




Hamilton

INFORMATION UPDATE

TO:	Mayor and Members City Council
DATE:	October 29, 2019
SUBJECT/REPORT NO:	Terrapure Stoney Creek Regional Facility – Project Update (Ward 9)
WARD(S) AFFECTED:	Ward 9
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Information:

Planning staff have been providing regular updates to Planning Committee and Council on the Environmental Assessment process for the proposed expansion of the Stoney Creek Regional Facility (SCRF) which is owned and operated by Revolution Landfill LP, operating as Terrapure Environmental, referred to as Terrapure (Owner, Proponent). The SCRF is an existing landfill located at the northwest corner of Mud Street and Upper Centennial Parkway (Highway 20) in the former City of Stoney Creek (Ward 9), as shown on Appendix "A".

The existing landfill was approved under the Environment Protection Act (EPA) and operates under the Environmental Certificate of Approval (ECA) No. A181008. It has a total approved site capacity of 8,320,000 m³, with an approved maximum annual volume of 750,000 tonnes. It receives solid, non-hazardous residual materials from commercial, industrial, and institutional sources.

Terrapure is proposing to increase the approved capacity of solid, non-hazardous industrial residual material SCRF by 3,680,000 m³, which would bring the total site capacity to 12,000,000 m³. The proposal would not change the type or annual volume of residual materials currently accepted at the facility, nor the maximum number of permitted vehicles to the site per day. The proposal triggered an Environmental Assessment (EA).

Planning Staff have brought forward a series of reports to Planning Committee with the most recent occurring after the proponent submitted the Final EA to the Ministry of the

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Environment, Conservation and Parks (MECP) on January 11, 2019. On February 19, 2019 Planning staff brought forward Report PED16184(c) which acknowledged that the majority of technical comments from staff have been addressed. Council's formal position remained opposed to the proposed expansion.

The MECP issued the Ministry Review Document on June 7, 2019 which stated that the EA was prepared in accordance with the approved Terms of Reference and contained sufficient information to assess potential environmental effects. At that time, the Ministry was considering recommending conditions of approval including further consultation and reporting requirements for dust management planning, odour management and truck monitoring, should the EA be approved. Further, Terrapure committed to the following: to consult with the City on groundwater monitoring as part of future annual monitoring, to continue discussions with the City on the compensation agreement, to provide adequate visual screening to mitigate visual impacts; and, to consult with the Government Review Team, the public, and Indigenous Communities. Staff were supportive of these conditions.

The Minister of the Environment, Conservation and Parks issued a Notice of Approval (attached as Appendix "B") on October 16, 2019, permitting the expansion of the of the SCRF. The Minister has required the Proponent to fulfil all commitments made in the Environmental Assessment. A series of standard conditions have been included with the Notice of Approval including: Annual Compliance Monitoring Program which includes groundwater monitoring, and future consultation with the Government Review Team, public, and Indigenous communities. Special conditions for the Truck Operations Monitoring Framework and Odour and Dust Management Plans have been included which requires the applicant to submit to the City the plans within 60 days of the Notice of Approval (December 16, 2019). The City will then have 30 days to provide comment for finalization to the applicant (January 16, 2020).

