

**MAMMONE DISPOSAL SYSTEMS LTD.
APPLICATION FOR AMENDMENT
CERTIFICATE OF APPROVAL A230624**

Recommendation

The Commissioners of Engineering and Public Works, Planning and Legal and Administrative Services recommend:

1. That the Ministry of the Environment (MOE) be advised that the City objects to the request from Mammone Disposal Systems Ltd., to allow for an increase in the amount of waste processed at their 8940 Jane Street facility from 250 tonnes per day to 500 tonnes per day.
2. That the request be considered for designation under the Environmental Assessment Act and that the Ministry be requested to hold a public meeting with respect to the application, and require a hearing before the Environmental Review Tribunal.
3. That in the alternative, should the application for amendment be approved, that the following conditions be imposed.
 - a) That all waste operations on the site shall cease on December 31, 2009, and the Certificate of Approval shall no longer be in effect after that date.
 - b) That any amendment to the Certificate of Approval not come into effect until Bass Pro Mills Drive has been constructed to Jane Street and is dedicated as Public Highway.
 - c) That an Emergency Plan pertaining to waste transfer and processing operations be submitted to the City and annually thereafter.
4. Copies of this report and Council's resolution be sent to: Ms. Veronica Pochmursky, Waste Evaluator at the Ministry of Environment, Environmental Assessment and Approvals Branch, Floor 12A, 2 St. Clair Ave. West, Toronto, Ontario, M4V 1L5

Purpose

The purpose of this report is to seek Council comment on the Application to amend Certificate of Approval A230624.

Economic Impact

There is no economic impact as a result of this report.

Background

Mammone Disposal Systems Limited has submitted a request to the Ministry of the Environment (MOE), to allow for an increase in the amount of waste processed at their 3.36 ha. facility located at 8940 Jane St., shown on Attachment 1. The request, if granted by the MOE, would allow for:

Daily Tonnage: An increase in the maximum daily tonnage from 250 tonnes to 500 tonnes per day. The maximum amount of waste to be removed daily from the transfer station for final disposal will be 299 tonnes.

Redevelopment: The site to be redeveloped to allow for the extension of Bass Pro Mills Drive to Jane Street.

Buildings: The existing Transfer Station will be expanded and upgraded (including the construction of a new waste processing facility) to improve efficiency and to enclose all waste processing operations indoors.

The intent of the request to amend its current Certificate of Approval (C of A) is to allow for improvements to overall operations and indoor management of waste and recyclable tonnage received from non-hazardous solid domestic (Ontario) Commercial Institutional and Industrial establishments.

Mammone Disposal Systems was issued a Certificate of Approval in 1995. Since that time the site has operated as a transfer facility, including the processing and separation of recyclable materials. The site is in a highly visible location with the operations easily seen from Jane Street and Bass Pro Mills Drive. The site is generally in an untidy condition, as can be seen in Attachment 3 with piles of dirt in various locations and cars and equipment parked haphazardly.

Official Plan

The subject lands are designated "General Commercial" by OPA #512, which has been incorporated into OPA #600, and identified as part of the Vaughan Centre Secondary Plan Area. The OPA permits a range of commercial uses intended to implement a land use regime that is compatible and complementary to the surrounding land uses. OPA # 512 has a number of provisions related to developing the subject lands in conjunction with the adjacent lands (Vaughan Mills Mall), including a new east-west collector road that will traverse the subject lands and meet Locke Street.

Zoning

The subject lands are zoned EM2 General Employment Area Zone and EM1(H) Prestige Employment Area Zone with a Holding Symbol "H" provision (east of existing building and proposed additions by By-law 1-88, subject to Exception 9(881)). The recycling facility and proposed additions are located within the EM2 Zone portion of the entire property. The new zoning by-law (Attachment # 3 to the OMB Decision) would rezone a majority of the lands (lying north of Bass Pro Mills Drive) C1(H) General Commercial with the addition of the Holding Symbol "H", which permits a range of commercial uses on the Mammone lands, consistent with the OPA #512.

