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PLANNING SERVICES

Planning Justification Report

Proposed Waste Transfer Facility (Waste Management Inc.)

Official Plan and Zoning By-law Amendments
Kingsway Boulevard, City of Greater Sudbury



J.L. Richards

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Planning Justification Report

Proposed Waste Transfer Facility (Waste Management Inc.)

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1.0 Introduction

J.L. Richards & Associates Limited (JLR) has been retained by Waste Management Inc., and Kingsway Entertainment District Inc., to provide planning advisory analysis and prepare the required planning justification report to support applications to amend the City of Greater Sudbury (City) Official Plan (OP) and Comprehensive Zoning By-law 2010-100Z (ZBL) to facilitate the future development of an 880 sqm waste transfer station to be operated by Waste Management Inc. (WM).

The overall property to be purchased by WM will also represent a consolidation of WM's existing facilities in Sudbury by relocating their garbage truck parking area, bin storage area, and a 1,950 sqm building on the abutting lands for a commercial garage including a 420 sqm accessory office. The transfer station works within the current draft of the City's Sustainable Waste Strategy where one of the key objectives is to extend the life of the City's landfills. As the institutional, commercial, and industrial (ICI) materials dealt with at the proposed waste transfer station are not included in the normal municipal waste stream any facility designed to deal with the ICI stream will assist in lowering the annual contributions to the landfill.

The lands are +/-4.8 ha in land area and described as PIN 735610293 and Part of PIN 735610300; Part 13, and Part of Part 15, Plan 53R-20983; Part of Lot 9, Conc. 4, Township of Neelon; 0 Kingsway, City of Greater Sudbury. They are generally described as Lots 4 and 5 on the draft approved subdivision Plan.

The subject property is vacant and is part of a draft plan of subdivision comprising the lands for the subdivision known as the Kingsway Entertainment District.

Surrounding lands include the Sudbury landfill, other industrial uses, and vacant lands. The site is located approximately 400 metres from The Kingsway, a primary arterial road. Through completion of the plan of subdivision, the applicant will provide road access and servicing to the subject lands via Street 'C', as shown on the draft plan of subdivision, which connects to The Kingsway.

The lands to be acquired by WM are bisected by the Ramsey Lake Watershed (RLW), with southern portions of the property in the RLW and northern portions located outside of the RLW. The area of the property north/outside of the RLW is proposed for the amendments which seek approval of the waste transfer facility.

The subject property appears to be designated 'General Industrial' and 'Heavy Industrial' on Schedule 1b to the City's Official Plan. While the northerly portion of the site is designated as 'Heavy Industrial', the designation boundaries are general in nature. The portion of the property proposed for the waste transfer facility will be clearly designated through this application for an Official Plan Amendment (OPA) to specifically confirm that these lands are 'Heavy Industrial'. A designation that permits the facility.

The subject property is zoned M2(15) Light Industrial Special and M3(15), Heavy Industrial Special, in the City's Zoning By-Law 2010-100Z. The proposed waste transfer facility is not permitted by the current site-specific zoning provisions. Therefore, a Zoning By-law Amendment

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will be required to permit the locating of a waste transfer facility on a new M3 (Special) Zone to be those lands located outside/north of the RLW.

It should be noted that the commercial garage proposed for the southern part of the property is already a permitted use in both the M2 and M3(15) Zone.

However, the City considers the extent of the proposed office space proposed not to be accessory, and therefore requires permission for the office use in the M2 and M3 Zones.

There is also a need to identify and permit a zero setback from the zoning boundary that bisects the lot between the M2 and M3 zones. These operations are already in existence in Sudbury as standalone operations run by WM (i.e. they are separate and distinct from the proposed waste transfer facility).

The applications are consistent with the PPS 2020 and conform to the Northern Growth Plan. The amendment to the City's OP is appropriate to clearly identify the portion of the lands designated 'Heavy Industrial' to permit the waste transfer facility, as this is an appropriate and compatible use for the site. The development would be consistent with the neighbouring landfill property, while being appropriately designed for the Kingsway subdivision.

The proposed amendments to the implementing Zoning By-law would then properly support the change to the OP for the waste transfer facility and allow for orderly development of the commercial garage on the southerly portion where it is already a permitted use and permit office space for the administration of WM's Sudbury operations as a part of the maintenance facility.

1.1 Planning Act Applications and Pre-Consultation Requirements

A pre-consultation meeting was held with the City of Greater Sudbury on July 26, 2023 which provided comments on the SPART application (PC2023-064). Subsequent meetings, telephone calls, and emails have followed to confirm application requirements.

1.1.1 Required Reports/Submissions

Required information for the complete OPA/ZBA applications was outlined in the SPART comments following the pre-consultation meeting with the City.

As a part of our preparation of this report we have completed our analysis of the SPART comments. Where we have determined that there is no submission requirement, we have added the note to confirm why there is no submission related to that subject matter.

The required submission for the OPA/ZBA applications includes:

- Application Forms
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Land Use Compatibility Study, only if waste disposal is proposed within 300 metres of a sensitive receptor.
 - *Response: There is no disposal of waste proposed on the site. Also, the proposed waste transfer facility is not located within 300 metres*

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of a sensitive receptor, nor is the D-6 guideline applicable; however, comments on D-6 approach are made herein.

- Planning Justification Report
- Public Consultation Strategy
 - *Response: Information has been provided in Section 7.0 of this report.*
- Source Protection Plan Section 59 Application (update the existing RMP, but waste management is managed by MECP through ECA)
 - *Response: The Section 59 application will only apply to the commercial garage which is a permitted use as of right and is not part of the OPA/ZBA applications to permit a use. The S. 59 application is included herein for the commercial garage.*
- Stormwater Management Brief/Memo
 - *Response: A Brief has been prepared by R.V. Anderson and is included with the application.*
- Concept Plan
 - *Response: A Concept Plan has been prepared by R.V. Anderson and is included with the application.*
- Legal Survey – required to implement OPA/Rezoning.
 - *Response: As the legal survey is required to implement the decision, it shall be provided prior to the public meeting. At this time, the lands that are the subject of the applications for the proposed waste transfer facility are generally described as those located north/outside of the Ramsey Lake Watershed as shown as a part of Lot 5 on the Draft Plan on the information contained in the reports submitted for the applications.*
- Mitigation and Contingency Plan.
 - *Response: Comments have been provided under Section 6.0 of this report and defers preparation of such plan to such time as detailed design and an ECA application is made.*
- Materials required to seek Authorization for private waste disposal site (By-law 2006-280)
 - *Response: Information has been provided in Section 6.0 of this report.*
- Confirmation that the use is not a significant threat through MECP comments and/or peer reviewed technical information.
 - *Response: Information is provided throughout Section 3.0 related to the location of the proposed waste transfer facility, MECP approvals, Source Protection, and the identification of vulnerable areas.*
- Materials to address the H2 holding zone on the northwest corner.
 - *Response: None of the subject lands proposed for development are zoned H2FD; therefore, no materials/discussion of the Hold symbol is provided herein.*

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1.1.2 Revision – per May 3, 2024 City Comments

This report has been revised to respond to the comments provided by the City with the notice for incomplete application dated May 3, 2024.

1.1.3 Requested Amendments

The details of the amendments are as follows:

- Amendment to Schedule 1/1b of the City of Greater Sudbury Official Plan to clearly identify the lands, outside of the RLW, that are proposed for the waste transfer facility as being designated 'Heavy Industrial'.
- Rezoning the lands outside of the RLW and proposed for the waste transfer facility to M3 (Special) Zone of the City of Greater Sudbury Zoning By-law to permit a waste transfer facility.
- Rezoning of the M2 and M3 lands inside the RLW to include 'office' as a permitted use.
- Include a provision for zero setback on the site where there is a zone boundary between the M2 and M3 Zones.

1.2 Purpose

The purpose of this report is to provide context to the amendments being proposed and to provide justification through the analysis of the applicable land use and planning policies and legislation.

The following report provides an overview of the proposed development, site context, purpose and effect of the applications, and demonstrates how the applications conform with the applicable Provincial and Local planning framework and represents sound land use planning.

2.0 Site and Area Description and Surrounding Land Use

2.1 Site Description and Surrounding Land Use

The lands are 4.8 ha in land area and described as PIN 735610293 and Part of PIN 735610300; Part 13, and Part of Part 15, Plan 53R-20983; Part of Lot 9, Conc. 4, Township of Neelon; 0 Kingsway, City of Greater Sudbury. They are generally described as Lots 4 and 5 on the draft approved subdivision Plan. See Figure 1.

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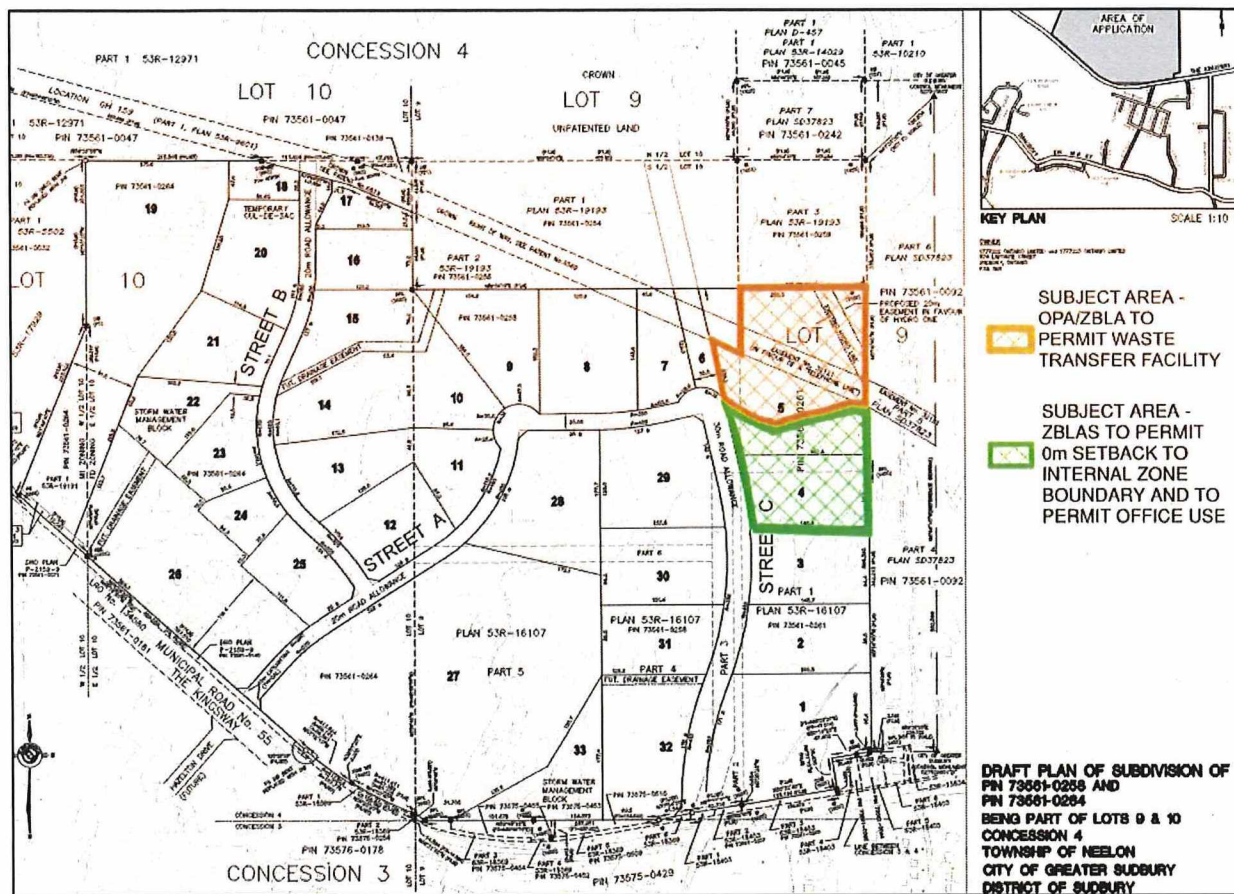


Figure 1: Subject Lands in the Draft Plan of Subdivision

The lands that are the subject of the applications for OPA and ZBA to permit the waste transfer station are located north of the RLW which bisects the property in an east-west fashion. The application for office use and a zero setback between the M2 and M3 zoning boundary are within the RLW.

