

1. TOMLINSON ENVIRONMENTAL SERVICES LTD.
APPLICATION FOR A MINISTRY OF ENVIRONMENT
CERTIFICATE OF APPROVAL CONSTRUCTION
AND DEMOLITION WASTE PROCESSING FACILITY
SPRINGHILL LANDFILL SITE - TOWNSHIP OF OSGOODE

COMMITTEE RECOMMENDATIONS AS AMENDED

That Council decline to object to the application for a Certificate of Approval by Tomlinson Environmental Services Ltd. dated 27 January 1998 to permit a Construction and Demolition Waste Processing Facility within the approved Springhill Landfill site on Springhill Road in the Township of Osgoode to recover reusable and recyclable materials, provided that the Certificate of Approval issued by the Ministry of the Environment (MOE) is in accordance with the written information provided to the Regional Municipality of Ottawa-Carleton and that conditions are imposed by the MOE to address the concerns of the Region in this report, as amended by the following:

1. **That should the berm be constructed, that it not affect the Springhill / Osgoode Wetland Complex, and;**
2. **That the comments to the Ministry of the Environment be amended to include the following:**

The Region notes that the issue of the appropriate compensation to be paid in respect of the Springhill Landfill under By-law 234 and the proposed Tomlinson Construction and Demolition Waste Recycling Facility under the *Regional Municipalities Act* will be dealt with by Regional Council at a subsequent date. While declining to object to the certificate of approval the Region formally expresses its concern at the depositing of residual waste whose origin is from outside the Township of Osgoode at the Springhill Landfill.

DOCUMENTATION:

1. Director, Solid Waste Division, Environment and Transportation Department report dated 25 May 98 is immediately attached.
2. Extract of Draft Minute, 23 Jun 98, immediately follows the report and includes a record of the vote.

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. 07-97-0087-B
Your File/V/Réf.

DATE 25 May 1998

TO/DEST. Co-ordinator, Planning and Environment Committee

FROM/EXP. Director, Solid Waste Division,
Environment and Transportation Department

SUBJECT/OBJET **TOMLINSON ENVIRONMENTAL SERVICES LTD.
APPLICATION FOR A MINISTRY OF ENVIRONMENT
CERTIFICATE OF APPROVAL CONSTRUCTION AND
DEMOLITION WASTE PROCESSING FACILITY
SPRINGHILL LANDFILL SITE
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DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Regional Council decline to object to the application for a Certificate of Approval by Tomlinson Environmental Services Ltd. dated 27 January 1998 to permit a Construction and Demolition Waste Processing Facility within the approved Springhill Landfill site on Springhill Road in the Township of Osgoode to recover reusable and recyclable materials, provided that the Certificate of Approval issued by the Ministry of the Environment (MOE) is in accordance with the written information provided to the Regional Municipality of Ottawa-Carleton and that conditions are imposed by the MOE to address the concerns of the Region in this report.

INTRODUCTION

Tomlinson Environmental Services has recently applied to the Ministry of the Environment (MOE) for a Certificate of Approval (C of A) to permit a Construction and Demolition (C & D) Waste Processing Facility at the Township of Osgoode's Springhill Landfill Site located on Lot 31, Concession 6 in the Township of Osgoode.

The proposed recycling facility will receive construction and demolition waste from Eastern Ontario and the Outaouais including: the Regional Municipality of Ottawa-Carleton, United Counties of Prescott-Russell, United Counties of Stormont, Dundas and Glengarry, United Counties of Leeds and Grenville, United Counties of Lennox and Addington, and Lanark, Hastings, Frontenac and Renfrew Counties.

The MOE, as part of their review, have requested comments from the Regional Municipality of Ottawa-Carleton (Region).

BACKGROUND

The applicant, Tomlinson Environmental Services Ltd., will be the owner of the C & D waste recycling facility and will finance, market and operate the facility under agreement with the Township of Osgoode within the Township's licensed landfill site property. The agreement provides a blanket easement for the facility and includes suitable clauses to allow relocation of the operating area to avoid conflict with the landfill operation.

