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

The Transportation and Works Committee recommends:

- 1. The communication dated October 29, 2004 from George (Leslie) Kemeny, Chief Financial Officer, Complete Disposal Services Ltd./Wolfbreath Properties Inc. requesting deputation status be received; and**
- 2. The deputation by Mr. Richard Mosher, P. Eng., Partner, Conestoga Rovers and Associates, on behalf of Complete Disposal Services Ltd./Wolfbreath Properties Inc. be received; and**
- 3. The recommendations contained in the following report, October 28, 2004, from the Commissioner of Transportation and Works be adopted, subject to replacing Recommendation 2 and adding Recommendation 4:**

Replace #2 with the following:

- “2. The Ministry of the Environment undertake a detailed analysis of the cost for the analysis, transportation, site clean up, supervision and disposal of all quantities of waste on the site at 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.**

Add #4 as follows:

- 4. The Region of York supports the position of the City of Vaughan with respect to the additional tonnage requested.”**

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 Ministry of the Environment ensure that it requires and maintains sufficient financial assurance for site clean-up as per Section 131 of the Environmental Protection Act.
3. 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.

A previous version of this report was considered by Regional Council at its meeting held on October 21, 2004. The report was deferred back to Regional staff for the provision of additional information. Section 4.5 of this report contains the requested additional information.

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 Consultation with Vaughan Staff

On October 27, 2004, Regional staff met with City of Vaughan staff to further discuss this matter as directed by Regional Council at its meeting of October 21, 2004. Vaughan staff reviewed the required items from the October 12, 2004 report approved by Vaughan Council, which are summarized as follows:

- The company is to widen the existing access road and possibly convey it to the City.
- The company is to complete all outstanding building permit and inspection matters.
- The company is to amend its litter control plan.
- The company is to provide copies of its annual tonnage reports.
- The company is to provide Emergency Response and Contingency Plans to adequately deal with potential hazardous or liquid waste and fire.

It is the opinion of Regional staff that all of the above City of Vaughan requirements are appropriate.

In addition to the above items, there was also discussion about the need for the company to provide financial assurance that would be available to clean up the site in the event of any unforeseen problems. The existing Certificate of Approval dated January 2, 2003 which was issued by the MOE to the company contains the following condition:

- “26. (a) *Prior to the receipt of any waste, the Company shall submit to the Director, Financial Assurance as defined in Section 131 of the Act, in the amount of thirty-two thousand, five hundred dollars (\$32,500.00 CDN). This Financial Assurance shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring, supervision and disposal of all quantities of waste on the Site at any one time;*
- (b) *By March 31 of each year, the Company shall provide, to the Director, a written re-evaluation of the amount of the Financial Assurance to facilitate the actions required under Condition 26 (a). The Financial Assurance must be submitted to the Director within ten (10) days of*

written acceptance of the re-evaluation by the Director; and

- (c) *No waste shall be deposited, handled, stored, transferred, treated or processed at the Site, unless the Ministry is in possession of the appropriate amount of Financial Assurance as outlined in Conditions 26 (a) and (b)."*

The above is a typical condition for financial assurance that the MOE imposes on almost all of the Certificates of Approval it issues to private companies. At Regional Council on October 21, 2004, there was discussion on whether the Region should also seek financial assurance. This is not an option as the Region is not the approval agency for an MOE permit.

4.6 Recommendations for a York Region Position

4.6.1 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.

4.6.2 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 also provides the additional information that was requested by Regional Council when it considered an earlier version of this report at its meeting held on October 21, 2004.

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.

(The attachment referred to in this clause is attached to this report.)