The property is owned by Kingsway Entertainment District Inc. and is part of a plan of subdivision that was draft approved on October 26, 2010, proposing a total of 33 blocks of land to the north of the Kingsway. The subdivision is approximately 12 ha in land area. It is accessible via two proposed roads from the Kingsway. See Figure 2.

The surrounding lands to the east are developed for industrial uses which include the City's landfill site (adjacent to the subject lot) and a light industrial use with outdoor storage. Lands located to the north and west are vacant.

The subject site is located on the north side of the Kingsway (approximately 315 metres from the closest boundary line of Lot 4). Lands to the south of the Kingsway are developed for low density residential and commercial uses.

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The southerly portion of the site lies within the Ramsey Lake Watershed, while the northerly portion of the site is outside the of the RLW.

A hydro line crosses the northeastern portion of the subject property.

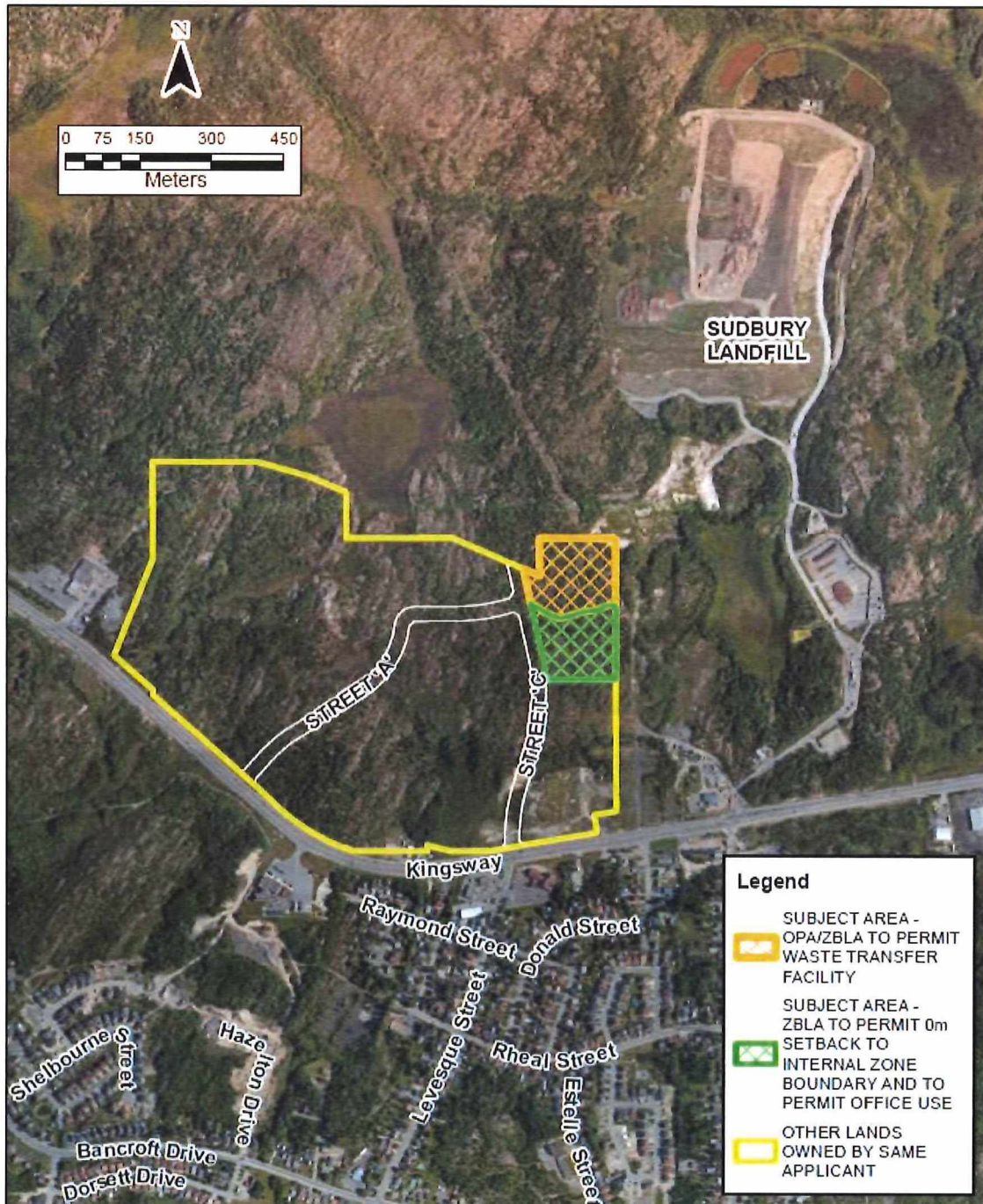


Figure 2: Subject Lands and Surrounding Area

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2.2 Environmental Constraints and Water Features

The property is within and adjacent to various surface and groundwater features. The southern portion of the property lies within the Ramsey Lake Watershed (RLW). The lake is one of the main municipal drinking water sources in the City that is subject to the policies of the Greater Sudbury Source Protection Plan (SPP).

Based on mapping produced by the Greater Sudbury Source Water Protection Committee in accordance with the program established by the Ministry of the Environment Conservation and Parks (MECP), the Intake Protection Zone (IPZ3) is located approximately 156 metres from the closest boundary of the lands proposed for the waste transfer facility, and approximately 12 metres from the extreme southern boundary of the subject lands. In the southern portion of the subject property and including other lands in the Draft Plan of Subdivision there are significant groundwater recharge areas and highly vulnerable aquifers. See Figure 3.

It should be noted that while the above features are located on the same property, they are located outside of the area pertaining to the applications to permit the proposed waste transfer facility.

A discussion of the environmental constraints and regulatory processes for the proposed development are discussed in the following sections of the report.

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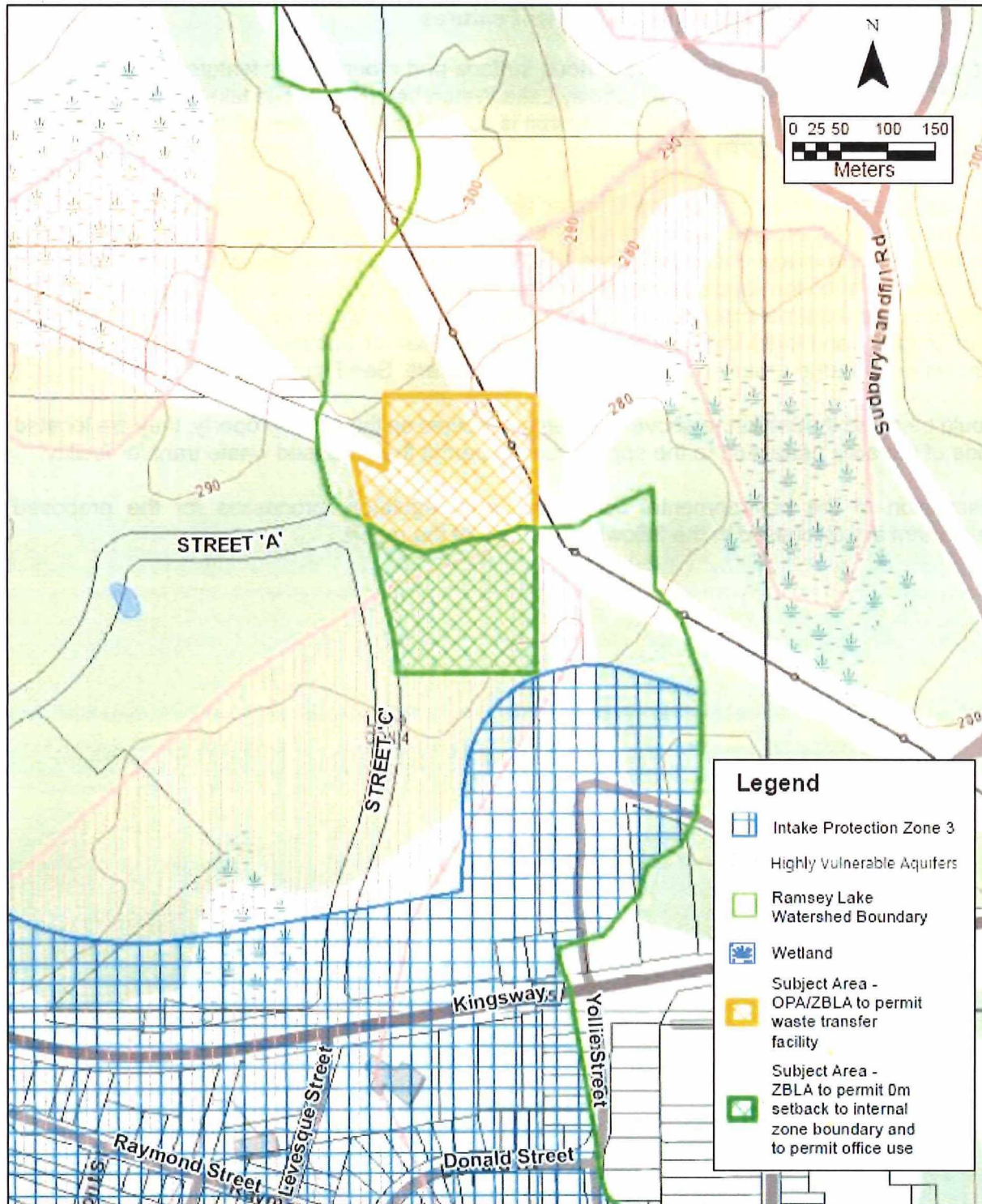


Figure 3: Source Protection Features and Vulnerable Areas

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2.3 Proposed Development

WM is proposing to build an 880 sqm waste transfer facility and a 1,950 sqm building with a commercial garage (1,530 sqm) and offices to support the WM operations (420 sqm) on the same property.

The proposed facility represents an amalgamation of two sites presently used by WM in Sudbury at 1685 Lasalle Boulevard for their office and garbage truck storage and maintenance (presently zoned C2(121)), and a bin storage yard at 1085 Elisabella Street (presently zoned M2). The site will also be used for construction of a new waste transfer facility.

The waste transfer facility, garbage truck storage, and bin storage yard would be located in the northern portion of the property, outside of the RLW. The commercial garage and WM offices would be located in the southern portion of the property.

The proposed concept plan is shown below in Figure 4 and attached within Appendix A and submitted as part of the OPA/ZBA application package.

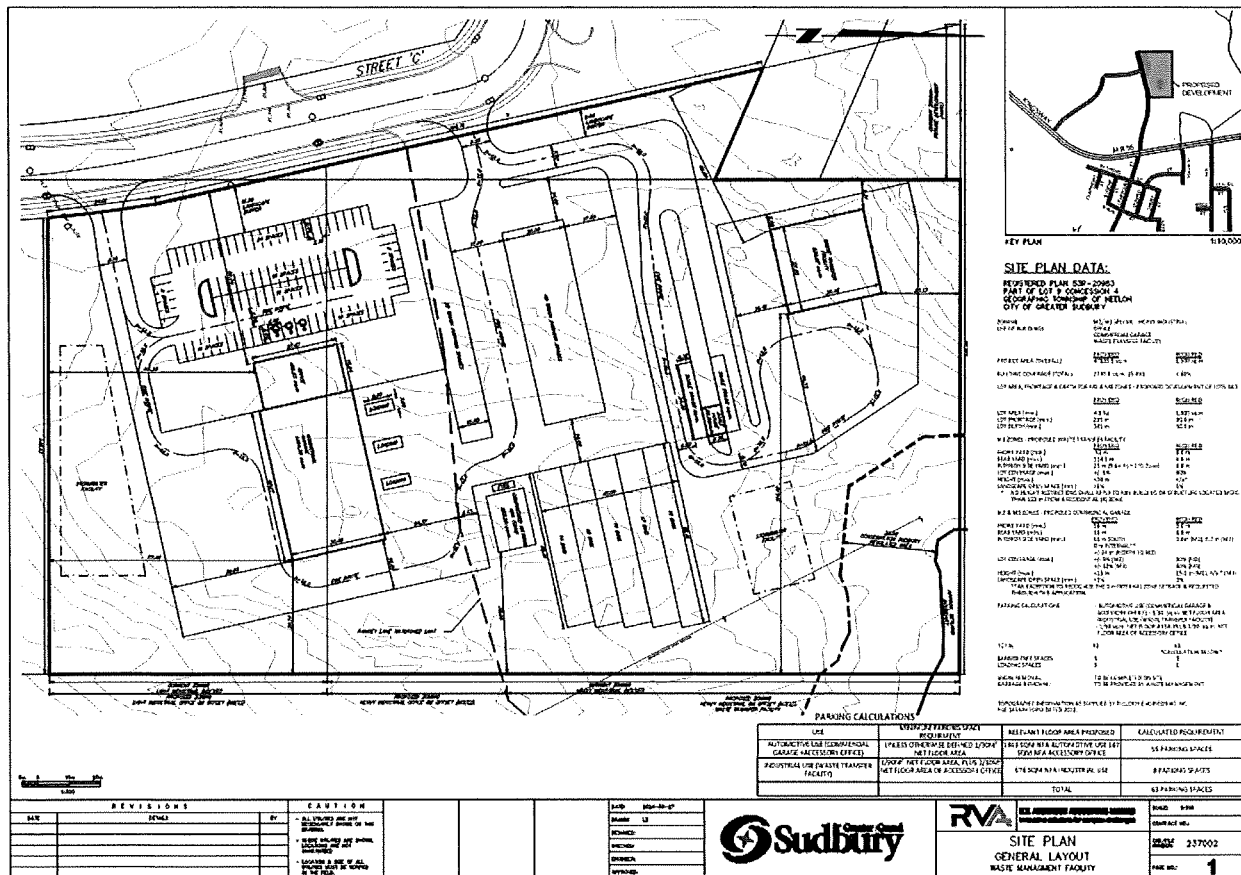


Figure 4: Proposed Concept Plan

WM currently provides services under private agreements to residential, institutional, commercial, and industrial (ICI) waste pick up and disposal. WM also provides bin service to multi-residential buildings and municipal facilities under the existing agreement with the City. WM is a private

