

PROPOSED HOUSEHOLD HAZARDOUS WASTE DEPOT IN VAUGHAN

The Solid Waste Management Committee recommends the adoption of the recommendations contained in the following report, September 4, 2003, from the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. The Region establish and operate a Household Hazardous Waste (HHW) Depot at a proposed site, which is located immediately south of the Region's Southwest Patrol Yard on Rutherford Road, just east of Jane Street in the City of Vaughan, to replace the existing HHW Depot located at the former Keele Valley Landfill Site that is scheduled to close permanently on December 31, 2003.
2. The Director of Realty Services be authorized to negotiate with the City of Vaughan for:
 - 2.1 A conditional offer to purchase the two parcels of property (i.e. A and B), as outlined in this report, for the establishment of the HHW Depot on Parcel A.
 - 2.2 Access rights to the proposed property so that the Region may proceed with on-site surveying and soils investigations.
3. Regional staff be authorized to:
 - 3.1 Apply to the Ministry of the Environment (MOE) for a Certificate of Approval for the operation of the HHW Depot and carry out any public consultation that may be necessary for the application.
 - 3.2 Retain SNC-Lavalin Engineers and Constructors Inc. to design the HHW Depot, prepare tender documents for its construction, carry out the contract administration, and provide assistance in obtaining the necessary approvals for the facility within an upset limit of \$75,400.00 plus applicable GST.
 - 3.3 Issue a purchase order to Laden Steel Fabricators Inc. in the amount of \$229,543.20 plus applicable GST for the supply and installation of the prefabricated building that will be used for the HHW Depot.
 - 3.4 Take all other appropriate actions, as necessary, to ensure that the proposed HHW Depot is established and made operational by May 1, 2004 or as soon as possible thereafter.

4. The requirements of the Purchasing By-law No. A-0304-2002-031 be waived with respect to the purchases covered by Recommendations 3.2 and 3.3 above, for the reasons outlined in this report.
5. The Council of the City of Vaughan be requested to provide its concurrence to the MOE with respect to the issuance of the above Certificate of Approval.

2. PURPOSE

The purpose of this report is to obtain authorization to establish a Household Hazardous Waste (HHW) Depot in the City of Vaughan to replace the Region's existing HHW Depot which is located at the former Keele Valley Landfill Site.

3. BACKGROUND

On June 26, 2003, Regional Council adopted Clause No. 9 of Report No. 6 of the Transportation and Works Committee which contained the following recommendations:

- “1. Regional staff be directed to conduct a search for a site within the southwestern part of the Region for the establishment of a Household Hazardous Waste Depot; and, a site within the southern part of the Region for the establishment of a Small Vehicle Transfer Station where residents, and possibly even small businesses, can deliver their disposable solid waste, compostable yard waste and recyclable materials; with the understanding that it may be possible to establish both facilities on the same site depending on the siting criteria used.
2. The Council of the City of Vaughan be requested to provide its consent to allow the existing Household Hazardous Waste Depot and Small Vehicle Transfer Station at the Keele Valley Landfill Site to remain in operation for a one-year period beyond the end of 2003 so that new replacement facilities can be licensed, constructed and placed into operation on a site(s) identified through the process described by Recommendation No. 1 above.
3. Further to Recommendation No. 2 above, Regional staff be directed to:
 - 3.1 Apply to the Ministry of the Environment for an amendment to the Certificate of Approval to allow the existing facilities at Keele Valley to remain in operation for a one-year period beyond the end of 2003, conditional upon Vaughan Council providing its consent.
 - 3.2 Continue their negotiations with the City of Toronto for the lease of the existing facilities for a one-year period beyond the end of 2003.
4. That staff be authorized to review the possible locations for the Household Hazardous Waste Depot, including the site at the works yard at Jane Street and

Rutherford Road, and, if appropriate, apply to the Ministry of the Environment for a Certificate of Approval.”

The status of the various action items that were set out within the recommendations of the June 26th report is provided below.

4. ANALYSIS

4.1 Facilities at Keele Valley to Close on December 31, 2003

4.1.1 Vaughan Council’s Position

The Region has received a letter dated July 3, 2003 from the City of Vaughan (*Attachment 1*) which states that on June 23, 2003, Vaughan Council adopted the following recommendations:

- “1. That staff be directed to work in cooperation with Region of York staff to undertake a site search to locate a suitable site for the Household Hazardous Waste Depot and the Small Vehicle Transfer Station immediately; and
2. That any future requests from the Region of York to extend their current operations at Keele Valley Landfill Site beyond December 31, 2003, be refused.”

