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FOR INQUIRIES: PLEASE QUOTE ITEM & REPORT NO.

October 26, 2007

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

Dear Mr. Kelly:

RE: CERTIFICATE OF APPROVAL AMENDMENT – 10525 KEELE STREET

Attached for your information is **Item 7, Report No. 48**, of the Committee of the Whole (Closed Session) regarding the above-noted matter which was adopted, *as amended*, by the Council of the City of Vaughan at its meeting of October 22, 2007.

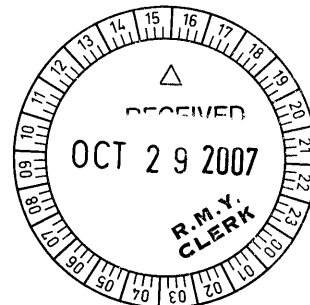
Please note that Vaughan Council adopted the following resolution with respect to this matter:

By approving that MOE be advised that the City of Vaughan strenuously objects to the changes requested to the Provisional Certificate of Approval issued to Waste Excellence Corporation, and requests that the MOE reject the proposed changes;

By approving the following:

The Commissioner of Engineering and Public Works, in consultation with the Commissioner of Legal and Administrative Services, recommends, notwithstanding Vaughan's opposition, that should the Ministry of Environment agree to the requested changes to the Provisional Certificate of Approval issued to Waste Excellence Corporation, the following conditions apply:

- 1. Waste Excellence Corporation be required to continue having third party inspections throughout the life of the Certificate of Approval, and that these inspection reports continue to be posted on the web site for public review, and be sent to the members of the Public Liaison Committee;*
- 2. Waste Excellence Corporation submit to the Commissioner of Transportation and Works for the Regional Municipality of York, 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;*



3. *Waste Excellence Corporation provide details to the City of Vaughan as to how they intend to mitigate the impact of any increased noise levels on nearby residential areas as a result of the increased shipment of waste by truck and/or rail;*
4. *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; and,*
5. *That the Clerk send a copy of this report and the Council extract to Mr Timothy Edwards, P. Eng, Senior Review Engineer – Waste Unit, Ministry of Environment, 2 St. Clair Avenue West, Toronto, Ontario M4V 1L5, Minister of the Ministry of the Environment; and*

By approving the following:

1. *That the processing of concrete materials not be permitted at this location, being an inherently noxious use in such close proximity to a residential zone;*
2. *That all financial obligations to the City of Vaughan be fulfilled;*
3. *That the Region of York be requested to support the City of Vaughan's position; and*
4. *That this be communicated to the Minister of the Environment, Local MPP for Vaughan, Local MPP for Thornhill, and the Region of York; and*

By receiving the memorandum from the Commissioner of Legal and Administrative Services, dated October 19, 2007; and

By receiving the written submission from Ms. Donna Teggart and Ms. Sue Perella, Co-Presidents, Vaughan C.A.R.E.S, dated October 14, 2007.

Sincerely,



J. D. Leach
City Clerk

Attachment:
Extract

JDL/pa

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 22, 2007

Item 7, Report No. 48, of the Committee of the Whole (Closed Session), which was adopted, as amended, by the Council of the City of Vaughan on October 22, 2007, as follows:

By approving that MOE be advised that the City of Vaughan strenuously objects to the changes requested to the Provisional Certificate of Approval issued to Waste Excellence Corporation, and requests that the MOE reject the proposed changes;

By approving the following:

The Commissioner of Engineering and Public Works, in consultation with the Commissioner of Legal and Administrative Services, recommends, notwithstanding Vaughan's opposition, that should the Ministry of Environment agree to the requested changes to the Provisional Certificate of Approval issued to Waste Excellence Corporation, the following conditions apply:

- 1. Waste Excellence Corporation be required to continue having third party inspections throughout the life of the Certificate of Approval, and that these inspection reports continue to be posted on the web site for public review, and be sent to the members of the Public Liaison Committee;***
- 2. Waste Excellence Corporation submit to the Commissioner of Transportation and Works for the Regional Municipality of York, 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;***
- 3. Waste Excellence Corporation provide details to the City of Vaughan as to how they intend to mitigate the impact of any increased noise levels on nearby residential areas as a result of the increased shipment of waste by truck and/or rail;***
- 4. 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; and,***
- 5. That the Clerk send a copy of this report and the Council extract to Mr Timothy Edwards, P. Eng, Senior Review Engineer – Waste Unit, Ministry of Environment, 2 St. Clair Avenue West, Toronto, Ontario M4V 1L5, Minister of the Ministry of the Environment; and***

By approving the following:

- 1. That the processing of concrete materials not be permitted at this location, being an inherently noxious use in such close proximity to a residential zone;***
- 2. That all financial obligations to the City of Vaughan be fulfilled;***
- 3. That the Region of York be requested to support the City of Vaughan's position; and***
- 4. That this be communicated to the Minister of the Environment, Local MPP for Vaughan, Local MPP for Thornhill, and the Region of York; and***

By receiving the memorandum from the Commissioner of Legal and Administrative Services, dated October 19, 2007; and

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By receiving the written submission from Ms. Donna Teggart and Ms. Sue Perella, Co-Presidents, Vaughan C.A.R.E.S, dated October 14, 2007.