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operator for residential waste that is operating under an agreement with the City for the pick up of residential curbside waste. The garbage trucks for the residential contract will be parked at the property and the materials collected for the residential waste contract will continue to be brought to the Sudbury Landfill, per existing agreements. All organic materials and leaf litter will also still be brought to the Sudbury Landfill site.

2.3.1 Waste Transfer Facility

The proposed waste transfer facility will receive a limited range of non-hazardous municipal solid waste from locations in the City serving multi-residential and Industrial, Commercial, and Institutional (ICI) clients all of which is collected separately from the existing contracts with the City for residential collection.

The typical vehicle for this type of operation is collection from a bin using front-loading garbage trucks. The materials received at the waste transfer facility will then be sorted indoors and loaded on to 52-ft long haul trailer trucks for transportation to WM's approved waste disposal facility in Ottawa.

Sorting is a form of processing where heavy equipment may be used to separate large volumes of recyclables from waste, such as metal, cardboard, or wood for the purposes of recycling and diverting from final disposal/landfilling. Any sorting will be conducted within the waste transfer facility that will be equipped with an odour suppression system.

These recyclables will be stored within the transfer station building. Sorted recyclables will be segregated on the transfer floor until sufficient quantities make it economically feasible to ship for recycling. Recyclables may be stored up to 6 months.

WM may receive mixed waste or source-separated recyclables (single stream, blue box, comingle, dedicated cardboard/fibre). Source separated recyclables will not be further sorted on-site and will only be bulked and transferred.

The waste transfer facility will be subject to an Environmental Compliance Approval (ECA) to be applied for following approval of zoning. Approval for such a certificate requires that Zoning be in place for the use.

It is anticipated that the operating hours of the transfer facility will be 5am to 5pm to accept materials, and there may be additional hours in the evening for sorting and loading materials indoors. Each truck would bring 2-3 loads a day, averaging 7-10 tonnes per load. It is anticipated that 150-200 tonnes of non-hazardous waste will be received at, sorted indoors, and transported from the site daily.

As part of WM's air/noise ECA application, an acoustic assessment will be conducted which will model potential noise impacts on sensitive receptors. WM may adjust the above-noted operating hours to reduce impacts to sensitive receptors and comply with the City's noise by-law. Depending on results, WM may need to mitigate noise by reducing vehicle traffic between 5am-7am or alter its operations hours to start at 7am.

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The application for the ECA will be made for a maximum of 500 tonnes per day. At this time it is not proposed that the waste transfer facility would be open for public drop-off; however, that would be determined through the ECA process. WM anticipates that material may be received from third parties, such as contractors, roofing companies, etc., directly in the transfer station. All waste and recyclables will be received, bulked, and stored indoors. There is no outdoor storage.

The trucks leaving the waste transfer facility to bring the waste to the approved disposal facility will be contracted out by WM and will stage trailers on site based on the demand.

The proposed transfer facility is approximately 880 sqm in gross floor area and includes a tipping floor accessed by four overhead doors. On the tipping floor there are various bays which are used to sort different materials, i.e. solid waste, woods, metals, etc. Sorting and packaging would be done with loaders, skid steers, fork lifts, and bailing equipment. The tipping floor will have a stationary compactor located within the building to compact materials for loading onto trailers. The compactor will push and press the waste/recyclables into a trailer to ship to an appropriately licensed receiving facility. In addition, there is a one load-out bay for recyclables. The load-out bay will be accessed either via a ramp and single overhead door, or two overhead doors for a drive-through bay to receive materials. There is also a utility room.

Prior to entering the waste transfer building, and after, trucks will utilize the on-site scale facility to confirm tonnage. The scales will include radiation detectors, as there is some hospital waste that can be brought through the transfer facility. WM has established procedures and guidelines to follow related to handling of such waste that is still classified as non-hazardous.

The site will also contain an area for compressed natural gas fuel for the vehicles.

2.3.2 Garbage Truck Parking

WM's fleet of garbage trucks currently parked at the Lasalle Boulevard location would be relocated to the subject lands. The fleet consists of approximately 50 commercial vehicles, including front-loading, side-loading, rear-loading, and roll-off garbage trucks and box trucks, and approximately 7 light duty pick-up trucks.

2.3.3 Bin Storage Yard

WM provides bin service to multi-residential buildings and municipal facilities under the existing agreement with City.

WM's bin storage yard will be relocated from the current location on Elisabella Street to the subject lands. WM anticipates space for approximately 100 bins of various sizes, which are sorted in the storage area by size, and condition – i.e. new and ready to provide to customers or requiring repairs.

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2.3.4 Commercial Garage, Office, and Employee Parking Area

The uses proposed and permitted within the current M2(15) and M3(15) Zone include the commercial garage, administrative office, and employee parking area.

The 1,530 sqm commercial garage will service WM's commercial vehicle fleet described above. These operations are currently taking place at WM's facility on 1865 Lasalle Boulevard. The building will be a single storey with an estimated clear height of 10 m. The proposed facility will contain four drive-through maintenance bays area each with overhead doors on either side of the building totaling approximately 1,000 sqm floor. In addition, a 215 sqm drive-through wash bay is proposed. Additional areas in the commercial garage include a parts/receiving room with overhead door access, tool room, equipment room, oil/lube tank containment area, oil/lube room, and clean room.

The commercial garage will have storage tanks for hydraulic oil, double walled tanks. There is no diesel fueling on site. Anti-freeze and oils are stored based upon ministry standards and do not exceed the maximum allowable quantities.

The 420 sqm office will be included as a part of the commercial garage described above. This space is dedicated to the site operations and to serve the operations of the site. The City does not consider this as accessory; therefore we have included a request to amend the zoning to permit this use onsite.

The office building will have five dedicated offices, and a location for route managers and operations specialists. The office also provides conference, huddle, and lunch/break/training rooms, as well as locker areas for the operations staff. The remainder of the building is ancillary spaces (storage, IT, janitor, mechanical/electrical, washrooms).

The related parking area for employees is proposed to contain approximately 100 spaces and will be asphalt. The area abutting Street 'C' will be landscaped in compliance with the urban design guidelines established for the KED subdivision. There will be a chain-link fence separating the commercial garage from the office/employee parking area for security.

2.3.1 Employees

WM's current operations employ approximately 85 people, including 70 drivers, 5 technicians, 2 apprentices, and 8 administrative staff.

With the operation of the new waste transfer facility, it is anticipated that 5 new permanent jobs will be created: 2 loaders, 1 scale operator, 2 technicians. In addition there are construction jobs that will be associated with the construction of the facilities.

2.4 Proposed Site Servicing

Street 'C' will be constructed to provide a built road frontage for the proposed property. Within the right-of-way of Street 'C' municipal watermain, and sanitary and storm sewers will be extended

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to the site. Preliminarily a 300 mm watermain with hydrants, 200 mm sanitary sewer, and 600 mm storm sewer are proposed to extend along Street 'C'. The site would be serviced with one sanitary sewer and one water service connection with a single water meter. The services would then be split internal of the site to service both the office/commercial garage building to the south and the waste transfer building. Private hydrant(s) will also be required within the site to provide adequate building coverage in accordance with the requirements of the Ontario Building Code.

RVA has prepared a stormwater management brief describing the proposed method of stormwater management for the property which is included in Appendix B as part of the application package.

3.0 Environmental Protection Policy Framework

The proposed waste transfer facility and potentially the commercial garage, will be subject to other approvals under separate legislation, including the Environmental Protection Act. The receipt of an Environmental Compliance Approvals (ECAs) will be required for the transfer station and potentially for the commercial garage.

In addition, the proposed commercial garage, while permitted as of right on the subject lands in the M2 and M3(15) Zones, is located within the RLW which has requirements under the Clean Water Act and potentially approval of a S.59 Application. While the commercial garage and areas within the RLW are not subject to the Planning Act applications for use, we have described the uses herein. There is a need for an amendment for a setback from an internal zoning boundary on the site as the intent of WM is to purchase 2 of the lots shown on the Draft Plan.

3.1 Environmental Protection Act

3.1.1 Definitions

“waste” includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other materials as are designated in the regulations;

“waste disposal site” means,

(a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and
(b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a);

“waste management system” means any facilities or equipment used in, and any operations carried out for, the management of waste including the collection, handling, transportation, storage, processing or disposal of waste, and may include one or more waste disposal sites.

3.1.2 Relevant Policies

Section 27(1) stipulates that “No person shall use, operate, establish, alter, enlarge or extend a waste management system or a waste disposal site except under and in accordance with an environmental compliance approval”.

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Section 41 No person shall use, or cause, permit or arrange for the use of, any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which an environmental compliance approval or renewable energy approval has been issued or a registration under Part II.2 is in effect and except in accordance with the terms and conditions of the approval or the regulations made for the purposes of Part II.2.

3.1.3 Analysis

The waste transfer facility is considered a “waste disposal site” as defined by the Environmental Protection Act as waste is “transferred” through the subject land and operations on-site are associated with the depositing, handling, and transfer of waste. A disposal site is classified under the designation of a “waste management system”.

The use, operation, and establishment of a waste management system is subject to an environmental compliance approval under Section 27(1) of the Environmental Protection Act.

Pursuant to Section 41 of the Act, the use of any facility or equipment for the storage, handling, transportation of waste as part of a waste management system is subject to the terms and conditions of either the environmental compliance approval or the registration under PART II.2.

WM will register the waste disposal site with the Registry in accordance with the applicable regulations and obtain a confirmation of the Registration and obtain confirmation of registration as a first step in accordance with Section 20.21(1) of the Act.

An ECA cannot be obtained until after zoning is in place and detailed design of the facility is completed to support such application. The ECA can include conditions such as:

- The types of waste permitted for transfer/processing: Solid Non-Hazardous Domestic, Industrial, Commercial, and Institutional waste will be received. No organics, leaf/yard waste, or tires will be received.
- The hours of operation: Operating hours are anticipated to be 5am to 5pm.
- If public drop-off is permitted: Public drop-off is not anticipated.
- Total tonnage permitted to be received: anticipated to be 500 tonnes daily.
- Timing for waste to be transported from the transfer facility: Waste will generally be removed within 24 hours of receipt, although 72 hours will be requested to allow for holidays and weekends.
- Maximum on-site storage volume: Will be calculated based on standard MECP material density and tipping floor volume.
- If outdoor storage to be permitted: No outdoor storage is proposed.
- Disinfection procedures for the tipping floor: As per MECP Standards.
- Transportation of waste: To be in accordance with the Act and Regulation 347.