4.1.2 Status of the MOE Certificate of Approval

The Region’s current Certificate of Approval, as issued by the Ministry of the Environment (MOE), covering both the HHW Depot and Small Vehicle Transfer Station at Keele Valley expires on December 31, 2003.

Due to the above position taken by Vaughan Council, Regional staff have not applied to the MOE for an extension of the Certificate. Accordingly, both of the facilities at Keele Valley will be closed permanently on December 31, 2003.

4.1.3 Status of the Lease with the City of Toronto

Regional staff will send formal notification to the City of Toronto that the Region will be terminating its lease of the facilities at Keele Valley effective December 31, 2003. Furthermore, Regional staff will have all HHW, solid waste, recyclable materials, equipment and supplies removed from those facilities as soon as possible after that date.

4.1.4 Status of the Operating Contracts

It is also noted that the facilities at Keele Valley are currently being operated for the Region by private contractors. Clean Harbors Canada, Inc. is operating the HHW Depot. Miller Waste Systems is operating the Small Vehicle Transfer Station. The termination date for both of those contracts is December 31, 2003.

4.2 Review of Sites East of Jane Street and North of Rutherford Road in Vaughan

4.2.1 Review of the Region's Southwest Patrol Yard

Regional staff have reviewed the feasibility of establishing a HHW Depot on the same site as the Region's Transportation and Works Southwest Patrol Yard which is located at 2850 Rutherford Road (*see Attachment 2*), just east of Jane Street, as authorized by Regional Council through its adoption of the report on June 26, 2003. The property owned by the Region at this location is approximately five acres in size. It was determined that it is not practical to establish a HHW Depot on this site due to the amount of activity by works operation vehicles.

4.2.2 Review of the City's Joint Operations Centre

The City of Vaughan's Joint Operations Centre (JOC) is located at 2800 Rutherford Road, immediately east of the Region's Southwest Patrol Yard (*see Attachment 2*). The JOC contains various buildings, parking lots and equipment storage yards that are used by the City's works, fire and parks operations. The City also leases parts of the property to Vaughan Hydro for similar purposes. The feasibility of establishing a HHW Depot within the JOC site was reviewed with Vaughan staff and it was determined that it would not be practical to locate such a facility anywhere on that site.

4.2.3 Review of Other City-owned Vacant Property

4.2.3.1 Description of the Property Parcels

There are two vacant parcels of land (i.e. A and B), owned by the City of Vaughan, that are located immediately south and west of the Region's Southwest Patrol Yard. Attachment 2 is a location plan which shows the two parcels of land in relation to the Region's Southwest Patrol Yard and the City's JOC. Both parcels of land slope gently down toward a tributary of the West Don River.

Parcel A is approximately eight acres in size and approximately twenty-five percent of its area is table land. Parcel B is approximately one-half acre in size and approximately five percent of its area is table land. Table land is considered to be the area located beyond the limits of the river valley.

4.2.3.2 City of Vaughan Approval Process

The City's Planning Department has advised that the proposed use would not be subject to a site plan agreement as public uses are exempt pursuant to the City's Site Plan Control Bylaw. The City would review the proposed development through the required application to the MOE for a Certificate of Approval that would be circulated by the MOE to the City for comments

4.2.3.3 Zoning

The subject lands are zoned M2 Industrial by City of Vaughan By-law 1-88 and are subject to exception No. 796 which permits the current Regional Southwest Patrol Yard and the City's JOC. The proposed HHW Depot is considered to be a permitted use together with any related outdoor storage. In addition, By-law 1-88 includes a "Public Use" provision that grants public authorities, such as the Region, the permission to develop public facilities in any zone. Therefore, based on this preliminary analysis, the zoning for the property appears to be suitable for an HHW Depot.

4.2.3.4 Toronto and Region Conservation Authority Approval

The development of lands adjacent to a stream or valley is subject to review by the Toronto and Region Conservation Authority (TRCA). The TRCA has a specific mandate under the provincial *Conservation Authorities Act* to administer the flood and fill regulations under the Act.