DISCUSSION

Staff have not completed a technical review of the application but have reviewed the application in accordance with those issues within the jurisdiction of the Regional Municipality of Ottawa-Carleton (Region) and comment as follows:

1. Waste that is received and originates outside the Region must be restricted to fifteen per cent (15%) of the facility's capacity.
2. The applicant proposes to construct a berm using two to three million tonnes of wood waste and reinforced concrete. It is the Region's understanding that this waste is not acceptable for berms. Further, it is understood that berms are not an MOE requirement at this site and that other screening options available such as tree planting could be utilized. As referred to in the C of A application, the Springhill Landfill's 1992 Development and Operations Report states that the most rapid and economic approach is to plant a continuous vegetative screen that will attain a minimum height of four metres. Further, the Region is concerned about the proposed volume of waste for use as a berm (2,000,000 to 3,000,000 tonnes) since this quantity is more than the total landfill capacity (850,000 tonnes).
3. The Region understands that a minimum amount of waste from the construction and demolition waste recycling facility can be used as daily cover or for other uses at the landfill. However, the application states that the landfill will be used as an outlet for most of the processed materials. From a waste management perspective this approach is not sustainable. The Region requests that the off-site uses identified in the application be clearly defined to mean materials sent to end markets and do not include disposal at the Springhill Landfill Site.
4. The waste receiving procedures must be clearly outlined to ensure landfill waste is differentiated from the construction and demolition waste recycling facility's material stream. The Region intends to give credit to bona fide recycling facilities and does not want to confuse the C & D waste recycling facility operations with "Best Management Practices" of landfill operations.
5. The Region's Consent must be included as part of the final C of A. The Consent will restrict the C & D waste recycling facility operations to a negotiated residual rate in the first year of operations that will be reviewed on an annual basis. It will also require monthly and annual reporting to indicate materials received, processed and marketed.

Note that a separate report dealing with Regional Consent in accordance with Section 151 of the Regional Municipalities Act is forthcoming and will address issues related to quantities of residuals, reporting, etc.

CONSULTATION

Since public consultation forms part of the Ministry of the Environment Certificate of Approval process, no public consultation was carried out. In addition, as a requirement of the Province of Ontario's Environmental Bill of Rights, the Minister is required to provide notice of proposals for instruments in the Environmental Registry for public review.

FINANCIAL IMPLICATIONS

This is a private sector facility and therefore there is no financial impact on the Region as a result of this report.

*Approved by
P. McNally, P.Eng.*

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23 June 1998

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- Director, Solid Waste Division, Environment and Transportation Department
report dated 25 May 98

Committee Chair Hunter clarified the issue before Committee is a recommendation to decline to object to the application for a Certificate of Approval by Tomlinson Environmental Services to permit a construction and demolition (C&D) waste processing facility within the approved Springhill Landfill site on Springhill Road in the Township of Osgoode and provided that the Certificate of Approval (C of A) issued by the Ministry of Environment (MOE) is in accordance with the written information provided to the Regional Municipality. He noted Committee is not discussing any expansion of the Springhill Landfill site or any other issues that may have been brought up.

The Committee Chair then read the motions tabled at the meeting of 9 June 1998 amending the staff recommendations:

Moved by Councillor Legendre that should the berm be constructed, that it not affect the Springhill/Osgoode Wetland Complex.

Moved by Councillor Beamish that the Region add comment no. 6 as follows: residual waste from the recycling operations not be permitted to be disposed of at the Springhill site without appropriate “compensation fees” being paid to the Regional Municipality of Ottawa Carleton since this has a direct bearing on the RMOC’s ability to manage environmental issues relating to waste disposal in the future.

Councillor Beamish withdrew his motion and put forward the following motion: That the comments to the Ministry of the Environment be amended to include the following:

The Region notes that the issue of the appropriate compensation to be paid in respect of the Springhill Landfill under By-law 234 and the proposed Tomlinson Construction and Demolition Waste Recycling Facility under the *Regional Municipalities Act* will be dealt with by Regional Council at a subsequent date. While declining to object to the certificate of approval the Region formally expresses its concern at the depositing of residual waste whose origin is from outside the Township of Osgoode at the Springhill Landfill.