7 CERTIFICATE OF APPROVAL AMENDMENT – 10525 KEELE STREET
(Referred from the Committee of the Whole Meeting of October 15, 2007)

The Committee of the Whole (Closed Session) recommends:

- 1) That staff report to Council respecting payments received to date and on Waste Excellence Corporation's obligations;**
- 2) That the report of The Commissioner of Engineering and Public Works, dated October 15, 2007, be received; and**
- 3) That the additional information correspondence from Lisa Iabriola, dated October 14, 2007, be received.**

Recommendation

The Commissioner of Engineering and Public Works, in consultation with the Commissioner of Legal and Administrative Services, recommends, that should the Ministry of Environment agree to the requested changes to the Provisional Certificate of Approval issued to Waste Excellence Corporation, the following conditions apply:

6. Waste Excellence Corporation be required to continue having third party inspections throughout the life of the Certificate of Approval, and that these inspection reports continue to be posted on the web site for public review, and be sent to the members of the Public Liaison Committee;
7. Waste Excellence Corporation submit to the Commissioner of Transportation and Works for the Regional Municipality of York, 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;
8. Waste Excellence Corporation provide details to the City of Vaughan as to how they intend to mitigate the impact of any increased noise levels on nearby residential areas as a result of the increased shipment of waste by truck and/or rail;
9. 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; and,
10. That the Clerk send a copy of this report and the Council extract to Mr Timothy Edwards, P. Eng, Senior Review Engineer – Waste Unit, Ministry of Environment, 2 St. Clair Avenue West, Toronto, Ontario M4V 1L5.

Economic Impact

N/A

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Communications Plan

The proponent has indicated in the submission, that they have established a Public Liaison Committee (PLC), as per Condition 61 of the Certificate of Approval (C of A). The proponent indicated that this PLC held their initial meeting on January 17, 2007. Condition 61 requires that the following be invited to attend:

- the president of each of the six public interest or neighbourhood associations selected for this purpose by the City of Vaughan, of which at least five shall be registered ratepayers' associations;
- 2 representatives from the Regional Municipality of York; and,
- 2 representatives from the City of Vaughan.

The following ratepayer groups were represented at the initial PLC meeting:

Maplewoods Ravines Ratepayers Association
Maplewoods Village Ratepayers Association
Maple Village Ratepayers Association
Maple Landing Ratepayers Association
Vaughan C.A.R.E.S.

In addition to the above, Ministry of the Environment (MOE), staff, and representatives from WEC's consulting engineering company, also attend the meetings.

Waste Excellence Corporation also posts all of the required third party inspections on their web site. This current request to amend the C of A is also currently posted there for the public to view.

Purpose

To inform Council of the proposed amendments to Provisional Certificate of Approval A230634, as requested by Waste Excellence Corporation, and to respond to the Ministry of Environment's request for comments, as per their letter dated September 18, 2007.

Background - Analysis and Options

On March 27, 2006, the MOE withdrew the suspension of the Provisional Certificate of Approval No. A230634, and reinstated the certificate to Waste Excellence Corporation (WEC). The reinstated C of A, contains 61 conditions on the site and its operations, including the tonnage received/shipped.

On August 31, 2007, through a letter from their consulting engineers to the MOE, Waste Excellence Corporation has requested that the existing certificate be amended as follows:

- Condition 2.I, be modified to allow concrete be added to the list of *Processed Materials*. Currently, *Processed Materials* is currently defined as: wood, wood chips, metals, cardboard, paper, glass and plastics which have been separated, shredded or otherwise processed and are destined for re-use or recycling.
- Condition 29 be modified to allow for the acceptance of 500 tonnes per day, and an additional 500 tonnes of non-hazardous soil per day at the site. Currently Condition 29 states that "No more than five hundred (500) tones of Incoming Waste Material per day shall be accepted at the Site." This request will in effect double the allowable daily tonnage.