The TRCA also has an agreement with the federal Department of Fisheries and Oceans whereby the TRCA administers the federal *Fisheries Act* with respect to the harmful alteration or destruction of fish habitats.

Regional staff and the Region's consultants, SNC-Lavalin Engineers and Constructors Inc., have had a preliminary meeting with TRCA staff to discuss the proposal. TRCA staff have indicated preliminary approval of the project.

4.2.3.5 Authorization to Negotiate Property Purchase

Based on the property size, zoning and feedback from TRCA staff, it is feasible to establish a HHW Depot within the table land of Parcel A. Therefore, it is recommended that the Region purchase Parcel A and establish and operate a HHW Depot at this location to replace the existing HHW Depot at Keele Valley which is scheduled to close on December 31, 2003.

It is the opinion of Regional staff that the Region should also attempt to purchase Parcel B from the City, provided the price is reasonable. Parcel B would become land-locked and would be of no practical use to the City, if it retained ownership of it. The Region's Southwest Patrol Yard may require expansion in the near future and the table land of Parcel B could possibly be used for this purpose, if the necessary approval can be obtained from the TRCA.

It is noted that the access road which leads into the site from Rutherford Road is a private road that is owned by the City. The Region has a permanent easement which allows its works vehicles to use this road to access the Southwest Patrol Yard.

The Region would be subject to some risk if it were to purchase the property before it has received all necessary approvals and clearances which include confirmation from the City that it supports the proposal and the zoning is suitable; confirmation from the TRCA that the site can be developed; and a Certificate of Approval from the MOE. The process to obtain a Certificate of Approval from the MOE is outlined in the next section below. Accordingly, it is recommended that the Director of Realty Services be authorized to negotiate with the City for a conditional offer to purchase the two parcels of property, subject to appropriate conditions related to the Region obtaining the necessary approvals and clearances as mentioned above.

Furthermore, it is recommended that the Director of Realty Services be authorized to negotiate with the City for access to the property (at a cost to the Region, if necessary) to allow the Region to carry out pre-engineering surveying and soils investigations. This

preliminary site work must commence as soon as possible in order to have the facility constructed and operational in a timely manner.

4.3 Application to the MOE for a Certificate of Approval

It would be necessary to obtain a new Certificate of Approval from the MOE in order for the proposed HHW Depot to commence operation. The MOE may require, as part of the Certificate application process, that the Region:

- Send written notification of the proposal to all of the surrounding neighbours of the site and invite them to submit comments to the MOE.
- Hold a public meeting to present the proposal to the public and provide them with an opportunity to submit comments to the MOE

Accordingly, it is recommended that Regional staff be authorized to submit an application for the Certificate to the MOE and carry out any public consultation that may be necessary.

Based on past practice, the MOE will also require that:

- The application be submitted to the City of Vaughan for review and comments.
- Vaughan Council be requested to advise the MOE of its position with respect to the proposal.

MOE staff have indicated that they may require up to 12 weeks to issue the Certificate from the time that it receives the Region's application.

Therefore, in the interest of saving time, it is recommended that the Region request the Council of the City of Vaughan to provide its concurrence to allow the MOE to issue a Certificate of Approval for the proposed HHW Depot.

4.4 Potential Traffic Control Signal at Rutherford Road

There is speculation that any residential customers who use the proposed HHW Depot may experience difficulty upon leaving the facility if they attempt to turn left onto Rutherford Road in order to travel east. Obviously, this difficulty would be greatest during the weekday evening “rush hour” period.

Regional staff have carried out a preliminary assessment of the situation. From this preliminary assessment, it appears that traffic signals are not warranted based upon the criteria set out within the Region’s Traffic Signal Warrant Policy, which was approved by Regional Council through the adoption of Clause No. 8 of Report No. 9 of the Transportation and Works Committee on October 17, 2002.

Regional staff will be carrying out a more thorough assessment of the situation. This will be the subject of a separate report to the Transportation and Works Committee for its consideration at a future meeting.

It would cost approximately \$200,000 to install traffic control signals at this location based upon preliminary estimates. This includes the approximately \$50,000 to construct an island in the middle of Rutherford Road in which to locate the traffic control signals.

4.5 Type of Building

The Region currently has two kinds of HHW Depots which are differentiated by the type of building used to sort and store the received waste materials. The two types of buildings are described below.