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- Site security: The site is to be fenced.
- Inspection and maintenance standards of facilities and equipment, including dealing with vermin, vectors, odour, noise, dust, and litter: This is addressed below in Section 6.0.
- Staff training: WM has standardized training programs.
- Records keeping: As per MECP Standards.
- Complaint response protocol: This is addressed below in Section 6.0.
- Emergency response: This is addressed below in Section 6.0.
- Stormwater management: See RVA Brief.
- Reporting: As per MECP Standards.
- Closure: Any change of use/closure will be addressed through normal business practices and the legislative requirements.

For reference purposes, we have included an existing approved ECA obtained by WM for a similar facility, see Appendix C.

The proposed commercial garage/office building is separate and distinct from the waste transfer facility. The garbage trucks and equipment could be repaired and maintained at any commercial garage location, including, for example, the existing facility at 1865 Lasalle Boulevard, which is not operated under an ECA for a “waste disposal site”. The commercial garage is not bound to be located on the same property as the waste transfer facility. WM is moving forward with this initiative as a business model that will result in benefits to their staff as a result of the integration of the new transfer function into their current operations (reduced kilometres, operator downtime, etc.) to have these operations in close proximity, but they are not inextricably tied to one another. As such, the proposed commercial garage/office building is considered a separate use, is not required to be included in the ECA, and will not be covered under the waste transfer facility’s ECA.

The proposed commercial garage may require an ECA for noise, as is typical for industrial facilities. This will be determined based on the equipment and air handling systems proposed for the commercial garage facility at the time of detailed design.

3.2 Clean Water Act, 2006 (as amended in 2024)

3.2.1 Definitions

“drinking water threat” means an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by the regulations as a drinking water threat;

“risk assessment” means an assessment of risks prepared in accordance with the regulations and the rules;

“source protection plan” means a drinking water source protection plan prepared under this Act;

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“surface water intake protection zone” means an area that is related to a surface water intake and within which it is desirable to regulate or monitor drinking water threats;

3.2.2 Relevant policies

Section 1.1(1) states that *“The following activities are prescribed as drinking water threats for the purpose of the definition of “drinking water threat” in subsection 2 (1) of the Act:*

1. *The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act...”.*

Section 39(1) stipulates that *“A decision under the Planning Act or ... made by a municipal council, municipal planning authority, ... that relates to the source protection area shall,*

- (a) conform with significant threat policies and designated Great Lakes policies set out in the source protection plan; and*
- (b) have regard to other policies set out in the Source Protection Plan”.*

Section 39(2) states that *“Despite any other Act, the source protection plan prevails in the case of conflict between a significant threat policy or designated Great Lakes policy set out in the source protection plan and,*

- (a) an official plan;*
- (b) a zoning by-law; or*
- (c) subject to subsection (4), a policy statement issued under section 3 of the Planning Act.*

Section 56(13) stipulates that *“A risk management plan agreed to or established under this section ceases to apply to an activity at a location if,*

- (a) a source protection plan has taken effect and subsection 57 (1) applies to that activity at that location; or*
- (b) a source protection plan has taken effect and,*
 - (i) the activity is not an activity designated in the source protection plan as an activity to which section 58 should apply, or*
 - (ii) the location of the activity is not within an area designated in the source protection plan as an area within which section 58 should apply.*

Section 58 stipulates that *“If a source protection plan that is in effect designates an activity as an activity to which this section should apply and an area within which this section should apply to the activity, a person shall not engage in that activity at any location within that area unless a risk management plan has been agreed to or established under this section or section 56 for that activity at that location”.*

Section 59(1) relevant to “restricted land uses” states that *“If a source protection plan that is in effect designates a land use as a land use to which this section should apply and an area within which this section should apply,*

- (a) a person shall not make an application under a provision of the Planning Act prescribed by the regulations for the purpose of using land for that land use at any location within that area; and*

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(b) despite section 58, a person shall not construct or change the use of a building at any location within that area, if the building will be used in connection with that land use unless the risk management official issues a notice to the person under subsection (2)".

Section 59(2) specifies that "The risk management official shall, on application, issue a notice to a person for the purpose of subsection (1) if, and only if, the applicant has paid all applicable fees and,

(a) neither section 57 nor section 58 applies to the activity for which the land is to be used at the location where the land is to be used; or

(b) section 58 applies to the activity for which the land is to be used at the location where the land is to be used and a risk management plan that applies to that activity at that location has been agreed to or established under section 56 or 58. 2006, c. 22, s. 59 (2)".

3.2.3 Analysis

The establishment, operation, or maintenance of a waste disposal site is considered a drinking water threat in the approved Source Protection Plan for the City of Greater Sudbury. This plan was developed in accordance with the requirements of Section 1.1(1) of the Clean Water Act.

As such, the proposed waste transfer facility is being proposed to be located outside of the Ramsey Lake Watershed and Intake Protection Zone, as further described in detail below regarding the Greater Sudbury Source Protection Plan (SPP) to ensure protection of this particular surface water intake for the city's drinking water.

The proposed commercial garage/office will be located within the Ramsey Lake Watershed, and as such the Section 59 application is included with the revised application package for submission to the risk management official for review and issuance of a notice pursuant to Section 59(1).

The included conceptual stormwater management report reviews whether the City's requirements for quality and quantity stormwater management can be spatially achieved on the site. Specific details of the arrangement, location and dimensions of the stormwater management facilities will be developed during the detailed design. Conceptually the following complies with the City's requirements within the Ramsey Lake Watershed:

- A 417 m³ SWM pond at the south end of the property provides quantity and quality control for the portion of the site within the Ramsey Lake Watershed Intake Protection Zone 3. The proposed SWM pond storage volume is adequate for providing 'enhanced' quality protection level and controlling

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post-development peak outflow to 80% of the pre-development peak flow rate.

An internal oil interceptor will be installed within the garage to treat any spills from the maintenance operations. This oil interceptor would be connected to the Municipal sanitary system.

A stormwater management facility which will collect and treat surface water generated on the roof of the building and the parking areas. The stormwater management facility has not been designed to specifically treat any spills generated by the proposed maintenance operations.

We are of the opinion that the City can proceed with the alteration to the zoning to allow the zero setback without this notice.

3.3 Greater Sudbury Source Protection Plan

The Greater Sudbury Source Protection Plan (SPP) ensures the protection of residential municipal water drinking water sources in the Greater Sudbury Watersheds under the Clean Water Act, 2006. The Plan outlines existing and future threats to water sources as defined in Ontario regulation 287/07 and prescribes a set of policies, actions, and programs.

The SPP sets threat policies based on the nature of threat. Policies of the SPP are applicable in delineated vulnerable areas that includes the Ramsey Lake surface and groundwater system. The policies are area-based meaning *“that they are specific to a particular area around ...a surface water intake”*.

3.3.1 Definitions

Intake Protection Zone (IPZ) is “the contiguous area of land and water immediately surrounding a surface water intake, which includes:

- *the distance from the intake;*
- *a minimum travel time of the water associated with the intake of a municipal residential system or other designated system, based on the minimum response time for the water treatment plant operator to respond to adverse conditions or an emergency;*
- *the remaining watershed area upstream of the minimum travel time area (also referred to as the Total Water Contributing Area) – applicable to inland water courses and inland lakes only”.*

3.3.2 Relevant Policies

Section 7.5.4. states that *“Persons or bodies making decisions ... must ensure their decisions conform with policies that address significant threats... The following permits and approvals are prescribed under Ontario Regulation 287/07 s. 1.0.1 for source protection planning purposes: Certificates of Approval / Environmental Compliance Approval (sewage and waste)”*.

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Policy W3F-PI states: *“No waste disposal sites (future) shall be established where the establishment, operation and maintenance of a waste disposal site would be a significant drinking water threat.”*

The following threat policies were identified in the SPP for the IPZ3 and Ramsey Lake Issues Contributing Area:

Applicable Policies by Vulnerable Area	
VULNERABLE AREA ⁷	APPLICABLE POLICIES
Ramsey Lake IPZ 3 score 9+	<p>Fuel: F4EF-PI</p> <p>Pesticide: P2EF-PI, P3EF-SA, P4EF-RMP, P5E-RMP, P6F-s57</p> <p>Aircraft De-icing Fluid: AirD1EF-EO</p> <p>Pipeline: PL1EF-SA, PL2F-SA</p> <p>Transportation: T1EF-SA, T2EF-SA, T3EF-SA, T4EF-PI</p> <p>The policies listed for Ramsey Lake Issues Contributing Area also apply.</p>
Ramsey Lake Issue Contributing Area (Ramsey Lake IPZ-1, 2 and 3)	<p>Agriculture: Ag1EF-EO, Ag2F-s57, Ag3EF-RMP, Ag4EF-RMP</p> <p>Salt & Snow: Sa1EF-EO, Sa2EF-SA, Sa3EF-RMP, Sa4E-RMP, Sa5F-s57, Sa6F-SA</p> <p>Sewage: S1EF-SA, S2EF-EO, S4EF-PI, S5F-LUP, S6EF-SA, S7F-LUP, S8EF-EO, S9EF-SA</p> <p>Waste: W1EF-RMP, W2E-PI, W3F-PI</p> <p>Issues Monitoring: MI1EF-M</p>

3.3.3 Analysis

As noted above, the proposed waste transfer facility is to be located outside of the RLW, IPZ, and other vulnerable areas. The proposed waste transfer facility is located on lands that are adjacent to the existing Sudbury Landfill site, therefore being located in a compatible area.

Through the OPA/ZBA the lands outside of the RLW will be designated ‘heavy industrial’ and zoned to permit the additional use of the ‘waste transfer facility’ on lands that are already zoned for heavy industrial use.

We expect that the SPP will be amended to show the revised IPZ using the subdivision roads and RLW boundary when the subdivision is registered, as shown on Figure 1. These features will remain outside the lands proposed for the waste transfer facility as surface water features are based upon the drainage areas.

Stormwater management is addressed as per the memo provided by RVA in Appendix B. WM intends only to receive solid, non-hazardous waste. However, some minimal leachate may be generated. The transfer station floor will be designed to slope slightly inwards so that any leachate generation will be captured within the building. Leachate is generally absorbed in dry waste. However, absorbent may be applied as needed. This absorbed material will be included in the shipments off-site.

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The proposed commercial garage/office is separate and distinct from the waste transfer facility and will be located within the RLW, and as such a Section 59 application is being submitted concurrently to the risk management official for review and issuance of a notice pursuant to Section 59(1).

The waste transfer facility is proposed to be located outside of the RLW, IPZ, and other vulnerable areas, The Section 59 application for the commercial garage has been submitted concurrently as per the normal approach for new uses within an IPZ.

4.0 Land Use Compatibility Study of MECP D-6 Guidelines

The D-6 Guidelines "Compatibility between Industrial Uses" are intended to prevent or minimize future land use conflicts due to the encroachment of sensitive land uses and industrial land uses.

4.1.1 Definitions

"Adverse Effect" means one or more of:

- *impairment of the quality of the natural environment for any use that can be made of it,*
- *injury or damage to property or to plant or animal life,*
- *harm or material discomfort to any person,*
- *an adverse effect on the health of any person,*
- *impairment of the safety of any person,*
- *rendering any property or plant or animal life unfit for use by man,*
- *loss of enjoyment of normal use of property, and*
- *interference with the normal conduct of business.*

"Class I Industrial Facility: A place of business for a small scale, self contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage."

"Sensitive Land Use" may include:

- *recreational uses which are deemed by the municipality or provincial agency to be sensitive, and/or*
- *any building or associated amenity area (i.e. may be indoor or outdoor space) which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility. For example, the building or amenity area may be associated with residences, senior citizen homes, schools, day care facilities, hospitals, churches and other similar institutional uses, or campgrounds.*

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"Influence Area/Potential Influence Area" means "the area(s) at, above or below grade, associated with a 'facility' that is subject to one or more 'adverse effect(s)' which may be of varying duration, frequency and distance of dispersal".

"Fugitive Emissions" means "reasonably expected/predictable contaminant occurrences associated with normal operational practices and procedures (e.g. material handling or outdoor storage) of industrial facilities, which are generally difficult to practically control at the source or on-site".

"Contaminant" means "any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that may cause an adverse effect".

