

**CITY OF HAMILTON**

**PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**  
**Development and Real Estate Division**

<b>Report to:</b> Chair and Members Planning & Economic Development Committee	<b>Submitted by:</b> Lee Ann Coveyduck General Manager Planning and Economic Development Department
<b>Date:</b> October 14, 2005	<b>Prepared by:</b> Stan Holiday Ext. 4280

**SUBJECT: Application to Amend an Existing Provisional Certificate of Approval (Waste Disposal Site) Ministry of Environment Reference #0974-67NNF2, Safety-Kleen Canada Inc., Located at 1574 Wilson Street West (Ancaster) (PED05158) (Ward 12)**

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**RECOMMENDATION:**

That the Ministry of Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that, should the Ministry approve the application **CA-05-01, Safety-Kleen Canada, applicant**, for an Amendment to an existing Provisional Certificate of Approval for a Waste Disposal Site to permit the storage of additional waste classes within an existing facility at 1574 Wilson Street West (Units 1, 2 & 3), as shown on Appendix "A" to Report PED05158, the City of Hamilton requests the following to be undertaken:

- (a) That prior to granting the proposed amendment to the MOE Certificate of Approval, the proponent be required to provide written confirmation from the City of Hamilton Chief Fire Official indicating that:
  - (i) the premises comply with Part 4 of the Ontario Fire Code.
  - (ii) the location of the fire extinguisher for Bay 2 be appropriately located.
  - (iii) the Fire Safety Plan prepared be in conformance with Section 2.8.2 of the Ontario Fire Code.
- (b) That the amendment to the Certificate of Approval includes provision of a maximum amount of waste stored of 169,740 litres, including solid non-hazardous waste at this facility.
- (c) That the amended Provisional Certificate of Approval includes a requirement that a Ministry of Environment staff person be identified as the contact for all issues and complaints regarding the subject property.

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- (d) That all other conditions and requirements of the Certificate of Approval remain.
- (e) That a copy of Report PED05158 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.
- (f) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the City Clerk, City of Hamilton.

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Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The applicant, Safety-Kleen Ontario Inc., has applied to the Ministry of Environment (MOE) for an Amendment to an existing Provisional Certificate of Approval for a waste disposal site in order to permit additional waste streams, including aqueous salts and organic inorganic wastes within the existing facility. The applicant currently operates out of Units 1 - 3 of the industrial building at 1574 Wilson Street West, which contain offices and storage areas.

The Ministry of Environment requests affected municipalities to provide comments on new and amended Certificate of Approval applications. The MOE then makes a decision on the application, on the basis of the comments received, in addition to various technical and environmental considerations. Comments from the City of Hamilton on Certificate of Approval applications are forwarded to the MOE.

The recommendation is to request that MOE include a number of conditions for the applicant to comply with prior to granting any amendment to the existing Certificate of Approval application, and the inclusion of additional amendments to the existing Certificate of Approval.

**BACKGROUND:**

What is a Certificate of Approval

A "Certificate of Approval" pursuant to Part V of the Environmental Protection Act is a legally binding document, through which an individual, company or municipality is permitted, by the Ontario Ministry of Environment (MOE), to undertake an activity related to the management of waste.

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Each Certificate of approval is drafted to address the site-specific considerations relevant to the proposal and contains enforceable requirements that ensure environmental and health protection, compliance with legislation and policy requirements. The Certificate of Approval stipulates the types of wastes that can be managed at the facility and contains “conditions” that describe the manner in which the facility is to be operated. Failure to comply with any of a Certificate’s conditions constitutes a violation of the Environmental Protection Act and is grounds for enforcement through the Provincial Offences Act.

As part of their review process, the MOE requests the affected municipalities to provide comments on new and amended Certificate of Approval applications. The MOE then makes a decision on the application, on the basis of the comments received, in addition to various technical and environmental considerations. Comments from the City of Hamilton on Certificate of Approval applications are forwarded to the MOE.

**ANALYSIS/RATIONALE:**

The applicant, Safety-Kleen Canada Inc., has applied to the Ministry of Environment for an Amendment to an existing Provisional Certificate of Approval for a waste disposal site in order to permit the receipt for temporary storage of additional waste streams including aqueous salts and inorganic and organic wastes (including pesticides and herbicides). No alterations are planned to the current building operations. The additional waste classes have been requested to allow the applicant to store and transfer waste products similar to that approved at other company facilities within the Province.

