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WASTE TRANSFER AND PROCESSING FACILITY – AMENDED APPROVAL WOLFBREATH PROPERTIES INC.

(Regional Council at its meeting on October 21, 2004 deferred this Clause to the November 3, 2004 Transportation and Works Committee meeting, and further:

That staff prepare a report identifying potential processes that may be available to secure letters of credit or other security from the applicant/owner and that Regional staff meet with City of Vaughan staff to further consider this matter.)

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council not request an environmental assessment and not object to the Ministry of the Environment amending Provisional Certificate of Approval No. A230632, issued to Wolfbreath Properties Inc., for the operation of a waste transfer and processing facility located at 10 Freshway Drive in the City of Vaughan, subject to the following conditions:
 - 1.1 Wolfbreath Properties 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 All discharges from this operation to the sanitary and storm sewer systems meet the requirements of the Regional Municipality of York's By-Law No. S-57-92-155 and any existing and/or future amendments to it.
2. The Regional Clerk forward copies of this report to Wolfbreath Properties Inc., the Clerk of the City of Vaughan, and the Ministry of the Environment.

2. PURPOSE

Wolfbreath Properties Inc. has made two respective applications to the Ministry of the Environment (MOE) with respect to the company's existing waste transfer and processing facility located at 10 Freshway Drive in the City of Vaughan. This report responds to the MOE's requests for comments with respect to the applications.

3. BACKGROUND

Wolfbreath Properties Inc. has made application to the MOE for an amendment to its Provisional Certificate of Approval No. A230632 with respect to the company's waste transfer and processing facility located at 10 Freshway Drive in the City of Vaughan. The company has also made a second related application to the MOE, which requests that the amendment not require an environmental assessment.

Regional Council has considered previous approval applications by the company with respect to this facility. The most recent one was addressed in Clause 4 of Report No. 4 of the Solid Waste Management Committee, which was adopted by Regional Council on June 27, 2002. At that time, the Region did not object to a change in the company's processing operation, subject to the Region's standard considerations.

4. ANALYSIS

4.1 Description of Location, Facility and Operations

The facility has been in operation for about 10 years. The former operator was Con-Wood Resources Management Inc. and the name on the Certificate of Approval was changed to Wolfbreath Properties Inc. in September, 2000. Although the Certificate is issued in the name of Wolfbreath Properties Inc., the facility is actually operated by an affiliated company known as Complete Disposal Services Ltd. (CDS).

Attachment 1 is a map showing the location of the facility. The site is approximately 2.8 hectares (7 acres) in size and is located in an industrial area. The main building, where most of the processing occurs, has an area of approximately 2,120 square metres (22,820 square feet).

The method of operation is quite simple in that the incoming solid waste is first unloaded onto the floor of the building. It is then sorted by hand labour and by a front-end loader to separate the different types of recyclable materials. Most of the recyclable materials are then loaded into bins for shipment to markets. Materials such as wood, scrap metal, concrete and inert fill are stored in piles outdoors to await shipment. Cardboard is baled. Residual waste requiring disposal is compacted and then is loaded into tractor-trailers for shipment to disposal facilities.

The existing Certificate of Approval allows the company to receive up to 250 tonnes per day of solid waste from industrial and commercial establishments, including construction and demolition sites, throughout the Greater Toronto Area. The maximum amount of waste stored in the on-site building may not exceed 300 tonnes at any time. The Certificate also states that the amount of residual waste requiring disposal shall not exceed 199 tonnes per day.

The facility received approximately 109,000 tonnes of material in 2003. Approximately 58 percent of this amount was residue which required disposal and 42 percent was recyclable materials such as wood, cardboard, metals, concrete and inert fill.

4.2 Environmental Protection Act

The company has made application to the MOE, under the *Environmental Protection Act*, for an amendment to its Certificate of Approval. 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	820 tonnes per day
Maximum Daily On-site Storage Excluding Wood	300 tonnes	750 tonnes
Maximum Daily On-site Storage of Wood Only	369 cubic metres	450 cubic metres
Maximum Quantity of Waste for Disposal	199 tonnes per day	650 tonnes per day

4.3 Environmental Assessment Act

As stated in the previous section, the proposed amendment would increase the maximum allowable rate of residual waste for disposal from 199 tonnes per day to 650 tonnes per day. As a result of the extent of this proposed increase, the MOE is considering whether the approvals process under the *Environmental Protection Act*, in addition to other required approvals, will be sufficient to address government agency and public concerns, if any, with respect to the proposal. If not, the MOE will consider requiring the company to prepare an environmental assessment for Minister and Cabinet's approval under the *Environmental Assessment Act*.

4.4 Vaughan Council's Position

On October 12, 2004, Vaughan Council considered a report from its Committee of the Whole and approved the following:

- “1. That with respect to the application made by CDS/Wolfbreath Properties Inc. for an amendment to their Certificate of Approval to allow for increased tonnage to be processed at their 10 Freshway Drive facility, that the Ministry of Environment be advised that:

The Council of the Corporation of the City of Vaughan is opposed to

amendment to the Certificate of Approval to allow for an increase in tonnage until such time as: adequate access to the site, being the 23 metres roadway is conveyed to the City and constructed at their cost and to the satisfaction of the City and all outstanding building permit and inspection matters are completed; and, the Litter Control plan is amended to include a daily patrol and collection of litter from the immediate area in front of the access on Freshway Drive. Notwithstanding the foregoing, should the MOE approve the applicant's request for increased tonnage, the City would like to receive copies of the following documents:

Annual tonnage reports

The Emergency Response Plan

The Contingency Plan for dealing with hazardous or liquid waste

2. *Copies of this report and the Council resolution be sent to: Ms. Heather Brown, Special Project Officer, Environmental Assessment and Approvals Branch, Ministry of the Environment, 2 St. Clair Avenue West, Floor 12A, Toronto, Ontario, M4V 1L5, as well as Mr. Ian Parrot, P.Eng., Director, Section 39, Environmental Protection Act, 2 St. Clair Avenue West, Floor 12A, Toronto, Ontario, M4V 1L5, as soon as possible; and*

By receiving the confidential memorandum from the Commissioner of Engineering and Public Works, the Director of Legal Services and the Director of Public Works, dated October 7, 2004."

4.5 Recommendations for a York Region Position

4.5.1 Environmental Protection Act

In commenting on approval applications, made under the *Environmental Protection Act*, for waste management facilities, Regional staff focus on the following key issues:

- The establishment or existence of a process to collect data to monitor diversion rates to assess the Region's progress toward diversion targets.
- The minimization of the risk of an accidental leak or spill.

Accordingly, standard conditions have been established to address these issues when commenting to the MOE and have been identified in the recommendations to this report.

This facility is serving a useful role by diverting recyclable materials from disposal facilities. Therefore, it is recommended that the Region not object to the amending of the Certificate of Approval, subject to the Region's standard conditions.

4.5.2 Environmental Assessment Act

It is the opinion of Regional staff that any potential environmental impacts from the proposed operation can be adequately addressed under the *Environmental Protection Act*.

Therefore, it is recommended that the Region take the position that an environmental assessment is not required for the proposed amendment.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

There are no local municipal implications associated with this report.

7. CONCLUSION

This report responds to the MOE's request for comments with respect to the applications by Wolfbreath Properties Inc. for an amendment to its Certificate of Approval with respect to the company's waste transfer and processing facility.

It is recommended that the Region not request an environmental assessment and not object to the amendment, subject to the Region's standard conditions as outlined in this report.

The Senior Management Group has reviewed this report.