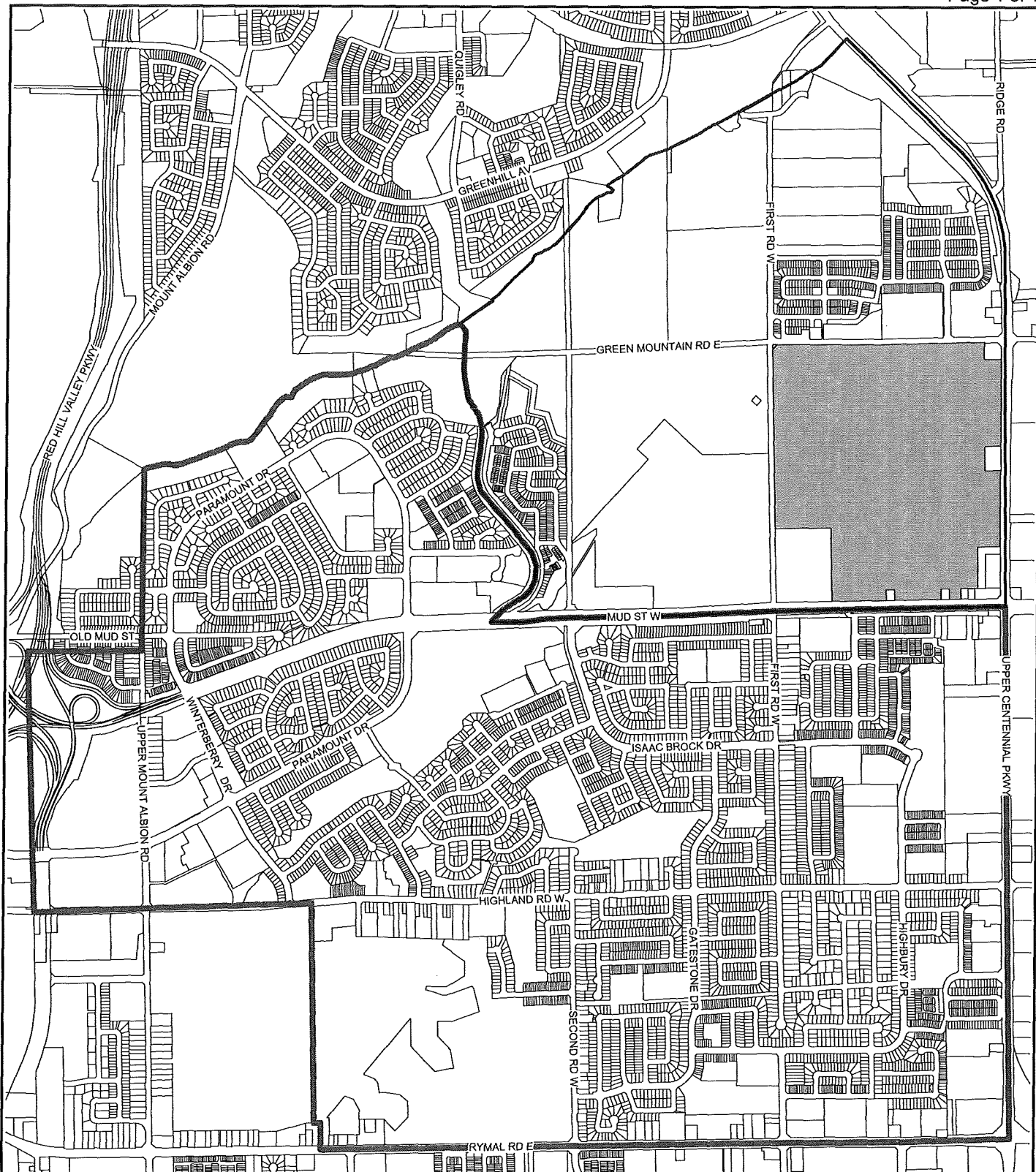
The City continues to negotiate with the proponent in recognition of the commitment to negotiate new compensation agreements within the Ministry Review Document. Legal staff will be providing an update to the Ministry and to Council once the parties conclude the negotiations.

The Notice of Approval expires within 5 years of the date of approval (October 16, 2024) if construction of the proposed expansion has not commenced.