On June 28th, 2004, Council approved Site Development Application DA.01.053 to permit the reconfiguration of the site operation related to the temporary waste recycling facility shown on Attachment 2. Two additions were proposed to the existing site, one being a temporary garage /office use of 549.98 sq. m on the east side of the building, and the second being a temporary 1,117.24 sq m addition to the west side of the building as an extension of the recycling building.

Minutes of Settlement

The Owner had obtained party status at the Ontario Municipal Board Hearing in 1999 with respect to the Vaughan Mills Mall and related commercial development. The Minutes of Settlement between the Owner and Vaughan dated June 7, 1999 provided that prior to the issuance of the final Board Order, the owner was to transfer land to the City that is necessary for the east-west road (Bass Pro Mills Drive), free of all encumbrances, buildings and structures, which requires the existing truck garage and greenhouses to be demolished. The north portion of the dwelling will also be required to be demolished, as it encroaches into the site triangle at the intersection with Jane Street. The Owner provided a Record of Site Condition but has not demolished the necessary structures or conveyed the land to the City.

In accordance with the Minutes of Settlement, the Owner and Vaughan must also enter into an agreement to be registered on title, requiring the cessation of all activities currently undertaken on the subject lands and the demolition of all building and structures no later than ten years from the

date of the execution of the agreement. This was in recognition that the existing use was not compatible with the proposed Vaughan Mills Mall and surrounding uses. To-date the Owner has not executed an agreement, however in keeping with the intent of the Minutes of Settlement, executed in June, 1999, the use was to cease in 10 years. Accordingly, any amendment to the Certificate of Approval should include a condition that the use cease December 31, 2009, approximately 10 years after the Minutes of Settlement were executed.

Analysis

The integrated waste management site will accept solid non-hazardous waste materials from industrial, commercial and institutional sources, including cardboard, wood, paper, aluminum ferrous metals, copper, plastics and construction and demolition waste. According to their C of A application, no hazardous waste or institutional / commercial / industrial liquid waste will be accepted.

The City has identified several areas of concern with Mammone Disposal Systems Ltd.'s submission to the MOE, as it relates to the application to amend its Certificate of Approval (C of A) A230624.

Outside Storage:

The proposal is to double the amount of waste received at the site, but the proposed addition to the existing Transfer Station Building will not double the size of the building. It will increase the size of the building by approximately 70 %.

Activities relating to the unloading/loading, processing, transfer and storage of waste materials can cause odour problems. Mammone has been storing significant amounts of waste outside. In addition, their C of A amendment identifies a maximum storage capacity of 810 tonnes, which includes both the tip floor and an outdoor storage area. It is anticipated any additional waste stored outdoors will cause a greater odour problem. It appears there is no odour remediation plan to address odour complaints.

Contingency Plan / Emergency Plan:

From a waste disposal perspective, Mammone has identified "approved Ontario and Michigan landfill sites". In the event that unprocessed waste, processed material and residual are not able to be shipped from the facility to designated locations, the City has serious concerns that material will be stockpiled outdoors on the site. No contingency plan which describes how these materials will be stored and disposed of has been submitted.

A fire occurred in the unloading/sorting area of the recycling building in September 2005. This was a significant event requiring Vaughan Fire and Rescue Services to be on site for approximately 18 hours; and there were smoke and odour issues to the surrounding area. A building permit was issued for the repair of the building, which was completed by the end of September 2005. Given this incident, an Emergency Plan should be provided to the City, and annually thereafter.

Final Disposal Quantities:

Mammone's current C of A states that of the 250 tonnes / day it is permitted to receive, 199 tonnes/day are destined for final disposal – meaning 80% of the waste it receives is to be disposed of at approved landfills. The remainder (20%) is apparently recycled.

The proposed amendment to the C of A requests 500 tonnes / day, of which 299 tonnes are destined for final disposal. This translates into 60% of waste being disposed of in approved landfills and 40% being diverted / recycled. Mammone has not provided any documentation to support how they will go from a 20% diversion rate to a 40% diversion rate. The City has serious concerns that the 40% diversion rate will not be met and will therefore increase the quantity destined for final disposal over the 300 tonnes/day threshold.