Currently the operations consist of two existing self contained storage tanks to hold 45,460 litres of spent solvent/cleaning solution, and 45,460 litres of clean solvent/cleaning solution waste (see Appendix “B”). Also, there are wastes stored in drums at the facility in three bays. Bay 1 is the return and fill station. Drums of waste solvent are removed from service trucks and the contents pumped to the above-ground storage tank. The empty drums are cleaned and refilled with clean solution and returned to the customer. Bay 2 is the flammable storage area and waste stored is placed on skids, shrink wrapped and stacked no greater than 2 skids high. Incompatible wastes are separated within Bay 2. Bay 3 contains the majority of the volume of waste, which is solid non-hazardous waste, (i.e. Oil filters placed in 6 yard lugger bins). Typically, all waste is shipped from the facility every 2 to 3 weeks to facilities outside Hamilton for recycling/disposal.

With respect to any potential impacts on municipal sewers as result of the operation, it is appropriate that the applicant first demonstrate that there will be no increase in the volume of materials stored, and that adequate spill containment measures are in place to handle any extra volume. The applicant has indicated that they do not anticipate any increase in volume of waste materials and currently have a maximum volume capacity of 169,740 litres for the facility. Therefore, it is recommended that the existing Certificate of Approval be modified to include a maximum volume capacity.

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The applicant is currently licensed to handle industrial liquid and hazardous wastes, as well as solid non-hazardous waste. Some of the typical type of wastes currently received at the operating facility include: waste from paints, acid solutions, light and heavy fuels, latex wastes, oily water, detergents and soaps, waste oils and sludges.

**Existing Certificate of Approval**

The existing Ministry of Environment's Provisional Certificate of Approval includes the following highlights:

- Waste may be only received at the Site, Monday to Friday: 0600 to 2200 hours.
- No pathological waste, PCB waste, radioactive waste, reactive waste and severely toxic waste will be accepted.
- A maximum storage period of 90 days for waste material.
- There are two existing above ground outdoor self contained storage tanks to hold 45,460 litres of spent solvent/cleaning solution and 45,460 litres of clean solvent/cleaning solution.
- A required record keeping process, closure plan, financial insurance and contingency plan is required.

**Proposed Amendment**

This MOE application for an Amendment to the existing Provisional Certificate of Approval is considered acceptable. Based on the comments received from the circulated departments and the analysis undertaken, should the MOE approve the Certificate of Approval, the City of Hamilton requests a number of matters to be undertaken as outlined in the recommendations section of this report.

**ALTERNATIVES FOR CONSIDERATION:**

The City of Hamilton is not the approval authority for Certificate of Approval applications, but has been required to submit comments on this application to the MOE. The MOE will consider the City's comments in making a decision on the application. The following alternatives are available to the City in providing comments to the MOE.

**1. Request MOE to Deny the Application**

The City could request MOE to deny the Certificate of Approval application.

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## **2. Request MOE to Incorporate the City's Conditions**

The circulation of the application to City Departments did not result in any objections to the proposal. Staff has identified requirements that are to be addressed through the Certificate of Approval.

### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial – N/A.

Staffing – N/A.

Legal – Certificate of Approval applications are processed by the Ontario Ministry of the Environment under the authority of the Environmental Protection Act. The City of Hamilton has been formally requested to provide comments to the Ministry on this specific application.

### **POLICIES AFFECTING PROPOSAL:**

#### **Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff notes that via the Certificate of Approval process, the applicant will demonstrate consistency with the sustainability of healthy, liveable and safe communities, as outlined in Policy 1.1.1(c) of the PPS.

#### **Region of Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Therefore, as the application is for an amendment to an existing MOE Certificate of Approval for an existing waste transfer facility, the proposal conforms to the intent of the Hamilton-Wentworth Official Plan policies.

#### **Ancaster Official Plan**

The proposal complies with the Ancaster Official Plan. The subject property is designated as “Industrial” on Schedule ‘B’ – Land Use Urban Area, of the Official Plan for Ancaster, and subject to the Duff’s Corner Special Policy Area Industrial Policies.