APPENDICES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Notice of Approval



Legend

-  Terrapure Stoney Creek Regional Facility
-  Nash Neighbourhood Boundary
-  West Mountain Planning District

**Terrapure Stoney Creek
Regional Facility**

Date:
January 24, 2019



Not To Scale



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
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Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement, de la
Protection de la nature et des Parcs

Environmental Assessment and
Permissions Branch

Direction des évaluations et
des permissions environnementales

1st Floor
135 St. Clair Avenue W
Toronto ON M4V 1P5
Tel.: 416 314-8001
Fax.: 416 314-8452

Rez-de-chaussée
135, avenue St. Clair Ouest
Toronto ON M4V 1P5
Tél. : 416 314-8001
Télec. : 416 314-8452

OCT 16 2019

MEMORANDUM

TO: Distribution Lists:
Government Review Team List
Municipal Advisor List
Municipal Clerk List

FROM: Jennie Weller
Project Officer
Environmental Assessment and Permissions Branch

RE: Stoney Creek Regional Facility
NOTICE OF APPROVAL
EAIMS FILE NO. 16067

Approval to proceed with the above undertaking has now been granted, and a copy of the Notice of Approval is attached.

I would like to thank you for your assistance with the review of the Environmental Assessment.

Regards,

Jennie Weller, Project Officer

Attachment

c: Blair Shoniker, GHD Consulting

001 - 5016

ENVIRONMENTAL ASSESSMENT ACT

SECTION 9

NOTICE OF APPROVAL TO PROCEED WITH THE UNDERTAKING

RE: An Environmental Assessment for the Stoney Creek Regional Facility Expansion

Proponent: Terrapure Environmental

EA Reference No.: 16067

EA File No.: 03-08-02

TAKE NOTICE that the prescribed deadline for requiring a hearing, provided for in the Notice of Completion of the Ministry Review for the above-noted undertaking, expired on July 12, 2019.

Having considered the purpose of the *Environmental Assessment Act*, the approved Terms of Reference, the Environmental Assessment, and the Ministry Review and comments received, I hereby give approval to proceed with the Undertaking, subject to the conditions set out below.

REASONS

My reasons for giving approval are:

- (1) The Proponent has complied with the requirements of the *Environmental Assessment Act*.
- (2) The Environmental Assessment has been prepared in accordance with the approved Terms of Reference.
- (3) On the basis of the Proponent's Environmental Assessment and the Ministry Review, the Proponent's conclusion that the advantages of this undertaking outweigh its disadvantages appears to be valid.
- (4) No other beneficial alternative method of implementing the Undertaking was identified.
- (5) The Proponent has demonstrated that the environmental effects of the Undertaking can be appropriately managed and mitigated.
- (6) On the basis of the Proponent's Environmental Assessment, the Ministry Review and the conditions of approval, the construction, operation and maintenance of the Undertaking will be consistent with the purpose of the *Environmental Assessment Act* (Section 2).
- (7) The government agency, public and Indigenous community review of the Environmental Assessment has indicated no outstanding concerns that cannot be addressed through commitments made in the Environmental Assessment, through conditions set out below, or through future approvals that will be required. I am not aware of any outstanding issues with respect to this Undertaking which suggest that a hearing should be required.

CONDITIONS

The approval is subject to the following conditions:

1. **Definitions**

For the purposes of these conditions:

"Construction" means physical construction activities, including site preparation works, but does not include the tendering of contracts.

"Date of Approval" means the date on which the Order in Council was signed by the Lieutenant Governor-in-Council.

"Director" means the Director of the Environmental Assessment and Permissions Branch (EAPB).

"Environmental Assessment" means the document titled Stoney Creek Regional Facility Environmental Assessment dated January 11, 2019.

"Environmental Compliance Approval" means an approval issued under Part II.1 of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended.

"Ministry" means the Ontario Ministry of the Environment, Conservation and Parks.

"Indigenous Communities" means: Haudenosaunee Development Institute (HDI) (representing Haudenosaunee Confederacy Chiefs Council (HCCC)); Métis Nation of Ontario (MNO); Mississaugas of the New Credit First Nation (MNCFN); and, Six Nations of the Grand River First Nation (Six Nations).

"Proponent" means Revolution Landfill LP (operating as Terrapure Environmental), its agents, successors, and assigns.

"Site" means the Stoney Creek Regional Facility consisting of a 75.1 hectare site, located at the northwest corner of Mud Street and Upper Centennial Parkway at 65 Green Mountain Road West in the City of Hamilton.