Waste transfer stations, which handle greater than 300 tonnes per day, may be considered for designation, under the Environmental Assessment Act. This application falls under the MOE's threshold (299 tonnes per day), and as such, no environmental assessment is typically required. However, the MOE may require the company to prepare an environmental assessment if adjacent landowners and/or other stakeholders such as the City of Vaughan or the Region of York have just cause. Accordingly, the site should be considered for designation under the Environmental Assessment Act.

Truck Traffic – Bass Pro Mills Dr.:

The drawings submitted with the application show Bass Pro Mills Drive as the point of ingress and egress for waste vehicles for both Waste Material Vehicles and Emergency Vehicles. Presently, the lands for the extension of Bass Pro Mills Drive have not been conveyed to the City and Bass Pro Mills Drive is not constructed to Jane Street. The only access is from Jane Street. The submission does not speak to the anticipated increase in truck traffic as a result of the proposed changes to the C of A. Any amendment for an increase should not come into effect until Bass Pro Mills Drive is constructed to Jane Street and dedicated.

Incompatibility with surrounding land uses:

The current planning regime for the subject lands envisages a commercial development on the majority of the subject lands and forming part of Vaughan Centre Secondary Plan Area. Provisions in the Official Plan and Zoning By-law require that the existing waste recycling facility cease its operation. This intention was further established in the Minutes of Settlement discussed above. The continued expansion and operation of the waste recycling facility would represent a significant investment in a temporary operation, which is intended to cease in 3 years. The long term operation of a waste recycling facility on the subject lands is inconsistent with the approved planning policies and standards for the subject lands and is considered incompatible with the existing and planned surrounding land uses, particularly those located on the west side of Jane Street.

It should be noted there has been significant public and private investment in the surrounding area. The abutting lands are a potential convention/conference centre and residential site. Given the extensive new commercial development and proposed development, the Mammone lands represent the last vestige of an industrial waste site which is completely inappropriate at its existing location.

Staff are presently aware of two letters sent to MOE advising of objections to any expansion sent to the Environmental Approvals and Assessment Branch, one from Ivanhoe Cambridge, the owners of Vaughan Mills Shopping Centre, and one from History Hill Corporation, owner of property directly to the north of the subject site. Given the significant interest of surrounding owners the Ministry should be requested to hold a public meeting and require a hearing before the Environmental Review Tribunal.

Conclusion

Staff have identified serious issues of concern regarding the application to amend Certificate of Approval A230624, and recommend that Council advise MOE that the City objects to the request for amendment.

Attachments

1. Location Map
2. Site Plan
3. Site Photos

Report prepared by:

Heather A. Wilson, Director of Legal Services
Brian Anthony, Director of Public Works
Marco Ramunno, Director of Development Planning