#### **Ancaster Zoning By-law**

The subject lands are zoned “Industrial “M1” Zone”, which permits the temporary storage of waste material.

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**RELEVANT CONSULTATION:**

The Fire Prevention Division, Hamilton Emergency Services, has advised that they have no objections to the application subject to the proponent incorporating the following:

1. That the building owner/occupant ensures that the building and operations complies with Part 4 of the Ontario Fire Code, Flammable and Combustible Liquids. That the facility be brought into compliance with Part 4, based on an audit undertaken by the occupant. Once compliance is completed, the owner/occupant shall provide written documentation to the Chief Fire Official indicating that the facility has been brought into compliance with the Ontario Fire Code or, alternatively, utilize the services of an Architect or Engineer to have the premises brought into compliance with the Ontario Fire Code Part 4 and approved by the Chief Fire Official.
2. Ensure that the portable fire extinguisher located near the exit door to the office area from Bay 2 is easily seen accessible at all times.
3. Prepare and submit a Fire Safety Plan, acceptable to the Chief Fire Official, in conformance with Subsection 2.8.2 of the Ontario Fire Code. The Plan shall also include operating instructions for the building's voice communication system, fire fighters elevator and smoke measures, as applicable, which are to form part of the Fire Safety Plan.

The Waste Management Division, Public Works Department, has advised that they have no objections to the application.

The Water and Wastewater Division, Public Works Department, has advised that they have no objections to the application from a sewer use stand point, subject to no increase in the total volume of material stored onsite. The concern is whether there would be adequate spill containment to handle any extra volume should this result.

**Departments and Agencies having no comment or objection**

- Traffic Engineering & Operations Section, Public Works Department
- Building and Licensing Division, Planning & Economic Development Department

**PUBLIC CONSULTATION:**

Public notification/consultation requirements for Certificate of Approval applications are regulated by the Environmental Protection Act and administered by the MOE. Upon receipt of the application, the MOE required the applicant to circulate an information Notice to abutting property owners. The Notice provides a description of the proposed operation and the MOE requires a Notice of the proposal to be posted on the Environmental Registry (website).

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**CITY STRATEGIC COMMITMENT:**

By evaluating the “**Triple Bottom Line**”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

**Community Well-Being is enhanced.**  **Yes**  **No**

Community well-being is safeguarded by providing for continued opportunities for recycling.

**Environmental Well-Being is enhanced.**  **Yes**  **No**

Waste is reduced and recycled.

A wider range of materials can be collected and recycled.

**Economic Well-Being is enhanced.**  **Yes**  **No**

Investment in Hamilton is enhanced and supported.

A successful business is strengthened with continued opportunities to accept additional materials.