"Species at Risk" means the species that listed in Ontario Regulation 230/08, Species at Risk in Ontario List of the *Endangered Species Act*, S.O. 2007, c. 6 as amended.

"Undertaking" means the planning, design, construction, operation, and closure of the vertical expansion of the waste fill area at the Site for an additional by 3,680,000 cubic metres (m³) of waste disposal capacity and associated works, as specified in the Environmental Assessment.

2. General Requirements

- 2.1 The Proponent shall comply with the provisions in the Environmental Assessment, which are hereby incorporated into this Notice of Approval by reference, except as provided in the conditions of this Notice of Approval and as provided in any other approval or permit that may be issued for this Site.
- 2.2 The Proponent shall fulfill all commitments made in the Environmental Assessment.
- 2.3 The conditions of the Notice of Approval do not prevent more restrictive conditions being imposed under other statutes.

3. Public Record

- 3.1 Where a document is required for the public record, the Proponent shall post the document on the Proponent website and provide one hardcopy and one electronic copy of the document to the Director.
- 3.2 The Environmental Assessment Reference Number 16067 and environmental assessment File Number 03-08-02 shall be quoted on all documents submitted to the Ministry pursuant to this Notice of Approval.

- 3.3 For every document submitted to the Ministry, the Proponent shall clearly identify which condition of approval the document is meant to fulfill.

4. Compliance Monitoring Program

- 4.1 The Proponent shall prepare and submit to the Director for approval and for the public record, an Environmental Assessment compliance monitoring program.
- 4.2 The compliance monitoring program shall be submitted within 60 days from the Date of Approval, or by another date agreed upon by the Director.
- 4.3 The compliance monitoring program shall include a description of how the Proponent will:
- a. monitor implementation of the Undertaking in accordance with the *Environmental Assessment with respect to mitigation measures, public consultation, and additional studies and work to be carried out;*
 - b. monitor compliance with the conditions in this Notice of Approval; and,
 - c. monitor compliance with all commitments made in the Environmental Assessment and the subsequent review of and approval process for the Environmental Assessment with respect to mitigation measures, public consultation, and additional studies and work to be carried out.
- 4.4 The compliance monitoring program must contain an implementation schedule for monitoring activities to be completed.
- 4.5 The Director may require the Proponent to amend the compliance monitoring program at any time. Should an amendment be required, the Director will notify the Proponent in writing of the required amendment and the date by which the Proponent must complete and submit the amendment to the Director.
- 4.6 The Proponent shall submit the amended compliance monitoring program to the Director within the time period specified by the Director.
- 4.7 The Proponent shall implement the compliance monitoring program and any amendments to it.

5. Compliance Reporting

- 5.1 The Proponent shall prepare an annual compliance report outlining the results of the compliance monitoring program (Condition 4 above) and place the document on the public record.

- 5.2 The first compliance report shall be submitted to the Director for review and for the public record no later than one year following the start of construction. Each subsequent annual compliance report shall be submitted on the date that is the anniversary of the start of construction thereafter. Each report shall cover the previous year to the date of report submission.
- 5.3 The Proponent shall submit annual compliance reports until all conditions are satisfied.
- 5.4 Once all conditions in this Notice of Approval have been satisfied, the Proponent shall notify the Director in writing that the final annual compliance report is being submitted, and that all conditions in this Notice of Approval have been satisfied. The Ministry will confirm whether all conditions have been satisfied and the Director will state this in writing to the Proponent.
- 5.5 The Proponent shall retain either on the Site or in another location approved by the Director, copies of the annual compliance reports for each reporting year and any associated documentation of compliance monitoring activities.
- 5.6 The Proponent shall make the compliance reports and associated documentation available to the Director or a designate in a timely manner when requested to do so by the Ministry.