4.1.2 Relevant provisions

Section 1.2.2 states that *"The guideline applies to all types of proposed, committed and/or existing industrial land uses which have the potential to produce point source and/or fugitive air emissions such as noise, vibration, odour, dust and others, either through normal operations, procedures, maintenance or storage activities, and/or from associated traffic/transportation".*

Section 1.2.4 states that the D-6 does not apply to *"transfer stations that require a Waste Certificate of Approval "*. The D-6 guideline was drafted prior to the change to the legislation for Certificates of approval which are now known as Environmental Compliance Approvals.

It should be noted that while there is a D-4 guideline dealing with land use on or near landfills and dumps, the D-4 guideline does not deal with transfer stations, so D-6 has been used as the appropriate guideline.

Section 4.1.1 provides a 70-metre potential influence area for a Class I Industrial Facility and Section 4.3 provides a 20-metre minimum separation distance for a Class I Industrial Facility.

Section 4.2.2 states that *"Permitted uses should be based on operational aspects (e.g. plant emissions, hours of operation, traffic movement) and mitigation employed".*

4.1.3 Analysis

The D-6 guideline does not apply to the proposed waste transfer facility, as there is a separate MECP approval process through the Environmental Protection Act and its ECA process to confirm no adverse impacts to surrounding areas, establish procedures for emissions into the environment, and deal with potentially conflicting land uses. We have noted the items outlined in a typical ECA for a waste transfer facility above.

While it is our opinion that the transfer facility is a Class I industrial use, as it is self-contained, with little fugitive emissions, daytime operations only, and no outdoor storage, even if it were identified as a Class II Industrial Use the facility would be

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considered as being in an appropriate location. The site is located +/- 500 metres from the closest sensitive uses, namely:

- the low density residential zoned lands on the south side of The Kingsway at the intersection of Yollie Street, or
- the institutional zoned lands (presently a church) at the intersection of The Kingsway and Levesque.

The commercial garage which is self-contained, with little fugitive emissions, daytime operations only, and no outdoor storage would clearly be considered as a Class I facility. A Class I facility has a minimum influence area of 70 metres and the recommended minimum separation distance for a Class I Industrial Facility is 20 metres. The subject lands are well in excess of the minimum influence area from residential uses / other sensitive land uses. The closest point from the subject lands to a sensitive use is in excess of 300 metres from the southeast corner of the property to the low density residential zoned lands on the south side of The Kingsway at the intersection of Yollie Street.

As discussed, it is our opinion that these facilities are being appropriately located away from any existing sensitive uses and are surrounded by Industrially zoned lands which will limit the opportunity for any new sensitive uses to be established in the future.

5.0 Land Use Policy Framework

5.1 Planning Act

The Planning Act is a Provincial legislation that establishes the ground rules for land use planning in Ontario.

5.1.1 Provincial Interest and Policy Statements

Section 2 of the Planning Act sets out matters of provincial interest and stipulates that:

"The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

a) the protection of ecological systems, including natural areas, features and functions;...

f) the adequate provision and efficient use of communication, transportation sewage and water services and waste management systems

g) the minimization of waste

h) the orderly development of safe and healthy communities ...

k) the adequate provision of employment opportunities

l) the protection of the financial and economic well-being of the Province and its municipalities...

n) the resolution of planning conflicts involving public and private interests

o) the protection of public health and safety

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p) the appropriate location of growth and development...

Section 3(1) states that *“The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest”*.

5.1.2 Analysis

The location of the site adjacent to an existing landfill and within an industrial area is considered an appropriate location for growth and development proposed for these lands. The analysis of potential environmental impacts or risks to ecological systems and natural resources associated with the proposed development are a part of the detailed analysis to reach this conclusion. As discussed in Section 3.0 the proposed waste transfer facility will be located outside of the RLW, IPZ, and other vulnerable areas, and approved and operated through the appropriate ECA with the commercial garage operating with an ECA and S.59 notice thereby protecting sourcewater (natural features and functions). The OP did not identify other significant natural features in the project vicinity.

The proposed development will maintain the 75 jobs of the existing commercial garage/office operated by WM and the proposed waste transfer facility will provide 5 more additional positions. The total number will amount to 80 jobs that support the mandate of local Council by providing employment opportunities and supporting the financial and economic well-being of the municipality. The provision of office type jobs on the site is included in the provision of employment opportunities.

Adequate servicing will be provided on-site in alignment with provincial guidelines and as described in Section 2.4.

The proposed development will allow for the adequate provision of a waste management system to meet the current demands. The transfer facility will be able to deal with non-MSW waste that has not been accommodated at the Sudbury Landfill to be transferred to another waste management facility with capacity in Ottawa.

It is our opinion that the proposed OPA/ZBA applications for the waste transfer facility properly address matters of provincial interest.

5.2 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) issued under the authority of Section 3 of the Planning Act provides policy directions on matters of provincial interest related to land use planning and development.

The Planning Act requires that decisions affecting planning matters “shall be consistent with” such policy statements issued under the Act and implemented by the Provincial Policy Statement 2020.

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5.2.1 Definitions

"Infrastructure" means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, ... stormwater management systems, waste management systems, ... and associated facilities.

"Major facilities" means facilities which may require separation from sensitive land uses, including but not limited to ... waste management systems, ... industries,

"Quality and quantity of water" is measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

"Surface water feature" means water-related features on the earth's surface, including ... recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

"Waste management system" means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

"Negative impacts" means

- a) in regard to policy 1.6.6.4 and 1.6.6.5, potential risks to human health and safety and degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;*
- b) in regard to policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities; ...*

5.2.2 Relevant Policies

Policy 1.1.1. states that "Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs".*

Policy 1.1.3.1. specifies that "Settlement areas shall be the focus of growth and development".

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Policy 1.1.3.6 specifies that “New development taking place in designated growth areas should occur adjacent to the existing built-up area and ... allow for the efficient use of land, infrastructure and public service facilities”.

Policy 1.2.6.1 stipulates that “Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures”.

Policy 1.3.1. states that “Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment ... uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment; ...*
- e) ensuring the necessary infrastructure is provided to support current and projected needs”.*

Policy 1.6.4 states that “Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety”.

Policy 1.6.6.2 states that “Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas.”

Policy 1.6.6.7 stipulates that “Planning for stormwater shall:
minimize or where possible prevent increases in contaminated loads
minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure.
mitigate risks to human health, safety, property and the environment;
maximize the extent and function of vegetative and pervious surfaces; and
promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

Policy 1.6.10.1 states that “Waste management systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and

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recycling objectives. Waste management systems shall be located and designed in accordance with provincial legislation and standards”.

Policy 1.7.1 states that “Long-Term economic prosperity should be supported by: optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;

Policy 2.2.1 states that “Planning authorities shall protect, improve or restore the quality and quantity of water by:

using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;

implementing necessary restrictions on development and site alteration to: protect all municipal drinking water supplies and designated vulnerable areas; and

protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions; ...

ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

Policy 2.2.2 states that “Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these feature and their related hydrological functions will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions”.

5.2.3 Analysis

A transfer station is defined as a part of a waste management system and can be considered to be a major facility in the PPS. Major facilities shall be planned and developed to avoid, minimize and mitigate any potential adverse effects from odour, noise and other contaminants. Separation from sensitive land uses and land use compatibility will be achieved based on the presence of neighbouring industrial uses including the Sudbury Landfill, and the separation distances of at least +/- 500m from the closest sensitive receptor and adherence to provincial guidelines, standards, and procedures.

The proposed development ensures adequate infrastructure is provided while protecting public health, safety and the natural environment in accordance with provincial legislation and standards by obtaining and following the required ECA.

It is a policy of the PPS to ensure that infrastructure is available to meet current and projected needs and promote the reduction of waste. The transfer station will

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divert waste from the City's landfill site to a site within another jurisdiction that has planned capacity for such materials as specified by WM and supported by an ECA.

The subject property is located within the urban settlement area where new development should be located to allow for efficient use of existing or planned infrastructure. The proposed development will be on full municipal water and sewer and on an open municipal road as part of the registered plan of subdivision. The proposed development collocates several existing uses along with a new waste transfer facility, in close proximity to the Sudbury Landfill, benefitting from adjacency synergies and potential for more efficient transportation of wastes.

The proposed development includes stormwater management best practices. The proposed waste transfer facility is outside the watershed boundary and the handling of wastes is fully enclosed within the building such that there are no leachates onsite.

5.3 Growth Plan for Northern Ontario

The Growth Plan for Northern Ontario, 2010 (Growth Plan) was prepared under the *Places to Grow Act*, 2005 and came into effect on March 3, 2011. The Growth Plan applies to the Northern Growth Plan Area.

The *Places to Grow Act* requires that decisions under the *Planning Act* shall conform with the growth plan that applies to the growth plan area (Section 14.). This direction is expanded in the *Planning Act* which requires that land use planning decisions conform with or shall not conflict with provincial plans that are in effect on the date of decisions (Section 3(5)).

The Growth Plan provides specialized policies for northern Ontario which guide municipal decisions and improve coordination throughout the region in terms of growth and development, infrastructure planning, land use planning, housing, resource protection, and transportation.

5.3.1 Relevant Policies

The Growth Plan indicates in Section 4.3 that the Ministry will identify "economic and service hubs" which are meant to accommodate future population growth and function as a region-wide service centre and economic hub. These hubs are supposed to maintain lands for a variety of employment uses in appropriate locations to support economic development objectives.

Policy 5.2.1 provides that infrastructure planning, land use planning, and infrastructure investments will be coordinated to implement the Growth Plan, and includes a coordinated approach to waste management systems.

Policy 6.4.2 states that long-term community strategies should identify environmental sustainability objectives, programs and policies related to integrated waste management among other objectives.

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5.3.2 Analysis

The proposed development is located in northern Ontario's largest City which is meant to provide for a variety of employment opportunities, including waste management, which aligns with the intended economic policies of the Growth Plan.

Municipalities are encouraged to support and facilitate land use planning that implements long term community strategies. The proposed waste transfer facility will allow for the adequate provision of waste management systems, as it will deal with excess waste that cannot be accommodated at the Sudbury Landfill to be transferred to another waste management facility with capacity to be disposed of, representing regional/provincial coordination for infrastructure planning.

5.4 City of Sudbury Official Plan

The Official Plan is a planning policy document that sets goals, objectives, and policies for growth and land use management in the City. The Official Plan provides policy directions for the economic, environmental, and social development of the local community.

The subject property is designated "General Industrial" and "Heavy Industrial" in the City's Official Plan. See Figure 5.

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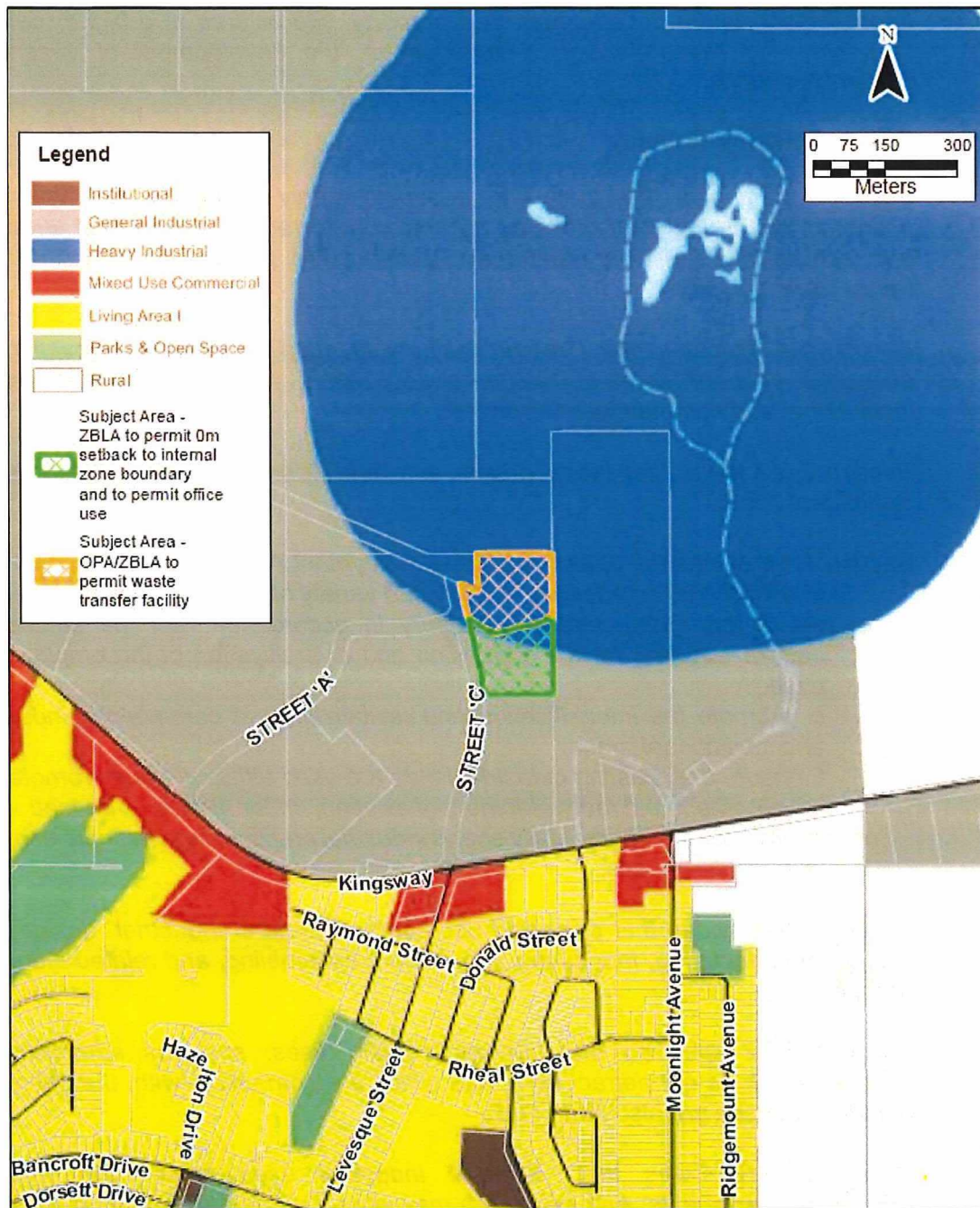