The HHW Depots located in Georgina and Markham each have a prefabricated building with dimensions of 11 feet wide by 48 feet long by 10 feet high. The main reason that this type of building was selected for those facilities was because the respective sites were small and could only accommodate that size of building. In addition, the Markham site is only leased by the Region, therefore, the prefabricated building can be easily moved to another site if the lease is not renewed.

The HHW Depot in East Gwillimbury has a conventional building that is approximately 40 feet wide by 70 feet long by 23 feet high. The building was designed by consulting engineers and then the construction of it was tendered by the Region. The conventional building has several benefits over the prefabricated buildings, which are summarized as follows:

- The conventional building provides greater staff work area and HHW storage capacity, which leads to operating costs that are lower than with a prefabricated building.

- The conventional building provides a more user-friendly environment for the residential customers because it has a covered drive-through area to guard them from precipitation.
- The conventional building has a more pleasing aesthetic appearance through the use of architectural treatments.

Under normal circumstances, it would be preferable to construct a conventional building for the proposed HHW Depot in Vaughan. The process for design, tendering and construction would take approximately 10 months depending on the time of year when you are able to start construction.

A prefabricated building could be manufactured and installed at the site in approximately 10 to 12 weeks. The manufacture of it would not commence until the City of Vaughan's building department has issued a building permit and the MOE has issued a Certificate of Approval. Therefore, the entire process would take three to four months.

The existing HHW Depot at Keele Valley will close on December 31, 2003. It is necessary to provide a prefabricated building rather than a conventional building in order to have this replacement facility in operation in a timely manner after that date.

Barring any unforeseen restrictions imposed by the TRCA, it may be possible to construct a conventional building on the proposed site at some future date while the prefabricated building is in operation. Upon the commissioning of the conventional building, the prefabricated building could then be loaded onto a truck and moved to another site in the Region for a similar use; placed into surplus storage; or sold.

4.6 Procurement of Consulting Services and the Prefabricated Building

As stated previously, the Region's existing HHW Depot at Keele Valley will close permanently on December 31, 2003. In order to have the proposed replacement facility in operation in a timely manner, it is necessary to fast-track both the retention of consulting services for the design of the facility and the purchase of a prefabricated building for the facility.

4.6.1 SNC-Lavalin Engineers and Constructors Inc.

The firm of SNC-Lavalin Engineers and Constructors Inc. (SNC-Lavalin) was retained by the Region previously to assist Regional staff in the site search process for both a HHW Depot and a Small Vehicle Transfer Station. They have also been extensively involved in the technical review of the proposed site for the HHW Depot.

Accordingly, Regional staff have requested the firm to submit a work plan and associated budget for the design and contract administration work. The budget is presented as Table 1.

Table 1

Budget for SNC-Lavalin Engineers and Constructors Inc.

Task	Cost
Environmental Site Assessment	\$ 8,500.00
Design and Tender Document Preparation	\$ 44,400.00
Assist in Obtaining Approvals	\$ 14,600.00
Contract Administration and Construction Inspection	<u>\$ 7,900.00</u>
Sub-total	\$ 75,400.00
GST Net of Rebate	\$ 2,262.00
Total	\$ 77,662.00

Regional staff have reviewed the firm's work plan and budget and find it to be reasonable. It is the opinion of Regional staff that the assignment should be sole sourced to SNC-Lavalin in order to have the replacement HHW Depot operational in a timely manner. Therefore, it is recommended that the requirements of the Purchasing By-law No. A-0304-2002-031 be waived and Regional staff be authorized to retain SNC-Lavalin within an upset limit of \$75,400.00 plus applicable GST for this project.

4.6.2 Laden Steel Fabricators Inc.

As explained previously in this report, the Region will need to purchase a prefabricated building in order to have the proposed HHW Depot in operation in a timely manner. The type of building that is required is almost identical to the two HHW buildings that the Region owns which are respectively located in Georgina and Markham. Those buildings were manufactured by Laden Steel Fabricators Inc. (Laden) in Alberta, Canada.

Laden buildings are unique in that they have a "seal of approval" from an organization known as Underwriters' Laboratories of Canada (ULC). This approval means that the manufacturer has subjected its buildings to extensive testing and evaluation processes by the ULC to prove that they can safely store hazardous wastes. Laden is currently the only company that has this particular approval from ULC.