6. Complaint Protocol

- 6.1 The Proponent shall prepare and implement a complaint protocol that sets out provisions for dealing with and responding to inquiries and complaints during all stages of the Undertaking. The complaint protocol shall include a procedure for notifying the ministry of the complaints received.
- 6.2 The Proponent shall submit the complaint protocol to the Director for approval and for the public record within 60 days from the Date of Approval, or by another date agreed upon by the Director.
- 6.3 The Director may require the Proponent to amend the complaint protocol at any time. Should an amendment be required, the Director shall notify the proponent in writing of the amendment required and when the amendment must be completed.
- 6.4 The Proponent shall submit the amended complaint protocol to the Director within the time period specified by the Director.
- 6.5 The Proponent shall implement the complaint protocol and any amendments to it.

- 6.6 The Proponent shall provide a summary on the complaints received and how they were addressed as part of the annual compliance reporting (Condition 5) and post the summary on the website as part of the public record.

7. Consultation with Indigenous Communities

- 7.1 The Proponent shall prepare, in consultation with Indigenous communities, an Indigenous consultation plan that sets forth:
- a) How the Proponent will consult with Indigenous communities and provide them with opportunities to be involved in environmental monitoring activities.
 - b) How the Proponent will notify Indigenous communities, using a notification protocol, if archaeological resources or Indigenous remains are encountered.
 - c) How the Proponent will issue Notices and updates to Indigenous communities.
- 7.2 Within six (6) months from the date of approval or by such other date as may be agreed in writing by the Director, the Proponent shall submit the Indigenous consultation plan to the Director for approval with an outline of how the Proponent consulted on it as per condition 7.1 above.
- 7.3 Once the Director is satisfied with the Indigenous consultation plan, the Proponent shall implement the Indigenous consultation plan as approved.

8. Community Liaison Committee (CLC)

- 8.1 The proponent shall maintain a Community Liaison Committee to provide a forum for public concerns to be raised and for mitigation measures to be discussed.
- 8.2 If there is no interest from the public in establishing and participating in a CLC (once sufficient notice has been given), or if there is no interest in continuing a CLC after one has been established, the Proponent shall publish a notice at least once a year inviting expressions of interest in forming the CLC.
- 8.3 The CLC, as required, shall serve for the dissemination, review and exchange of information and monitoring results relevant to the undertaking.
- 8.4 The proponent shall ensure that the following agencies, communities and stakeholders are invited to join the community liaison committee as full members:

- a) Representatives from The City of Hamilton
- b) Interested Indigenous communities as identified in the Indigenous consultation plan
- c) Representatives from the Hamilton Wentworth District School Board
- d) Representatives from Hamilton Wentworth Catholic School Board

9. Truck Operating Framework

- 9.1 Within 60 days from the date of approval, a Truck Operations Monitoring Framework, as describe in the commitments of the EA, will be provided to the City of Hamilton for a 30-day comment period prior to finalization. Comments from the City will be considered prior to finalization of the Truck Operations Monitoring Framework.
- 9.2 The Truck Operations Monitoring Framework shall include a complaints protocol and issues resolution mechanisms.
- 9.3 After finalization of the Truck Operations Monitoring Framework the proponent shall post it on their website and provide copies to the City of Hamilton and the local district schools boards.

10. Odour and Dust Management

- 10.1 Within 60 days from the date of approval, Odour and dust management plans will be provided to the City of Hamilton, the community liaison committee, Hamilton Wentworth District School Board, the Hamilton Wentworth Catholic School Board and any other interested party for a 30-day comment period prior to finalization.
- 10.2 Odour and dust management plans will include a complaints protocol and issues resolution mechanisms.
- 10.3 Upon finalization proponent shall post the odour and dust management plans to their website and submit to the Director.

11. Duration of Approval

- 11.1 If construction of the Undertaking has not commenced within 5 years from the Date of Approval, this Notice of Approval shall expire.

Dated the 20th day of August 2019 at TORONTO.



Minister of the Environment, Conservation and Parks
777 Bay Street, 5th Floor
Toronto, ON M7A 2J3

Approved by O.C. No. 1342 / 2019

Date O.C. Approved Sept. 19, 2019