Figure 5: Excerpt from City of Greater Sudbury Official Plan Schedule 1b - Land Use - Sudbury Community

5.4.1 Definitions

Waste management systems means sites and facilities that accommodate solid waste and includes recycling facilities, transfer stations, processing sites and disposal sites.

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Intensification is the development of a property, site or area at a higher density than currently exists through redevelopment, the development of vacant or underutilized lots.

5.4.2 Relevant Policies

Section 1.3.2 ensures that there is an adequate supply of land to meet a variety of economic opportunities. It provides a framework to reinforce the urban structure and achieve more efficient urban form, infrastructure, public service facilities and transportation system.

Section 1.4 indicates that Greater Sudbury is open to business providing an economic environment that retains and grows a wide variety of industrial, institutional and commercial enterprises.

Section 2.3.2 notes that future growth and development will be focused in the Settlement Area.

Section 4.1 provides the objective of the Employment Area policies to:

- a. ensure that an adequate supply and variety of serviced employment land exists throughout Greater Sudbury in accordance with the settlement pattern, allowing for the expansion and diversification of the employment base;*
- c. promote the intensification and revitalization of commercial, industrial and institutional areas;*
- f. ensure that existing industrial lands are used efficiently and promote the development and redevelopment of existing, underutilized, or unused sites;*
- g. promote environmentally sound industrial practices and mitigate conflicts with sensitive uses;*

Section 4.5 provides that permitted uses in the "General Industrial" designation include manufacturing, fabricating, processing, assembling, and related industrial activities.

Policy 4.5.1.2 specifies that "Complementary uses, such as administrative offices...which do not detract from, and which are compatible with, the operation of industrial uses are also permitted".

Policy 4.5.1.3 states that "General Industrial uses must have minimal environmental impacts. Any use which may impact surrounding areas and cause nuisance will be appropriately buffered and screened".

Policy 4.5.2.1 permits all industrial uses, including sanitary landfill sites, salvage yards, quarrying, and sewage treatment facilities in the Heavy Industrial designation.

Policy 4.5.2.3 states that "Drainage runoff will be controlled such that the water quality of groundwater or downstream watercourses/waterbodies is not impaired.

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*Additional policies on stormwater management are contained in Section *8.5.* (OPA #2)".*

Policy 4.5.2.4. states that "Minimum setback distances from sensitive land uses may be required for certain uses in this designation".

Section 12.3.1 provides that "existing landfill sites will be utilized for as long as it is economically, environmentally and technically feasible."

Policy 12.3.4 states that the "expansion of a solid waste management site onto land not currently designated for waste management use will require an amendment to this Plan."

Policy 12.3.5 states that "The City will consider the implications of development and land use patterns on waste generation, management and diversion".

Policy 12.0.3 states that "The City is responsible for providing residents with ...collection and disposal of solid waste and the management of waste reduction programs".

Section 12.2.2 provides that Municipal sewer and water services are the preferred form of servicing for all new developments. Municipal sewer and water systems will accommodate all new development, except in unserved or partially serviced areas where different land use and servicing policies apply.

8.0 Water Resources

The Official Plan of the City of Greater Sudbury implements the policies of the Greater Sudbury Source Protection Area (updated in 2021) and approved by the Province to address threats, as identified in the Clean Water Act (2006), to vulnerable areas within watersheds associated with "municipal residential drinking water".

Policy 8.1.2 states that "Development and site alteration will be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions and linkages will be protected, improved or restored".

Policy 8.1.3 states that "Mitigative measures and/or alternative development approaches may be required to protect, improve and restore sensitive surface water features, sensitive ground water features, and their hydrologic functions".

Policy 8.3.3 states that "In the vulnerable areas, the City will reduce stormwater runoff volume and pollutant loadings from developments where stormwater management facilities could be a significant threat..."

Policy 8.3.7 states that "In other areas, the City will consider the location of highly vulnerable aquifers and significant groundwater recharge areas when making decisions on planning and development".

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Policy 9.2.3.5 states that "Development and site alteration are not permitted on lands adjacent to a sensitive wetland or a provincially significant wetland".

Policy 10.6.1 states that "No new development will be permitted on or within 300 metres of active or closed waste disposal sites. For lands between 300 metres and 500 metres of active or closed waste disposal sites, new development may be permitted provided the following requirements are met:

- a) studies of gas, leachate, hydrogeology and structural stability, soil and surface and groundwater contamination, presence of hazardous wastes and safety are completed which show that the development is compatible and can safely take place;*
- b) written approval is received from the Province that the provisions of the relevant legislation are met; and,*
- c) measures are taken to the satisfaction of the Province in consultation with the City Council to control and mitigate any problems identified in the study".*

Policy 10.6.2. states that "In areas subject to these policies, only uses compatible with the identified potential impacts may be permitted by an amendment to the Zoning By-law".

Policy 10.7 states that "Waste Disposal Assessment Areas are within the 500 metres area of influence from the property boundary of an open site or the fill area of a closed site". Refer to Figure 6.

**Planning Justification Report
Proposed Waste Transfer Facility (Waste Management Inc.)**

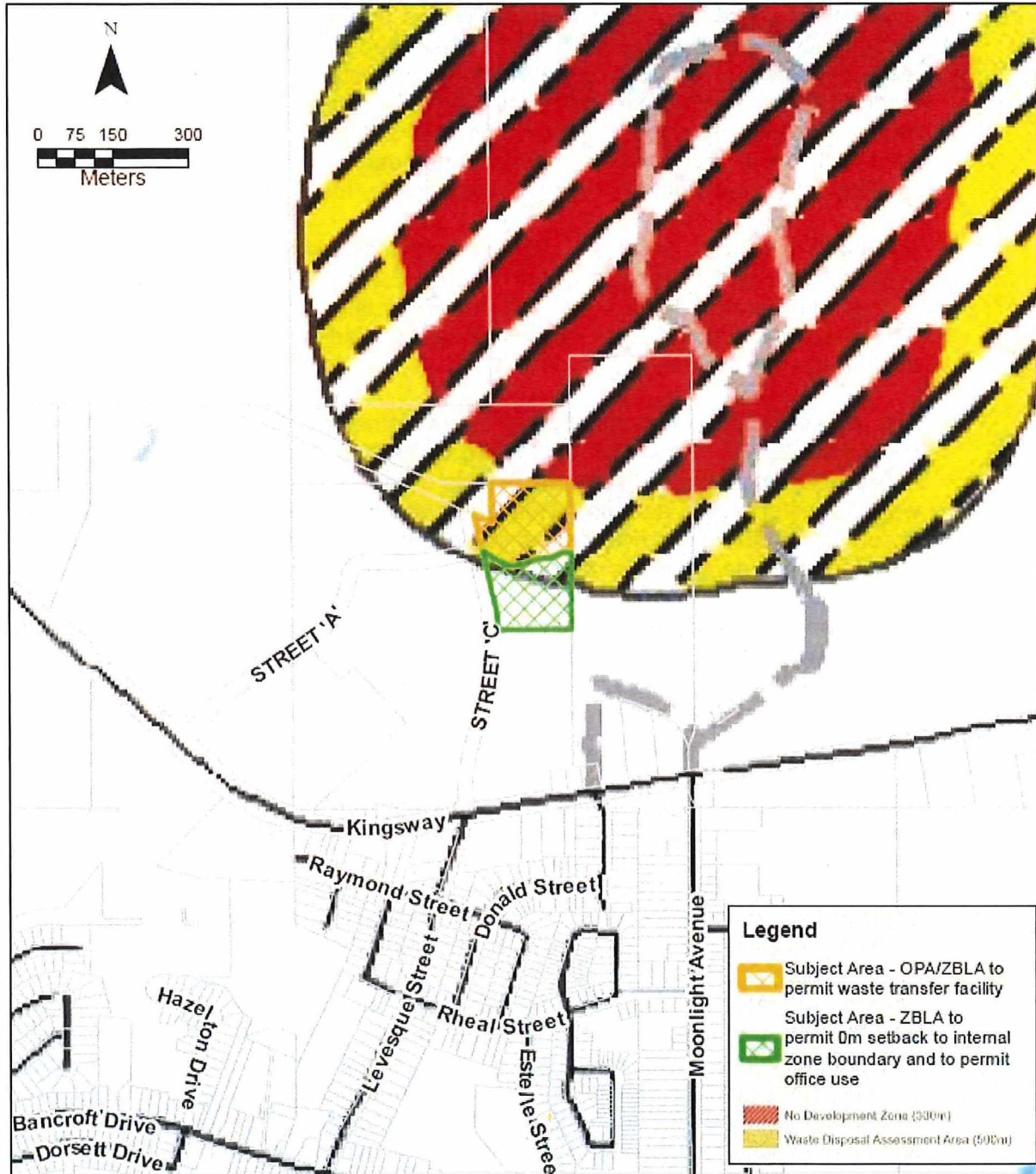


Figure 6: Excerpt from City of Greater Sudbury Official Plan Schedule 6 - Hazard Lands

5.4.3 Analysis

The City’s OP supports the establishment and expansion of a variety of employment and industrial uses, such as the proposed waste transfer facility and commercial garage, through its Vision to ensure an adequate supply of land for such uses and the economic development policies in Section 1.4 noting the City is

Planning Justification Report

Proposed Waste Transfer Facility (Waste Management Inc.)

“open to business.” The Employment policies promote an adequate supply and variety of serviced employment land, the intensification and revitalization of industrial areas, the use of existing, underutilized, or unused sites, and environmentally sound industrial practices that mitigate conflicts with sensitive uses. As previously noted the site is characterized as vacant industrial lands that are situated at a significant distance from the nearest sensitive use and the facility is designed to provide a high level of protection for the environment.

The lands are within the City’s settlement area boundary, which is the focus of future growth and development per Section 2.3.2 and represent intensification through the development of a vacant and underutilized site with suitable existing or planned infrastructure. The lands will be developed on full municipal services, in conformity with Section 12.2.2.

The subject property is designated “Heavy Industrial” and “General Industrial”. The requested amendment to Schedule 1/1b of the City of Greater Sudbury Official Plan is to clearly identify the lands, outside of the RLW, that are proposed for the waste transfer facility as being ‘Heavy Industrial’ to permit the proposed use, in accordance with the permitted uses in the ‘Heavy Industrial’ designation and the waste management policies of Section 12.3 of the Plan.

The proposed development within the ‘General Industrial’ designation is limited to the commercial garage, office and parking which conforms to the OP. The collocation of WM’s various facilities and uses on to one site allows for a more efficient provision of waste management services for the City, aligned with the policies in Section 12.0 and 12.3 of the plan.

