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MILLER WASTE SYSTEM COMPOSTING FACILITY - AUTHORIZATION BY A PUBLIC AUTHORITY

The Solid Waste Management Committee recommends the adoption of the recommendations contained in the following report, September 5, 2007, from the Director, Solid Waste and Administration:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council reaffirm its authorization of the operation of the Miller Waste System composting facility, located at 1351 Bloomington Road in Richmond Hill, consistent with the provisions of Town of Richmond Hill By-law 128-04.
2. The Regional Clerk circulate this report to the Clerk of the Town of Richmond Hill.

2. PURPOSE

The purpose of this report is to reaffirm, at the request of the Town of Richmond Hill, that the Miller Waste System (Miller) composting facility located at 1351 Bloomington Road in the Town is authorized by the Region to operate, consistent with the Public Authority provisions of Richmond Hill By-law 128-04. Further, this report clarifies that:

- Miller is currently in a 10-year contract with the Region to provide leaf and yard waste services up to a total of 22,000 tonnes annually.
- The Region is a customer of Miller at its Richmond Hill facility, and has no ownership nor direct control of the facility.
- Facility operations, including the control of nuisances such as odour, is regulated by the Provincial Ministry of the Environment as stipulated in the facility's Provincially-issued Certificate of Approval.

3. BACKGROUND

3.1 Initial Authorization of Facility by York Region

Regional Council in October, 1990 (through adoption of Clause 1 of Report No.3 of the Commissioner of Engineering, see *Attachment 1*) provided its authorization to Miller to establish and operate an organic yard waste composting facility at its current location in Richmond Hill. Council's authorization was conditional upon:

- The facility receiving yard waste generated from within York Region only.
- Miller reporting on the quantities and types of yard waste received and municipality of origin at three month intervals.

- The facility obtaining a Certificate of Approval from the Provincial Ministry of the Environment.

This action was taken with the intent to authorize the facility as a public undertaking in accordance with, what was at the time, Town of Richmond Hill By-law 189-78.

3.2 Changes to Scope of Operations

Between 1990 and 1995 Miller processed yard waste under the terms and conditions set out in the original contract with the Region. In 1995, a new contract was negotiated through which several conditions in the original agreement were changed. The original restriction preventing acceptance of waste from sources other than local municipalities was changed in the 1995 contract to permit acceptance of yard waste from local businesses and municipalities outside the Region. The requirement to provide quarterly reporting was also superseded by direction to maintain records based on weigh scale data accessible to the Region.

Further changes to the scope of the facility's operations were also made through an amendment to its Certificate of Approval in 2000. Approval, from the Ministry of the Environment, to receive materials from throughout Ontario and to receive a broader range of materials was obtained at that time. The Region, Town and residents within 500 metres of the facility were notified of these proposed changes and, their comments were taken into consideration by the Ministry as part of the approval process.

3.3 Ongoing Use of Facility As A Public Undertaking

York Region continued to send municipally generated leaf and yard waste to Miller's composting facility between 1990 and 2004. In April 2004, the Region contracted with Halton Recycling Ltd., Newmarket to manage its yard waste. In the fall of 2005, however, shipments of yard waste to Miller's facility resumed due to the temporary shut down of Halton's Recycling facility. Between the spring of 2004 and the fall of 2005, Miller's facility continued to serve as a public undertaking by receiving yard waste dropped off by local businesses and residents, local municipal parks and recreations operations and other public authorities including the City of Toronto. The Region's yard waste contract with Miller was extended for a 10-year term in December of 2006.

3.4 Maintaining Conformity with Town Zoning By-Law

The Town of Richmond Hill prepared an Official Plan Amendment (OPA 218) and Zoning By-law (128-04) in 2004 to comply with the *2001 Oak Ridges Moraine Conservation Act* and *2002 Oak Ridges Moraine Conservation Plan*. Under this Provincial legislation, the Miller composting facility is permitted to continue because it was lawfully operating under the Town's Zoning By-law (189-78) on or prior to November 15, 2001. The Town's conformity OPA was approved by the Minister in March 2006 and approval also from the Minister of the related zoning by-law is pending.

3.4.1. Region Requested to Reaffirm Authorization

Modifications to the Town's Oak Ridges Moraine conformity By-Law (128-04) were adopted by Richmond Hill Council in July, 2007. The modifications included special provisions to acknowledge and to enable the continued operation of the Miller facility. In doing so, the Town formally requested the Region to reaffirm its authorization, as a public authority, for the facility to continue operation consistent with the Public Authority provisions of the zoning by-law.

4. ANALYSIS

Regional staff supports the Town's request to reaffirm its operation as one that is authorized by a public authority, consistent with Zoning By-laws 189-78 and 128-04 and the facility's Certificate of Approval issued by the Ministry of Approval under the Ontario Environmental Protection Act. This position and approach is consistent with that taken by the Region and the Town when the composting facility was first contracted by the Region in 1990.

4.1 Benefits of the Miller Composting Facility

Between the start up of the facility in 1990 and the present, the Miller composting facility has diverted over 400,000 tonnes of material from landfill and produced value added soil amendments and other products used regularly by local residents and municipal operations. In recent years, the facility has handled yard waste drop-offs from over 20,000 local residents annually. In 2006, the Region diverted over 28,000 tonnes of leaf and yard waste, equivalent to 9% of its diversion efforts. Without access to this facility, the Region currently has no means of marshalling local municipal yard waste collection vehicles and processing this material. Reaffirming Council's original authorization of this facility as a public undertaking ensures the continued existence of this piece of local waste management infrastructure.

It should be noted, however, that this site has had a history of odour related complaints from a few local residents. Authorization of this facility as a public undertaking by the Region may lead residents to believe that the Region has a responsibility to address this issue more than would otherwise be expected of the Region if it were just another customer of the facility. The current contract between Miller and the Region does not provide any means by which to do so. The special provisions incorporated into Richmond Hill's new Zoning By-law limit the type and quantity of materials that can be processed at the site and are expected to help address this concern. The licensing and operation of waste management facilities is, however, primarily the responsibility of the Ministry of the Environment. Control of emissions, such as odours is best managed by the Province through site specific conditions in a facility's Certificate of Approval as issued by the Ministry and the general provisions of the Ontario Environmental Protection Act. Through these two mechanisms the Province has the ability to action to control off-site emissions including, but not limited to, imposing penalties ranging from \$25,000 to \$10 million upon non-compliant facilities.

5. FINANCIAL IMPLICATIONS

The Miller composting facility performs an important public service, and is an important part of the Region's waste management infrastructure. The Region would incur additional, unbudgeted costs if the facility was not able to perform in accordance with the current contractual arrangement.

6. LOCAL MUNICIPAL IMPACT

Authorization of the Miller composting facility as a public undertaking ensures continued, secure processing capacity for municipally generated yard waste and convenient access to a centrally located public drop-off service for local residents and businesses producing a beneficial product for use within the local landscaping and horticultural industries.

7. CONCLUSION

In 1990, the Region authorized the establishment of the Miller Waste Systems composting facility in Richmond Hill as a public undertaking in accordance with the Town's by-laws. The facility has since been licensed by the Ministry of the Environment under the *Environmental Protection Act*. The Town of Richmond Hill has requested that the Region reaffirm its continued authorization of this facility to ensure conformance of the facility with its new zoning by-law. Endorsement of this request ensures continued provision of yard waste processing services to the Region and its residents.

For more information on this report contact Michael J. Birett, Manager, Waste Diversion of the Solid Waste and Administration Branch at extension 5738 in the Transportation and Works Department.

The Senior Management Group has reviewed this report.

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