

3

WASTE PROCESSING AND TRANSFER FACILITY - AMENDED APPROVAL APEX ENVIRONMENTAL SERVICES INC.

The Solid Waste Management Committee recommends the adoption of the recommendations contained in the following report, May 25, 2006, from the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that, subject to the satisfactory resolution of concerns raised by the Town of Newmarket:

1. Regional Council not object to the Ministry of the Environment (MOE) amending Provisional Certificate of Approval No. A230406, issued to Apex Environmental Services Inc. (Apex), for the operation of a waste processing and transfer facility located at 1228 Gorham Street, Unit 27 in the Town of Newmarket, subject to the following conditions:
 - 1.1 Apex 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 Apex ensure that 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-0064-2005-009 and any existing and/or future amendments to it.
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 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*.
3. The Regional Clerk forward copies of this report to Apex, the Clerk of the Town of Newmarket, and the MOE.

2. PURPOSE

This report responds to a request from the Ministry of the Environment (MOE) for comments with respect to an application to amend an existing Certificate of Approval for

a waste processing and transfer facility at 1228 Gorham Street, Unit 27 in the Town of Newmarket.

3. BACKGROUND

Apex Environmental Services Inc. has applied to the MOE for an amendment to its Provisional Certificate of Approval No. A230406 with respect to the company's waste processing and transfer facility at 1228 Gorham Street, Unit 27 in the Town of Newmarket.

The MOE routinely advises municipalities of this sort of application and seeks comments prior to issuing approvals.

Regional Council provided comments regarding the application for the original Certificate of Approval, through its adoption of Clause 12 of Report No. 8 of the Regional Engineering Committee on May 2, 1991. At that time, the Region did not object to the issuance of the Certificate of Approval, subject to the Region's standard conditions.

4. ANALYSIS

4.1 Description of Location, Facility and Operations

Attachment 1 is a map showing the location of the facility. The company owns a unit within an industrial/commercial strip mall complex. The area of the unit is approximately 1,350 square feet. All of the operations are carried out indoors.

The company's primary business, as governed by the existing Certificate of Approval, involves receiving spent chemical solutions from small photofinishing and graphic arts businesses located throughout southern Ontario. All wastes are delivered to the facility in the company's own truck.

The liquid wastes arrive in 23-litre (5-gallon) containers, which are bulked into holding tanks. An electrolytic process is then used to recover the saleable silver portion of the bulked liquid. The remaining effluent is loaded into a bulk tanker truck and transported to a hazardous waste treatment facility.

4.2 Proposed Amendment

The company has applied for an amendment that would allow it to receive additional quantities and types of hazardous materials from small quantity generators, which can be summarized into three categories.

The first category would be wastes generated by dental offices. These include liquid wastes from the development of x-ray photos; and solid wastes such as amalgams, lead foil from x-ray procedures, and sharps (i.e. needles and syringes).

The second category would be non-profit organizations that accept reusable goods from the public. These establishments inadvertently receive small quantities of hazardous materials such as paints, oils and pesticides when the public drop off their donated goods after normal business hours.

The third category would be other miscellaneous types of small businesses such as garages, metal fabrication shops and cabinet makers. They would typically generate hazardous waste, such as motor oils, solvents and paints.

Table 1 summarizes the quantity limitations covered by the existing Certificate of Approval and by the proposed amendment.

Table 1
Summary of Existing Approval and Proposed Amendment

Item	Current Approval	Proposed Amendment
Maximum Received Quantity of Waste	11,400 litres per day	42,000 litres per day
Maximum Storage Capacity	11,400 litres	22,000 litres

4.3 Town of Newmarket's Position

On May 8, 2006, the Council of the Town of Newmarket adopted the following recommendations from its Joint Community Services (Public Works and Environmental Services) and Legal and Development Services (Planning) Report 2006-25, dated April 26, 2006 regarding Apex Environmental Services Inc.:

- “1. THAT the MOE Application attached as Appendix “A” submitted by Apex Environmental Services Inc. to amend their current MOE Certificate of Approval (CofA) and expand their processing/transfer facility of liquid and industrial hazardous waste be received;
2. AND THAT Apex Environmental Services Inc. and/or their consultant TAF Industrial Consulting be requested to provide the Town with the detailed information as noted in Appendix “B” in support of their application;
3. AND THAT the Ministry of the Environment (MOE) be advised that the Town requires further information regarding the application and be requested

to defer consideration until such time as the Town can review the information and submit comments.

4. AND THAT the Ministry of the Environment (MOE) and the Region of York be advised of the Town's requirements with respect to this application."

Regional staff have discussed this matter with Town staff. It is understood that the Town has some technical concerns regarding the company's proposal. Furthermore, as indicated by the above recommendations, the Town has requested the company to provide additional information which is required for the Town to complete its review.

4.4 Recommendations for a York Region Position

The Region has developed standard conditions, which can be applied when commenting on approval applications, made under the *Environmental Protection Act* for waste management facilities. These were established through Regional Council's adoption of Clause 3 of Report No. 3 of the Solid Waste Management Committee on April 21, 2005 and they 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.
- Financial assurance that can be used by the MOE to clean up problem sites.

The standard conditions are set out in the recommendations to this report.

Regional staff recognize the Town of Newmarket's position with respect to this matter, as explained in the previous section. However, the Region does not have any legislated responsibility with respect to the issues that are of concern to the Town.

This facility, if managed properly, would serve a useful role by providing a local service for establishments in the Region that generate small quantities of hazardous wastes. Therefore, it is recommended that, subject to the satisfactory resolution of concerns raised by the Town of Newmarket, the Region not object to the MOE amending the Certificate of Approval, subject to the Region's conditions as outlined above.

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 application by Apex Environmental Services Inc. to amend its existing Certificate of Approval to operate a waste processing and transfer facility.

It is recommended that, subject to the satisfactory resolution of concerns raised by the Town of Newmarket, the Region not object to the MOE amending the Certificate, subject to the Region's conditions as set out in the recommendations of this report.

The Senior Management Group has reviewed this report.

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