Councillor van den Ham referring to Councillor Legendre’s motion, asked if the Ministry of Natural Resources (MNR) would be commenting on the issue of the wetlands complex with respect to the application.

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Mr. Tim Marc, Solicitor, Legal Department, indicated MNR would presumably comment on this, however, he opined, based on comments by Mr. Simmering at the 9 June 1998 meeting, that the application before Committee will not pose any risk or harm to the wetlands complex.

Mr. Hugh Roddick addressed the Committee on behalf of himself and The Friends of the Bog. He gave a brief presentation outlining their reasons for their formal opposition to the Construction and Demolition Waste Processing Facility application for the Osgoode Township Springhill Landfill site (on file with the Regional Clerk).

He felt, judging by past Regional actions, that it was the RMOC's intention with respect to the Springhill Landfill site that it remain a small municipal landfill and not become a commercial enterprise. It is his opinion that this is one step in many in turning this small municipal landfill, endorsed by the Region through their settlement agreement with commercial landfill operators in Ottawa-Carleton, into a large commercial enterprise, counter to the original intentions of the Township of Osgoode when they let the contract and the RMOC in dealing with the Township.

Councillor Munter noted the delegation raised a concern the Committee discussed in camera at the 9 June 1998 meeting regarding the issue of the compensation fee and how these landfills are used and the deal that the Township of Osgoode got, and felt it is very relevant to this application. He asked staff to comment on Mr. Roddick's presentation.

Mr. Tim Marc, Solicitor, Legal Department indicated staff share some of Mr. Roddick's concerns, however, he noted the purpose of the open report before Committee is to provide Regional comments on the technical aspects for the application for the Certificate of Approval and the comments in the report will be forwarded to the Ministry of the Environment (MOE). He stated there will be another opportunity to address the expansion of the Osgoode Landfill Site and the question of the compensation fee at a later date and encouraged Mr. Roddick to submit his comments directly to the MOE.

Responding to Councillor Legendre's questions, Mr. Roddick explained the current site, up until 1997, was a small municipal dump with only a few vehicles going in and a small amount of waste being dumped. With this application there will be an increase from 7,400 tonnes to 7,400 plus 41,000 tonnes per year which will significantly change the scope of activities at the site; change traffic patterns on local roads and change the basic nature of how the landfill works. He added although staff indicate the issues are separate, he felt the issue of Osgoode being excluded in the settlement agreement is because it was to remain a small municipal dump and that cannot be separated from the Region declining to object.

The Councillor asked if there are any other grounds in which the Region could object to this application other than "technical". Mr. Marc replied staff have examined the application and do not find any reason to object on the basis of the authority to make comments granted to the Region. He added for clarify what is before the Committee is not the question of whether or not the Springhill Landfill Site can accept construction and demolition waste as they currently can. The question before the Committee is what comments the Region should give on whether

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or not Tomlinson Environmental Services Ltd. is to be granted a Certificate of Approval for a Construction and Demolition Waste Processing Facility.

Mr. McNally added the comments staff are bringing forward deal predominantly with the waste diversion aspects of the operation. There are a number of points the Region want to draw to the Ministry's attention and consideration as they undertake the technical review and those issues are noted in the discussion of the report. He stated that is the extent of the comments the Region provides during this Certificate of Approval review.

Mr. Marc clarified for Councillor Legendre that enforcement of Regional conditions on the Certificate of Approval is the responsibility of the Ministry to ensure compliance with the conditions they impose on it.

Committee Chair Hunter thanked Mr. Roddick for his comments and introduced the next delegation.