It is recognized that there are other companies that can provide prefabricated buildings at a competitive cost, but they do not have the ULC approval. However, it is the opinion of Regional staff that the ULC approval of the Laden building provides the Region with the degree of due diligence that is preferable for this type of facility. Furthermore, the ULC approval would likely enable the various municipal and provincial government review agencies to issue the necessary approvals quicker.

Regional staff requested Laden to provide a quotation for the supply and installation of a building based upon preliminary specifications prepared by the Region. Laden can have the building fabricated and installed within 8 to 12 weeks from the date that all of the required approvals are received. Laden's price would be \$229,543.20 plus applicable GST.

It is the opinion of Regional staff that the price quoted by Laden is reasonable and the purchase of the building should be sole sourced to the company for the reason as outlined above. Therefore, it is recommended that the requirements of the Purchasing By-law No.

A-0304-2002-031 be waived and Regional staff be authorized to issue a purchase order to Laden for the supply and installation of the prefabricated building. The purchase order would include a condition that the order would be cancelled if the Region is unable to obtain all of the required approvals for the project. If the order had to be cancelled, then the Region would only be obligated to pay Laden for any design costs that the company would have incurred.

4.7 Projected Facility Operation Start-up Date

The development of the proposed site (i.e. Parcel A) would involve removing earth fill from an existing berm; asphalt paving; and construction of a concrete slab on which to place the prefabricated building and other appurtenances.

There are several uncertainties with respect to obtaining the various required approvals and clearances, which may affect the schedule for establishing the proposed HHW Depot. The main constraint, as stated previously, appears to be that the MOE could require up to 12 weeks to issue the Certificate of Approval from the time it receives the Region's application. If this timing is correct, then that would lead to winter construction which is not preferable. Accordingly, the earliest date when the facility could be placed into operation is May 1, 2004.

As stated previously, the HHW Depot at Keele Valley will be closing on December 31, 2003. However, the usage of that facility is usually fairly low during the winter months based upon past statistics. Regional staff can carry out advertising to direct residents from the southwest part of the Region to use the Region's other HHW Depot in Markham until the proposed facility is operational.

4.8 Operation of the Proposed HHW Depot

The three HHW Depots that are owned by the Region (i.e. East Gwillimbury, Georgina and Markham) are currently operated by Clean Harbors Canada, Inc. under a contract which terminates on December 31, 2003. Regional staff will be issuing a tender this fall for the operation of those facilities for a term commencing January 1, 2004. It is intended that this tender will include the operation of the proposed HHW Depot in Vaughan as an option, conditional upon the facility being constructed and all required approvals obtained.

5. FINANCIAL IMPLICATIONS

The 2003 Capital Budget for Solid Waste Management was prepared based on the assumption that the Region may be required to establish new facilities rather than use the existing facilities at Keele Valley. Accordingly, the approved 2003 Capital Budget includes sufficient funds to purchase the necessary property (i.e. Parcel A) and construct the HHW Depot based upon the recommendations in this report.

As explained previously, Parcel B could possibly be used for a future expansion of the Southwest Patrol Yard if it can be purchased at a reasonable price. Regional staff will report back to Committee on the source of that funding, once the price is known.

6. LOCAL MUNICIPAL IMPACT

Regional staff met with the waste management staff of the nine local municipalities on May 23, 2002. There was a consensus among the local municipal staff that both the HHW Depot and the Small Vehicle Transfer Station at the Keele Valley Landfill Site should be replaced with equivalent facilities at appropriate locations in the southern part of the Region. The group indicated that if the facilities are not replaced then there will be many displeased residents which will lead to a great number of complaint/inquiry telephone calls to the local municipalities and the Region; an increase in illegal waste dumping; and a disincentive to recycle, which will result in a lowering of the local municipal waste diversion rates.

It is also noted that most of the residential solid waste that is collected by the local municipalities is disposed of at landfills in Michigan. Therefore, the Region is obligated to minimize the quantity of HHW and recyclable materials that is included in those shipments.

7. CONCLUSION

The Region's HHW Depot and Small Vehicle Transfer Station at the former Keele Valley Landfill Site will be permanently closed on December 31, 2003. It is intended that the recommendations of this report, if adopted, will allow for a replacement HHW Depot to be established and operational by May 1, 2004.

(A copy of the attachments referred to in the foregoing is included with this report and is also on file in the Office of the Regional Clerk.)