The proposed development conforms to the relevant policies of Sections 8.1, 8.3 and 8.5.3 by locating the waste transfer facility outside of the RLW and outside of sensitive surface water features and sensitive ground water features as identified in the mapping of the SPP and described in Section 3.3.3 of this report. The proposed SWM methods for each portion of the site are further described in the SWM report prepared by RVA and submitted with the application package.

The City’s SPART comments have noted the presence of wetlands in the northeast corner of the property, but noted that they may be filled in. As such, the wetland was not identified as sensitive or significant to require further study. Conservation Sudbury has noted the wetland will need to be delineated at a later stage, and at this time it is noted that the proposed waste transfer facility (circulation areas) is located a minimum of 45 metres from the current wetland boundary.

The lands subject to the OPA application fall within the identified area on Schedule 6 of the OP and subject to Policies 10.6 which require compatibility with the adjacent Sudbury Landfill facility. The proposed waste transfer station is considered a compatible industrial use, and the facility will obtain the appropriate zoning and provincial approvals for the use and location.

Planning Justification Report

Proposed Waste Transfer Facility (Waste Management Inc.)

The proposed OPA is meant to clearly position the lands outside of the RLW as in the Heavy Industrial designation to thereby permit the waste transfer facility. The proposed development otherwise conforms to the City's OP.

5.5 City of Sudbury Zoning By-law 2010-100Z

The Zoning By-law establishes and regulates the use of land by implementing the policies of the City's Official Plan. It provides the City with the legally enforceable means of regulating land use, scale, and intensity of development.

The subject property is zoned "Special Light Industrial" M2(15) Zone and "Special Heavy Industrial" M3(15) Zone. See Figure 7.



Figure 7: Excerpt from Schedule 'A' to City of Greater Sudbury Zoning By-law 2010-100Z

Planning Justification Report

Proposed Waste Transfer Facility (Waste Management Inc.)

The lands zoned M3(15) do not permit the proposed waste transfer facility. The lands zoned M2(15) and M3(15) Zone permit the proposed commercial garage and accessory office on the southern portion of the property.

The subject property is ±4.8 ha in land area with a frontage of ±233 m.

5.5.1 Definitions

“Accessory” means “A use, separate building or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure and, in the case of a building or structure, may or may not be attached to the main building on the same lot.”

“Commercial or Public Garage” means an “automotive use engaged primarily in the storage, repair and maintenance of commercial or public vehicles.”

“Automotive Use” means “A building, structure or lot, or part thereof, where vehicles are sold, rented, serviced, fuelled, maintained, repaired or cleaned for compensation and/or remuneration and includes, without limiting the generality of the foregoing, any use defined herein as a form of “automotive use”.”

“Commercial” means “When used in reference to a building, structure, lot, use or activity, A building, structure, lot, use or activity pertaining to the buying, selling or renting of commodities or the supplying of services for remuneration, gain or profit, but does not include activities associated primarily with an industrial use (processing or manufacturing) or with any construction work.”

“Vehicle” means “Any carriage, conveyance or other device capable of being propelled, driven or drawn by any kind of power, including motor power or wind power, and includes, without limiting the generality of the foregoing, a passenger automobile, trailer, truck, boat, aircraft, tractor, farm implement, mobile crane or shovel, snowmobile or motorcycle, but does not include a pedal bicycle, canoe or other device powered solely by means of human effort, or a mobile home dwelling.

“Waste Transfer Site” shall mean “Lands used for the placement of containers that are used to hold solid waste for eventual transfer to another location”.

“Floor Area, Net” shall mean “The aggregate of the floor areas of a building above or below finished grade, but excluding car parking areas within the building, stairways, elevator shafts, service/mechanical rooms and penthouses, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, a public concourse or common hallway, any space with a floor to ceiling height of less than 1.8 metres and any part of a basement that is unfinished, is used solely for storage purposes and is not accessible to the public.”

Planning Justification Report

Proposed Waste Transfer Facility (Waste Management Inc.)

5.5.2 Relevant Sections

4.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

4.2.1 Permitted Uses

a) *Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, provided the principal building, structure or use is already in existence on the lot or a valid permit has been issued for the principal building or structure,*

4.21.1 More Than One Registered Lot

Notwithstanding any provisions or definitions hereof to the contrary, no person shall use two or more abutting registered lots as a single lot in order to comply with the requirements of this By-law unless:

- a) *Such lots are held under the same ownership and are located in the same zone or, where such lots are located in different zones, the use of such lots is permitted in both or all the said zones; and,*
- b) *An agreement between the City and the owner has been registered against the title of both or all such registered lots to the effect that such registered lots thereafter shall be deemed to constitute a single, inseparable parcel of land and shall not be sold, conveyed or alienated in any way or for any purpose except together in one group as a single lot.*

4.22 MULTIPLE USES ON A LOT

Where any building, structure or land is used for more than one purpose the said building, structure or land shall comply with the provisions of this By-law relating to each use. In the case of a conflict, the more stringent provision shall apply.

4.23 MULTIPLE ZONES ON ONE LOT

- a) *Where a lot is divided into more than one zone under the provisions of this By-law, each such portion of the lot shall be used in accordance with the permitted uses and zone provisions of this By-law for the applicable zone as if it were a separate lot.*
- b) *The lot area and lot frontage requirements of the most restrictive zone on the lot shall be applied to the entire lot.*

4.42 WELLHEAD PROTECTION AREAS, INTAKE PROTECTION ZONES AND RAMSEY LAKE WATERSHED (By-Law 2016-70Z)

Wellhead protection areas, intake protection zones and the Ramsey Lake watershed are shown as overlay Zones on the Schedules to this By-law.

Section 4.42.3 "Ramsey Lake Watershed (RLW) Overlay Zone" states that "Notwithstanding the provisions of this By-law to the contrary, in addition to the uses listed in Section 4.26 of this By-law the following uses shall also be prohibited within the Ramsey Lake Watershed (RLW) overlay zone:

...

- x) *Waste disposal area".*

Planning Justification Report

Proposed Waste Transfer Facility (Waste Management Inc.)

5.5.3 Analysis and Request for Amendment

The Heavy Industrial Special M3(15) zone was established via amendments to the Zoning By-law in 2018 to provide the site-specific permissions for a parking lot in addition to permitting a variety of industrial uses. The variety of permitted industrial uses as of right includes abattoir, aggregate transfer site, automotive body shop, lube shop and repair shop, commercial or public garage, contractor's yard, fuel depot, gas bar, impounding yard, industrial use, public works yard, salvage and wrecking yard, and warehousing.

The proposed waste transfer facility is a defined use in the Zoning By-law and is not a listed permitted use in the M3(15) zone. To permit its development requires an amendment to permit such use. The location of the proposed waste transfer facility has been positioned to be outside of the RLW, in compliance with Section 4.42.3 of the By-law.

The proposed commercial garage (maintenance shop) is a distinct and separate use from the waste transfer facility and is a permitted use in the M2(15) and M3(15) zones where it is proposed to be located, therefore is not subject to these applications to establish a new use. More specifically each use can function on its own without the other, as the current commercial garage at 1865 Lasalle Boulevard is functioning today. Likewise, a waste transfer facility is not defined as having a maintenance facility collocated on site, but it does benefit from such location.

It is our opinion that the maintenance shop is appropriately defined as a "commercial garage" in the By-law, as it is an "automotive use" or a "building" where "vehicles", a conveyance driven by any kind of power and including trucks (i.e. including garbage trucks), are maintained. The vehicles are considered to be commercial as they are supplying services for compensation.

The commercial garage building also contains WM's administrative office functions for the purpose of routing, directing, and providing services for the activities related to both the residential contracts and the commercial contracts served by the vehicles being serviced in the building. The office use also serves as a gathering area for operators of the commercial vehicles, with storage lockers and lunch/break/training rooms. Only about 25% of the office floor area is dedicated to office/desk space, and the office GFA only represents approximately 25% of the floor area of the building.

The City indicated in comments dated May 2, 2024 that the proposed office use is not considered to be accessory, and therefore requires consideration through the amendment application to be a permitted use in the M2 and M3 Zones.

Lots 4 and 5 in the plan of subdivision are planned to be developed by one property owner, and therefore in accordance with Section 4.21.1 b) the two lots together have been considered for the required lot area and frontage in Table 1 below.

The subject lands are divided into the two zones. As such, there is a zone boundary though the site where the zones meet. As per Section 4.23, the zoning by-law

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Proposed Waste Transfer Facility (Waste Management Inc.)

treats this as a lot line, hence in order to develop the site logically, we are seeking an amendment to allow development to abut this zone line, i.e. permit a 0-metre setback to the zone boundary. This does not affect the development as the line is not a lot line and the site will be operated as a single site for the commercial garage.

The proposed zoning boundaries are illustrated on Figure 8.

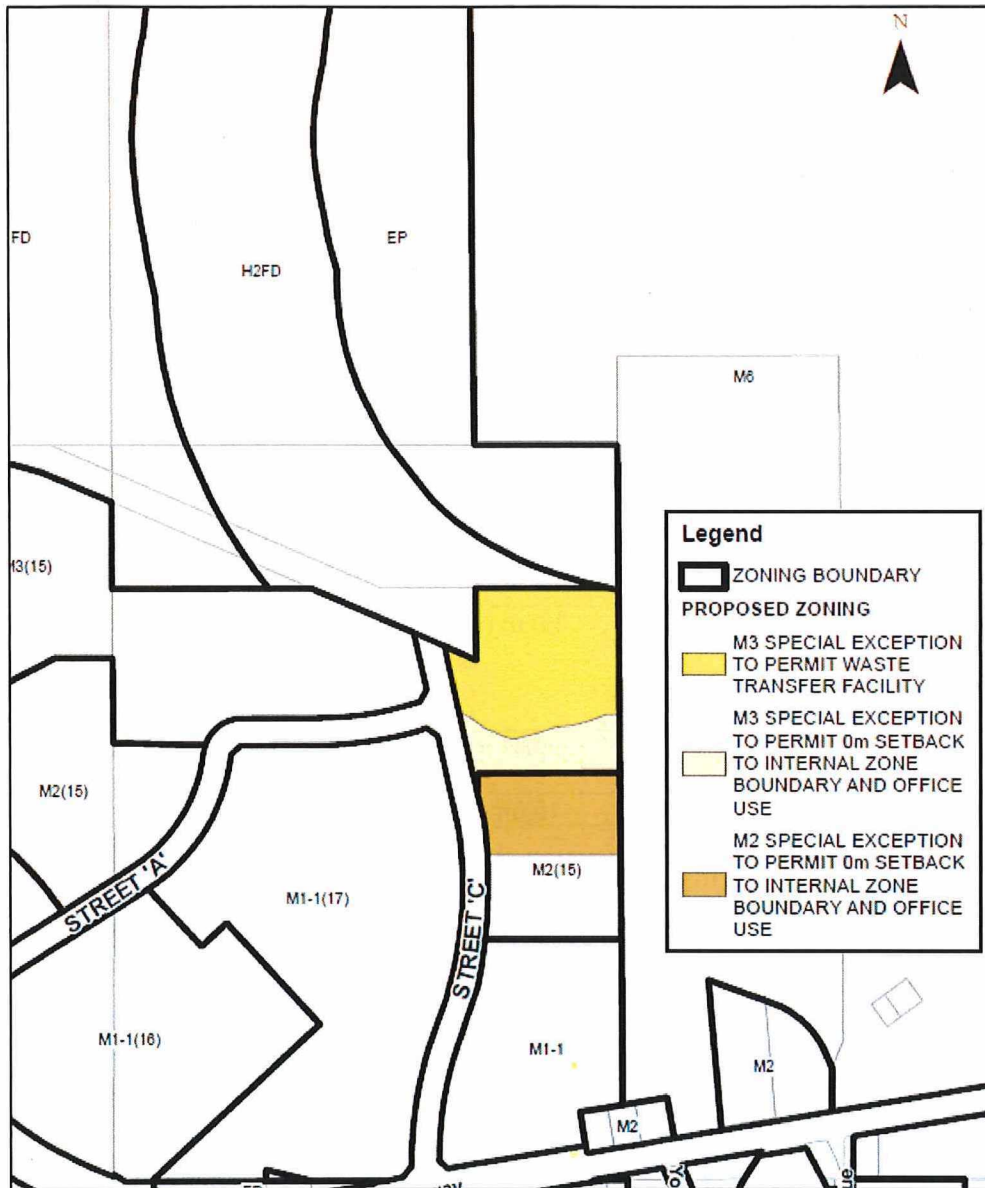


Figure 8: Proposed Zoning Boundaries

Planning Justification Report

Proposed Waste Transfer Facility (Waste Management Inc.)