Mr. Steve Simmering, Engineer representing Tomlinson Environmental and Mr. David Cox, Legal Counsel for Tomlinson Environmental for this application addressed the Committee. Mr. Simmering reiterated the application before Committee has nothing to do with the proposal to the Township of Osgoode for a partnership to expand the existing site; this is a separate activity to properly handle construction and demolition waste coming to this landfill. He clarified the facility would receive construction and demolition waste such as concrete, brick, wood glass, etc. from roll-off containers. This waste is presently going to landfill. He opined that Tomlinson Environmental would be improving the process by recycling this waste. He noted and appreciated Regional staff's efforts to ensure this is a bona fide facility and not just a way to route waste through a false facility to take advantage of arrangements with Springhill Landfill that presently exist. He indicated the end result of projected usage of the site is 46 years of residual capacity and diverting 21,700 tonnes of waste currently going into landfill sites throughout the Region.

Mr. Simmering, with respect to public consultation, advised the Committee that a July 1997 report is available that addresses a fully advertised open house meeting on this application, all done in accordance to MOE requirements. He added the application is available on the Environmental Bill of Rights electronic registry and residents can make comments to the MOE.

In summary, Mr. Simmering stressed this is a bona fide activity which will help waste management within the Region. He noted they have worked and will continue to work closely with Regional staff to ensure it is a proper, beneficial, environmentally correct activity.

Mr. Cox added with respect to Councillor Beamish's amendment, Tomlinson Environmental has no objection.

Councillor Munter noted his concern along with a number of his colleagues and other landfill operators that the deal the Township of Osgoode received a number of years ago has now

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developed to the point where there is no longer a level playing field in Ottawa-Carleton. He asked the delegation why they feel this should not be a concern to be factored into the decision being made at this meeting.

Mr. Simmering explained that the matter is not being treated lightly and has been addressed with staff and in the conditions being recommended. He stressed this is a waste reduction activity, diverting not adding waste to Regional landfills with the requirement to pay compensation if the targets are not met.

Responding to Councillor Legendre's questions, Mr. McNally explained there is very little bona fide construction and demolition waste currently being diverted and Mr. Simmering's numbers suggest a larger diversion rate. He added once the Certificate of Approval is in place, staff will negotiate the consent and what is an acceptable rate of diversion; preliminary discussions have been in the range of 60%.

Councillor Legendre inquired if there is not enough economic incentive in place in Ottawa-Carleton to successfully divert construction and demolition waste to which Mr. McNally agreed, noting either the cost of recycling it is too high or the markets for the recycled products are not there.

In response to Councillor Legendre, Mr. McNally noted it is the Region's statutory obligation to accept construction and demolition waste material at landfill and staff have tried over the years to promote diversion from landfill. He felt that any amount of material diverted from landfill is a success.

Mr. Marc explained for Councillor Legendre, regarding the issue of Osgoode Landfill Site acting as a transfer station, that the process is legal provided the other aspects of the Certificate of Approval were abided by, namely that the residual was what it was supposed to be under the Certificate. He noted waste brought from outside of Osgoode and processed at a facility within Osgoode then became waste generated within the Township, and could go to the landfill. Mr. Marc emphasized staff had expressed a concern as to whether or not this is what was anticipated back in 1996 when the settlement was reached, with the view that it was not, but felt this was a debate for another day. He said, however, this did not affect the technical comments to be made on the Application for the C of A.

Chair Hunter then read Councillor Legendre's motion: That should the berm be constructed, that it not affect the Springhill / Osgoode Wetland Complex.

Councillor van den Ham did not believe this Motion was necessary, and served to attract attention to a "red herring". The Councillor noted MNR was never supposed to place any kind of wetlands line through an existing industry according to their books, and having done so, Councillor van den Ham felt the line that went through there was inappropriate. He said he knew there were bona fide wetlands in the area, but did not believe this was the case in regards to the existing landfill site. The Councillor felt MNR would be making comments if it felt it

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was necessary, but that the comments as proposed by staff covered what was needed to be said.

Speaking in support of his Motion, Councillor Legendre disputed that it drew attention to a “red herring” in arguing where the line was to be placed, but simply underlined the important aspect that wetlands, in the RMOC’s view, were to be respected. The Councillor explained the quantity of heavy material for the berms that were going to be put into place struck him as having the potential of disrupting the underground water flow, and hence, the wetland. He felt his Motion was appropriate, and noted the response that Committee had received from the Tomlinson representative had indicated the location of the berm, had seemed clear to him that it would not affect the wetlands, and that he had had no objection to the Motion.