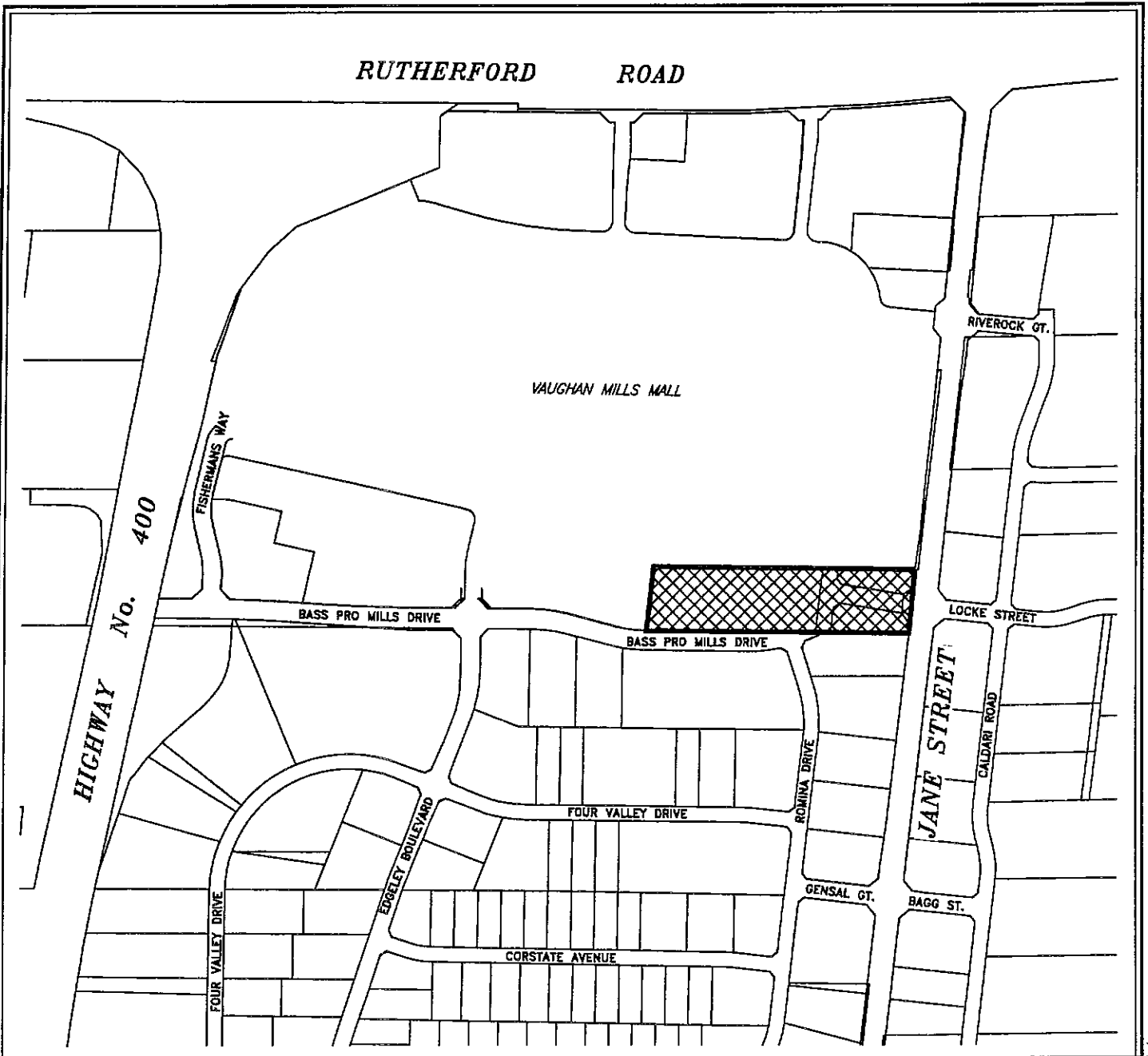
Respectfully submitted,

Bill Robinson
Commissioner of Engineering
And Public Works

John Zipay
Commissioner of Planning

Janice Atwood-Petkovski
Commissioner of Legal and
Administrative Services/
City Solicitor