**Does the option you are recommending create value across all three bottom lines?**

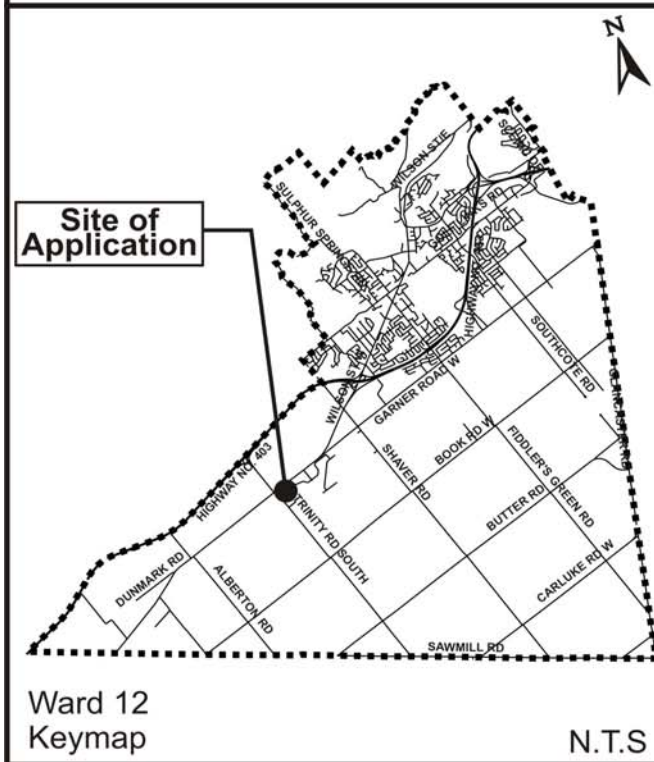
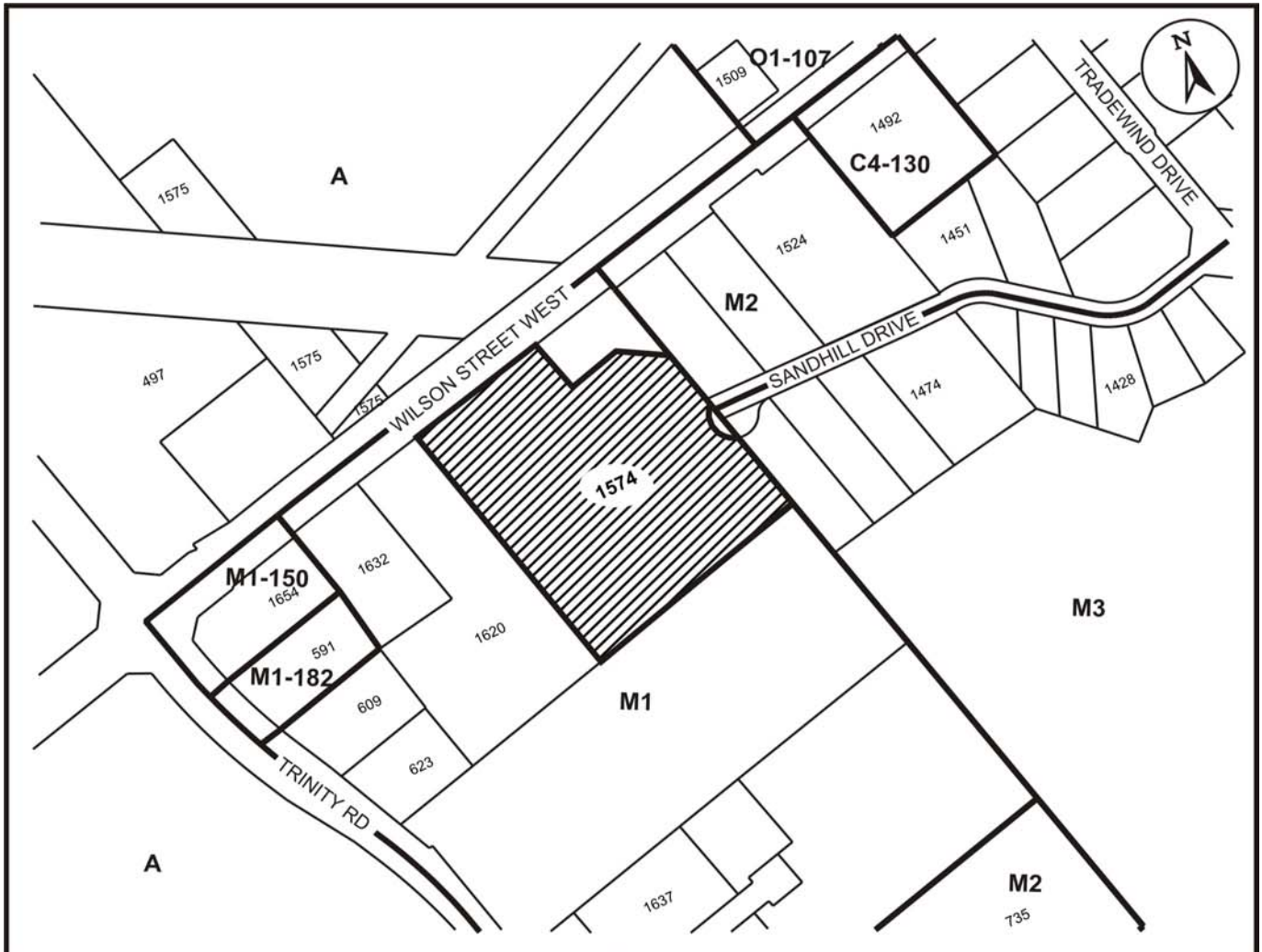
**Yes**  **No**


All aspects can be considered enhanced.