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- Condition 30.b. be modified to increase the daily residual waste from 200 tonnes to 700 tonnes. Condition 30.b. currently states, "Notwithstanding Condition 30.a., no more than two hundred (200) tonnes of Residual Waste shall be present at the Site at any time." Residual Waste is the material that remains after processing has taken place, and is destined for final disposal at another approved waste disposal facility. This request will result in a 3.5 times increase in the current allowable amount.
- Condition 30 be modified to include the additional 500 tonnes of non-hazardous soil be present at the site at any time. Currently, Condition 30 allows for a total of 1,500 tonnes of material, including Incoming Waste Material, Residual Waste material, and Processed Materials to be present at the site at any time. Should this amount be exceeded, the site currently must stop receiving any more material.
- Modify Condition 31.a. to allow for an increased daily residual waste shipment limit from 200 to 500 tonnes of waste per day, and state that no more than 500 tonnes of non-hazardous soil be shipped per day. This request ties into the requested increase in tonnage to be accepted at the site on a daily basis.
- Modify Condition 31.b. to allow for an increase in daily residual waste generated from 200 to 500 tonnes. As additional waste is accepted, additional residual waste would be generated, and the current limits would not be sufficient.
- Modify Condition 31.c. to state, "The Owner shall make all reasonable efforts to ship processed and recycled materials from the Site by rail." The percentage of rail shipments from the site would be documented, as required by the MOE. Currently, Condition 31.c. states that "The Owner shall make all reasonable efforts so that on an annual basis: i. At least seventy percent (70%) of Processed Material leaves the Site by rail; and ii. Not more than thirty percent (30%), of Processed Material leaves the Site by truck. The request, if approved, would have the potential to increase truck traffic on Keele Street as it appears to be less restrictive than the current requirements set in place by the MOE.
- Modify Condition 46.b. to allow for the third party inspections to be submitted to the District Manager within one week of the Site inspection data. Currently, they are required to submit the inspection reports to the District Manager and the members of the Public Liaison Committee within three business days. Based on the wording of the request, it appears that the reports would no longer be sent to the PLC members.

The above requested modifications are being made in advance of a proposed Ontario Regulation for Environmental Assessment Requirements for Waste Management Projects, and are based on the draft legislation being passed with little or no changes. Should the Regulation not be adopted, or is modified substantially, WEC has indicated that they may wish to rescind this application and submit a new Amendment Application.

The Waste Management Projects Regulation has been made under the Environmental Assessment Act and filed with the Registrar of Regulations. The regulation was filed as Ontario Regulation 101/07. Regulation 101/07 would impact waste disposal and transfer sites as noted in Part 17 as such:

Change to site that transfers waste, increase in amount of waste

17. A change to a waste disposal site described in paragraph 4 of subsection 11 (1) is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if, on an annual basis, the average amount of waste transferred from the site per day after the change would exceed by more than 1,000 tonnes the average amount of waste that was authorized to be transferred from the site under the Environmental Protection Act before the change.

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Based on the drawings provided in the submission, and calculations made by their consulting engineers, there appears to be ample room on-site to handle the additional tonnage requested. It is not expected that this additional tonnage would make the waste materials more visible to nearby residents. The increased tonnage will result in additional truck traffic on Keele Street, and has the potential to increase noise levels in nearby residential areas. Similarly, the use of the adjacent rail line to transfer additional waste could result in increased noise levels to nearby residential areas.

In reviewing the posted third party inspections, in January of 2007, WEC exceeded the allowable tonnage of material to be shipped from the site on two occasions by 300 and 600 kilograms. In June and July of 2007, there were discrepancies between the inbound and outbound tonnage. These discrepancies ranged from 900 to 1200 tonnes.

Relationship to Vaughan Vision 2007

Properly operated waste management transfer and processing facilities provide a useful service to residents and businesses throughout the City of Vaughan.

As there has been some history with the operation of this site, it is important that the MOE take into consideration the City's recommendations.

The relationship between the City and its comments on this proposal links to Vaughan Vision A-2 "Enhance and Ensure Community Safety, Health & Wellness."

Regional Implications

Other than the potential for increased truck traffic on Keele Street as a result of the requested increase in daily tonnage entering the site, there does not appear to be any direct Regional implications. Region staff indicated that "the Region is not an approving agency for this MOE application and therefore only requests the following standard conditions for the transfer station be included:

- Waste Excellence Corporation 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.

Conclusion

Waste Excellence Corporation received the current Certificate of Approval on March 27, 2006. Since that time, they have operated the 10525 Keele Street site without any apparent operational problems.

City staff have been invited to attend the PLC meetings, and such attendance at the PLC will help to ensure that continued operation of the site is in accordance with the conditions set out by the MOE.

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The requested amendments would allow for an increase in tonnage delivered to the facility, and therefore increased truck traffic would result on Keele Street. This, along with the use of the adjacent rail line, has the potential for increased noise levels in nearby residential areas. However, based on the drawings and calculations provided by WEC's consulting engineers, the increased tonnage can be accommodated on the site.

Attachments

N/A

Report prepared by:

Brian T. Anthony, CRS-S, C. Tech

Please also refer to Item 11, Report No. 47, Committee of the Whole.