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ENVIRONMENTAL ASSESSMENT ACT NON-DESIGNATION REQUEST MILLER WASTE SYSTEMS

The Solid Waste Management Committee recommends the adoption of the recommendations contained in the following report, February 2, 2005, from the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council request the Ministry of the Environment that the proposal of Miller Waste Systems to replace its existing solid waste transfer station in the Town of Markham with a new larger transfer station not be subject to the *Environmental Assessment Act* and not require an environmental assessment.
2. The Regional Clerk forward copies of this report to Miller Waste Systems, the Clerk of the Town of Markham and the Ministry of the Environment.

2. PURPOSE

Miller Waste Systems (Miller) has made two respective applications to the Ministry of the Environment (MOE) with respect to the company's proposal to replace its existing solid waste transfer station in the Town of Markham with a new larger transfer station. This report responds to the MOE's request for comments with respect to one of those applications.

3. BACKGROUND

Miller has made application to the MOE for an amendment to its Provisional Certificate of Approval No. A230303 with respect to the company's solid waste transfer station which is located at 505 Miller Avenue in the Town of Markham. 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 previously considered the long-term use of this facility through the adoption of Clause 1 of Report No. 11 of the Commissioner of Transportation and Works on October 16, 2003. The recommendations of that report are as follows:

- "1. The Regional Chair and Clerk be authorized to execute an agreement with Miller Waste Systems to supply transfer station services for recyclable material, waste and source separated organics at 505 Miller Avenue, Markham for a period of 15 years on the terms, conditions and prices detailed in this report.*

2. *Regional Council request the Town of Markham and the Ministry of the Environment to expeditiously process all related approval requests from Miller Waste Systems for the construction and operation of the required transfer station.”*

The agreement referred to in the above recommendation No. 1 has been executed by Miller and the Region. The above recommendation No. 2 pertains to the subject of this report. In the meantime, the Region has a separate agreement with the company for the use of the existing transfer station.

4. ANALYSIS

4.1 Description of Location, Facility and Operations

Attachment 1 is a map showing the general location of the facility. The site is approximately 4.38 hectares (10.8 acres) in size and is located in an industrial area.

Miller Paving Limited, the parent company of Miller Waste Systems, owns the site as well as adjoining property. It uses the adjoining property for other endeavours, which include an asphalt batching plant; an outdoor facility to crush, store and recycle used concrete and asphalt; offices for their construction contracting business; and repair garages and parking areas for their construction equipment and York Region Transit buses.

The existing transfer station has been in operation since the 1970's and is technologically outdated. Therefore, Miller is proposing to replace it with one that uses modern and more efficient technology, and that has a more aesthetic appearance.

The proposed facility would be designed so that all solid waste and organic material is handled indoors. There would be minor quantities of inert recyclable materials such as scrap metal, scrap metal appliances, tires and clean wood stored in outdoor bunkers.

4.2 Environmental Protection Act

The company has made application to the MOE under the *Environmental Protection Act*, for an amendment to its existing Certificate of Approval. The proposed amendment would allow the facility to accept increased quantities of waste and recyclable materials.

The MOE has not yet requested the Region or any other party to provide comments with respect to Miller's application under the *Environmental Protection Act*. It is understood that the MOE wants to first make a decision with respect to the applicability of *Environmental Assessment Act* as outlined below.

4.3 Environmental Assessment Act

The existing transfer station currently handles up to 2,000 tonnes per day of solid waste and about 50 tonnes per week of source separated organics. This material originates from the following sources:

- The residential collections of the local municipalities, as per the Region's agreement with Miller.
- Miller's waste collections from its own industrial, commercial and institutional accounts.
- Miller's other customers, such as private waste management companies.

The proposed amendment would allow the facility to receive up to 2,600 tonnes per day of waste and recyclable materials, having an approximate breakdown as follows:

- 1,800 tonnes of solid waste.
- 350 tonnes of source separated organics.
- 450 tonnes of recyclable materials.

In addition, the proposed amendment would allow:

- A maximum of 2,160 tonnes per day of residual waste to be transferred to disposal facilities.
- A maximum of 4,400 tonnes of waste and recyclable materials to be stored at the facility at any one time.

As a result of the 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 proponent to prepare an environmental assessment for Minister and Cabinet's approval under the *Environmental Assessment Act*.

4.4 Recommendations for a York Region Position

It is the opinion of Regional staff that any potential environmental impacts from the proposed facility can be adequately addressed under the *Environmental Protection Act*. Therefore, it is recommended that the Region request that the company's proposal not be subject to the *Environmental Assessment Act* and not require an environmental assessment.

If the MOE's decision is to proceed without an environmental assessment, then it would formally ask the Region and other pertinent stakeholders to provide comments at that time under the *Environmental Protection Act*. Should this be the case, then Regional staff will prepare a report for the consideration of Committee and Regional Council that would contain recommendations with respect to the Region's comments.

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.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

The MOE issued a letter to the Town of Markham, which was identical to the Region's, asking the Town to provide comments with respect to the proposal. Regional staff have been advised that Town staff are still reviewing the matter.

7. CONCLUSION

This report responds to the MOE's request for comments with respect to Miller's request for an environmental assessment exemption.

The proposed facility would increase the efficiency of the Region's waste management system. The recommendations of this report, if adopted, would increase the likelihood that the proposed facility would be constructed in a timely manner.

The Senior Management Group has reviewed this report.

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