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**  **Yes**  **No**

:SH


Attachs. (2)



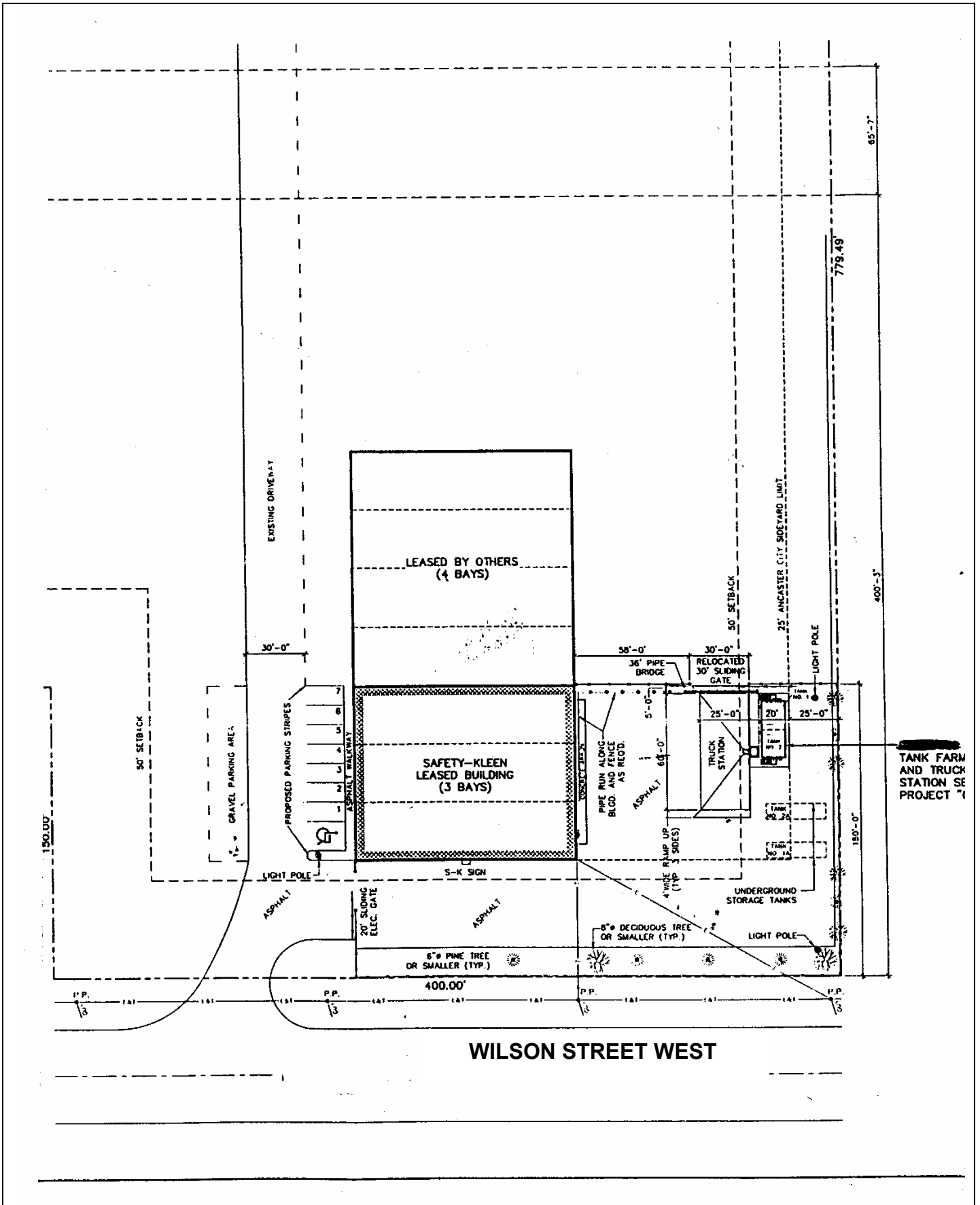

 Planning and Economic Development Department  
**Hamilton**

## Location Map

File Name/Number: CA-05-01	Date: September 22, 2005
Appendix "A"	Scale: N.T.S
	Planner/Technician: SH/NB


**Subject Property**  
 1574 Wilson Street West (Units 1, 2 & 3)  
 (Ancaster)

T&C File Name:



TANK FARM AND TRUCK STATION SE PROJECT 71