Councillor Legendre expected to be going in camera to discuss the confidential reports and believed the entire dossier has gone too far and should be discussed in camera.

Mr. Marc informed the Councillor this issue, as it deals with litigation, will be going to Corporate Services and Economic Development Committee.

Councillor Legendre requested notification when this issue goes forward to Corporate Services and Economic Development Committee and added, in terms of declining to object, found it prejudicial. He felt that should Committee later wish to withhold consent, Committee should be objecting at this meeting. He found it inconsistent and asked for Mr. Marc’s comments.

Mr. Marc explained that what was before Committee was the issue of technical comments on the C of A, noting that in a broad sense, what the Certificate was saying was that from the matters the MOE was required to address, it worked. He noted it did not generally matter to the MOE whether waste from one part of Ontario went to another part of Ontario. Mr. Marc said the Ministry’s concern was to ensure that from a technical basis, waste was treated properly, and that this was the issue of the Certificate.

Mr. Marc also noted the issue of the Consent raised entirely different issues. He explained the issue of the Consent was so that the RMOC had the means to ensure the preservation of the landfill capacity found within the Region. He said a chief factor in why the Board approved By-Law 234 in the first place, was that the RMOC was the only entity that must find a way to dispose of waste within Ottawa-Carleton. Noting that if Tomlinson, Huneault, Laidlaw and Osgoode (Recycling) disappeared, Committee and Council would continue to have a responsibility to deal with waste; that the Region had an interest from the Consent aspect to ensure there was a minimal amount of residual waste. Mr. Marc said that even if, technically, the site was sufficient under the C of A, if it had an extraordinarily high amount of residual, it would be within the proper authority of the Region to deny a Consent.

Councillor Munter said he would not support the staff recommendation. He felt that Osgoode had received a deal from Regional Council a number of years ago on the understanding that waste from Osgoode would be dumped within Osgoode, and that as a result, the landfill site would have capacity into the second half of the next century. The Councillor felt Committee

was dealing with decisions that would, at a rate of 20,000 extra tonnes a year, diminish the capacity of the site far earlier. He felt it was small consolation that this was already happening, and that people had found a way around the spirit of the original 1992 deal. Councillor Munter said he hoped when the issue came back, that Committee would return to the original intent of Regional Council in 1992.

Councillor van den Ham said he believed what was being said about additional tonnages going into Osgoode, and that Committee had heard some legitimate concerns from area homeowners and residents. He also noted that since Tomlinson had become involved, the existing dump had been cleaned up and had been improved. The Councillor said better equipment had been brought in for improved compaction resulting in additional tonnages being crushed better. Councillor van den Ham felt the existing material was much better handled. He felt that both the Committee and the residents of Osgoode had to recognize that this was a much-improved landfill site, and that when all was said and done, there would not be much difference with the operation, with the C of A approved, or not.

There being no further discussion, Committee considered the following Motions:

Moved by J. Legendre

That should the berm be constructed, that it not affect the Springhill / Osgoode Wetland Complex.

CARRIED

Moved by D. Beamish

That the comments to the Ministry of the Environment be amended to include the following:

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CARRIED

Committee then carried the staff recommendations, as amended.

That the Planning and Environment Committee recommend that Council decline to object to the application for a Certificate of Approval by Tomlinson Environmental Services Ltd. dated 27 January 1998 to permit a Construction and Demolition Waste Processing Facility within the approved Springhill Landfill site on Springhill Road in the

Township of Osgoode to recover reusable and recyclable materials, provided that the Certificate of Approval issued by the Ministry of the Environment (MOE) is in accordance with the written information provided to the Regional Municipality of Ottawa-Carleton and that conditions are imposed by the MOE to address the concerns of the Region in this report, as amended by the following:

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CARRIED as amended