder (20%) is apparently recycled.

The proposed amendment to the C of A requests 500 tonnes / day, of which 299 tonnes are destined for final disposal. This translates into 60% of waste being disposed of in approved landfills and 40% being diverted / recycled. Mammone has not provided any documentation to support how they will go from a 20% diversion rate to a 40% diversion rate. The City has serious concerns that the 40% diversion rate will not be met and will therefore increase the quantity destined for final disposal over the 300 tonnes/day threshold.

Waste transfer stations, which handle greater than 300 tonnes per day, may be considered for designation, under the Environmental Assessment Act. This application falls under the MOE's threshold (299 tonnes per day), and as such, no environmental assessment is typically required. However, the MOE may require the company to prepare an environmental assessment if adjacent landowners and/or other stakeholders such as the City of Vaughan or the Region of York have just cause. Accordingly, the site should be considered for designation under the Environmental Assessment Act.

Truck Traffic – Bass Pro Mills Dr.:

The drawings submitted with the application show Bass Pro Mills Drive as the point of ingress and egress for waste vehicles for both Waste Material Vehicles and Emergency Vehicles. Presently, the lands for the extension of Bass Pro Mills Drive have not been conveyed to the City and Bass Pro Mills Drive is not constructed to Jane Street. The only access is from Jane Street. The submission does not speak to the anticipated increase in truck traffic as a result of the proposed changes to the C of A. Any amendment for an increase should not come into effect until Bass Pro Mills Drive is constructed to Jane Street and dedicated.

Incompatibility with surrounding land uses:

The current planning regime for the subject lands envisages a commercial development on the majority of the subject lands and forming part of Vaughan Centre Secondary Plan Area. Provisions in the Official Plan and Zoning By-law require that the existing waste recycling facility cease its operation. This intention was further established in the Minutes of Settlement discussed

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above. The continued expansion and operation of the waste recycling facility would represent a significant investment in a temporary operation, which is intended to cease in 3 years. The long term operation of a waste recycling facility on the subject lands is inconsistent with the approved planning policies and standards for the subject lands and is considered incompatible with the existing and planned surrounding land uses, particularly those located on the west side of Jane Street.

It should be noted there has been significant public and private investment in the surrounding area. The abutting lands are a potential convention/conference centre and residential site. Given the extensive new commercial development and proposed development, the Mammone lands represent the last vestige of an industrial waste site which is completely inappropriate at its existing location.

Staff are presently aware of two letters sent to MOE advising of objections to any expansion sent to the Environmental Approvals and Assessment Branch, one from Ivanhoe Cambridge, the owners of Vaughan Mills Shopping Centre, and one from History Hill Corporation, owner of property directly to the north of the subject site. Given the significant interest of surrounding owners the Ministry should be requested to hold a public meeting and require a hearing before the Environmental Review Tribunal.

Conclusion

Staff have identified serious issues of concern regarding the application to amend Certificate of Approval A230624, and recommend that Council advise MOE that the City objects to the request for amendment.

Attachments

1. Location Map
2. Site Plan
3. Site Photos

Report prepared by:

Heather A. Wilson, Director of Legal Services
Brian Anthony, Director of Public Works
Marco Ramunno, Director of Development Planning

(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.)

Councillor Meffe declared an interest with respect to the foregoing matter as he is part-owner of a property in the vicinity, and did not take part in the discussion or vote on this matter.