LOCATION MAP



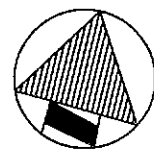
8940 JANE STREET

LOCATION : Part of Lot 14,
Concession 5

LEGEND

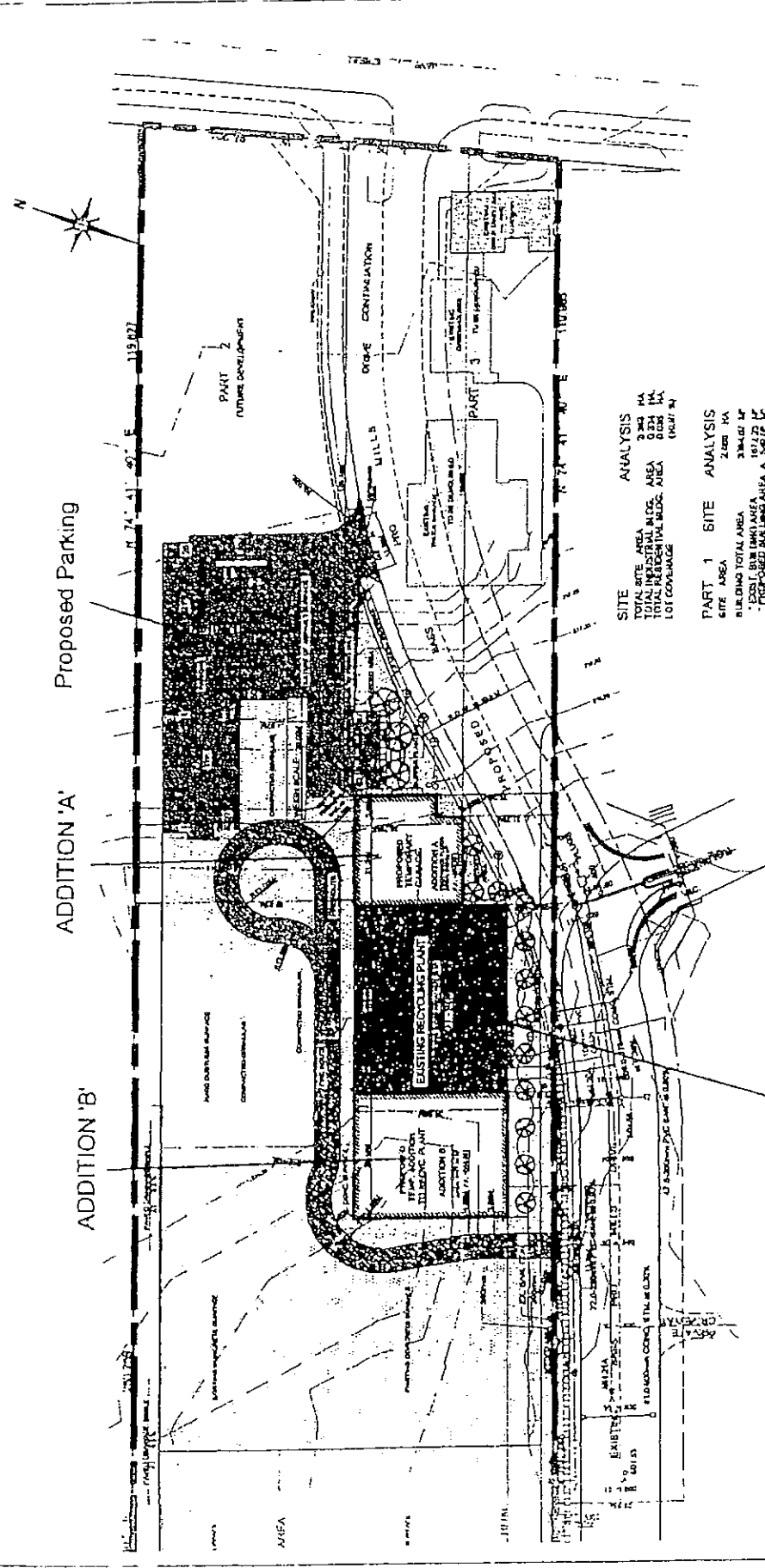


SUBJECT LANDS



NOT TO SCALE

Drawing name: R:\ENG\DRAW\PLANS\WORKS\8940 Jane St.dwg



SITE ANALYSIS	
TOTAL SITE AREA	9.24 HA
TOTAL INDUSTRIAL BLDG. AREA	0.24 HA
TOTAL RESIDENTIAL BLDG. AREA	0.00 HA
LOT COVERAGE	(60/100)

PART 1 SITE ANALYSIS	
SITE AREA	2.00 HA
BUILDING TOTAL AREA	3364.00 M ²
- EXIST. BLDG. AREA	1977.20 M ²
- PROPOSED BLDG. AREA A	86.00 M ²
- PROPOSED BLDG. AREA B	1117.24 M ²
LANDSCAPING AREA	3230.10 M ²
PARKING SPACES	80

PARTIAL
SUBJECT LANDS

PART 2 SITE ANALYSIS
SITE AREA (EXCARTLOT) 0.30 HA

PART 3 SITE ANALYSIS
SITE AREA (EXISTING BLDG. TO BE DEMOLISHED) 0.40 HA

Existing Recycling Plant

Proposed Parking

ADDITION 'A'

ADDITION 'B'

Site Plan

Lot 14,
Concession 5
APPLICANT:
FRANK MAMMONE

City of Vaughan

Community Planning Department

Attachment

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FILE NO.:
DA.01.053
Not to Scale
May 6, 2004