Table 1 Zoning By-law Requirements for Lot Area, Frontage, and Depth for M2 and M3 Zones – Proposed Development of Lots 4 and 5

Zoning Provision	Requirement	Proposed
Lot Area (minimum)	1,500 sqm	4.8 ha
Lot Frontage (minimum)	30.0 m	233 m
Lot Depth (minimum)	50.0 m	145 m

Table 2 Zoning By-law Requirements for M3 Zone – Proposed Waste Transfer Facility

Zoning Provision	Requirement	Proposed
Front Yard (minimum)	9.0 m	+/- 52 m
Rear Yard (minimum)	6.0 m	+/- 115 m
Interior Side Yard (minimum)	6.0 m	25 m (north) 9.6 m (abutting H2FD zone – internal boundary)
Lot Coverage (maximum)	60%	+/- 5%
Height (maximum)	n/a*	<30 m
Landscaped Open Space (minimum)	5%	> 5%

* No height restriction shall apply to any building or structure located more than 150.0 metres from a Residential (R) Zone.

Table 3 Zoning By-law Requirements for M2 and M3 Zone – Proposed Commercial Garage

Zoning Provision	Requirement	Proposed
Front Yard (minimum)	9.0 m	56 m
Rear Yard	6.0 m	36 m
Interior Side	3.0 m (M2) 6.0 m (M3)	65 m (south) 0m (internal)* +/- 24 m (north to M3 boundary)
Lot Coverage (maximum)	50% (M2) 60% (M3)	+/- 9% (M2 zoned area) +/-12% (M3 zoned area)
Height (maximum)	15.0m (M2) n/a* (M3)	< 15 m
Landscaped Open Space	5%	> 5%

* an exception to recognize the 0 m internal zone setback is requested through this application

The parking requirements are set out in Table 5.3 of the By-law and are calculated below.

Table 4: Parking Requirements

Use	Minimum Parking Space Requirement	Relevant Floor Area Proposed	Calculated Requirement
Automotive Use (Commercial garage)	Unless otherwise defined 1/30 m ² net floor area	1,463 sqm nfa automotive use	55 parking spaces
Office Use	1/30 m ² net floor area	167 sqm nfa office	
Industrial Uses (waste transfer facility)	1/90 m ² net floor area, plus 1/30m ² net floor area of accessory office	676 sqm nfa industrial use	8 parking spaces
Total			63 parking spaces

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A total of 92 parking spaces, of which three are barrier free parking spaces, are proposed for the property, in compliance with the By-law. One loading space is required and three loading spaces are provided.

6.0 Municipal Waste By-law 2006-280 of the City of Greater Sudbury – Collection, Removal, and Disposal of Waste

As outlined in the SPART memorandum, a formal request must be made to permit a private waste disposal site to be authorized by the City under By-law 2006-280 being the Waste Management By-law for the City of Greater Sudbury.

The information / materials for such request as outlined in the SPART memorandum are noted below:

- Although WM anticipates the majority of material will come from within the City of Greater Sudbury, WM will accept material generated anywhere within the Province of Ontario. With the intent to take all material collected at the proposed waste transfer facility to approved WM landfill facilities, material from outside the City of Greater Sudbury would be accepted. **As described in Section 2.3.1 of this report, the waste** is characterized as non-hazardous municipal solid waste (multi-residential and ICI) collected in the City. No waste is disposed of at the site, it will all be loaded on to trailers to be transported for disposal at a waste management facility owned and operated by WM in Ottawa.
- Refer to Section 2.3.1 of this report for a description of the operations.
- The approved ECA will address measures for control of odour, litter and litter abatement, vector, vermin, and other wildlife. Material brought into the transfer facility will be loaded and transferred out to the receiving landfill in a timely manner in accordance with the approved ECA so as to not create any unnecessary issues. Routine visual inspection of the operations and site will initiate maintenance to address deficiencies. The following measures will be used:
 - Odour:
 - Facility equipped with an odour suppression system.
 - Odourous waste shipped first in, first out.
 - Alternative management of odourous waste including ceasing receipt.
 - Litter:
 - WM anticipates this material will predominantly be received in front-end waste collection vehicles which contain litter.
 - Should WM utilize roll-offs containers, these will be tarped to help ensure litter is contained.
 - Waste/recyclables will be emptied within the building.
 - Outbound material will be contained in compacted trailers which will contain litter.
 - The facility will conduct daily inspection and actively collect litter as required.
 - Vector/Vermin:
 - WM anticipates moving waste within a 24-hour period.
 - WM will conduct regular housekeeping.
 - WM will utilize professional pest control services.
- In regard to the location of the waste transfer facility adjacent to the landfill site, WM will assess site conditions at the time of an odour complaint to identify the source of the odours, whether the waste transfer facility or City's landfill. WM will work with the City and MECP to cooperatively address odour complaints. WM will conduct daily documented inspection of the

Planning Justification Report

Proposed Waste Transfer Facility (Waste Management Inc.)

facility to assess odour complaints at the property line. WM will install a wind sock/flag or other means of quickly identifying the wind direction to help identify odour sources.

- The waste transfer facility will be handling non-hazardous materials only. As hazardous waste is not accepted at the proposed transfer site, if by unforeseen circumstances there are hazardous materials, the site will put into action pre-planned procedures to isolate and remediate any material that is deemed to be hazardous, before it can cause any physical or environmental harm. Through education and communication, WM aims to educate its customers on what materials are acceptable. Unacceptable material may be rejected and diverted from the site, where safe to do so. Where unacceptable materials are identified after the delivering vehicle has left the facility, WM will segregate the unacceptable material from the other waste streams and manage in accordance with O.Reg. 347.
- The approved ECA sets out the requirements to prepare an Emergency Response Plan to deal with spills and discharges. In addition, the ECA will stipulate that immediate action is taken to clean up spills and report them to the Ministry's Spills Action Centre, in line with the Emergency Response Plan.
- The ECA will set out a protocol for public complaints. WM takes all complaints from the public seriously and those issues are investigated and addressed as quickly as possible. Typically this includes logging the complaint, initiating appropriate steps to determine possible causes of the complaint, taking actions to eliminate the cause of the complaint and replying to the complainant, and preparing a report to document the complaint, the actions taken to resolve the complaint, recommendations for remedial measures, and managerial or operations changes to avoid the reoccurrence of similar incidents.
- WM has a collection strategy and a pick-up contract to ensure that materials are collected and leave the site in a timely manner. Should there be an interruption in the normal operations the pick-up will be altered accordingly until such time as the removal can resume, and should a significant change occur the MECP will require that no waste is received until a suitable alternative site is found for disposal. This would require a negotiation of an interim solution at that time. The site is not open to the public.
- Where waste cannot be shipped from the site and WM approaches the maximum permitted on-site storage volume, WM will cease receipt of further material until such time as material can be shipped from the facility.

7.0 Public Consultation Strategy

The following steps will be undertaken by the applicant as part of the Public Consultation Strategy for the OPA/ZBA applications.

1. The applicant/agent will request City's mailing list of property owners within 120 m radius of the subject property.
2. A notice regarding the proposed applications and providing contact information for the agent will be prepared and distributed to the above-noted mailing list.
3. The applicant will initiate contact with the Ward Councillor to inform the Councillor that the application is being made and provide copies of the submissions and contact information should they receive questions.
4. Ongoing discussions with Mayor and Councillors will be maintained throughout the process to provide answers to questions and clarifications as required.

Planning Justification Report

Proposed Waste Transfer Facility (Waste Management Inc.)

5. Questions/comments will be recorded and responded to as they come in. The agent will liaise with the City Planner with respect to comments/questions that have been received on the application.

8.0 Conclusion

In our opinion, the proposed development and the amendments requested represent the appropriate development of the subject lands. The proposed Official Plan and Zoning By-law amendments are justified and represent good planning principles and can be recommended for approval for the following reasons:

- The location of the property is in close proximity to the existing Sudbury Landfill and is already designated and zoned for heavy industrial use.
- The Official Plan Amendment represents a clarification of the boundaries of the 'Heavy Industrial' designation to be those lands outside of the RLW to permit the proposed waste transfer facility.
- The related, but separate and distinct, proposed use of the site for a commercial garage is already permitted in the underlying designation and zone. The related administrative office space is being requested through the zoning by-law amendment.
- The proposed development represents a colocation of two of WMs existing facilities (administration, garbage truck parking, and bin storage yard) to be in closer proximity to each other and related land uses (Sudbury landfill) as well as the proposed waste transfer facility.
- The proposed waste transfer facility will obtain the required ECAs for operation in compliance with the EPA.
- The proposed commercial garage, while not subject to the land use planning approvals as noted herein, will obtain the required s. 59 notice for its location within the RLW.
- The site will be designed in accordance with the KED's subdivision guidelines.

It is our opinion that this development proposal is consistent with the PPS 2020 and conforms or does not conflict with the Growth Plan.

The amendment to the City's OP is appropriate to clearly identify the boundary between 'Heavy Industrial' and 'General Industrial' to permit the waste transfer facility, and it is our professional opinion that the amendment should be supported to permit the form of development that is proposed. The development would be consistent with the neighbouring landfill property, while being appropriately designed as a part of the overall the Kingsway subdivision.

The proposed amendment to the implementing Zoning By-law would then properly support the change to the OP and be consistent with the PPS, conform to the Growth Plan and the OP.

Should you have any questions regarding the above, or if additional information is required, please contact the undersigned.

Planning Justification Report Proposed Waste Transfer Facility (Waste Management Inc.)

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:

Reviewed by:



Soumaya Ben Miled, M.PI., M.Arch.
Planner

Sarah Vereault, RPP, MCIP
Associate, Senior Planner, Practice Lead

Reviewed by:



Tim F. Chadder, RPP, MCIP
Associate, Senior Consultant

Planning Justification Report
Proposed Waste Transfer Facility (Waste Management Inc.)

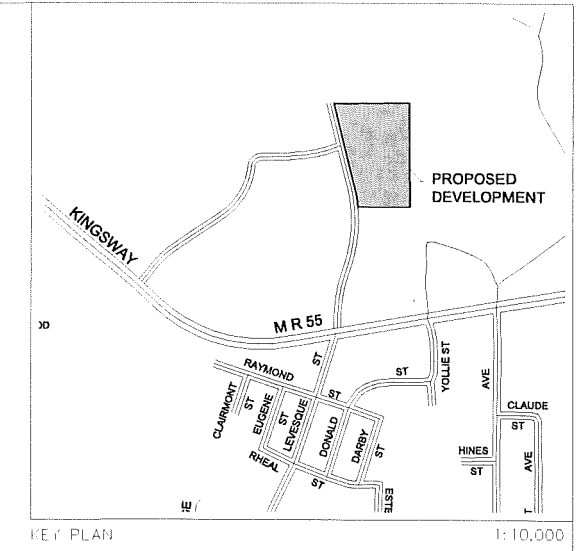
Appendix A

Concept Plan prepared by R.V.
Anderson

Planning Justification Report
Proposed Waste Transfer Facility (Waste Management Inc.)

Appendix B

Conceptual Stormwater
Management Plan prepared by
R.V. Anderson

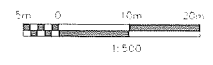


SITE PLAN DATA:
 REGISTERED PLAN 53R-20983
 PART OF LOT 9 CONCESSION 4
 GEOGRAPHIC TOWNSHIP OF NEELON
 CITY OF GREATER SUDBURY

ZONING USE OF BUILDINGS	M2/M3 SPECIAL - HEAVY INDUSTRIAL OFFICE COMMERCIAL GARAGE WASTE TRANSFER FACILITY	
PROJECT AREA (OVERALL)	PROVIDED 47835.5 sq.m.	REQUIRED 1,500 sq.m.
BUILDING COVERAGE (TOTAL)	2740.6 sq.m. (5.4%)	< 60%
LOT AREA, FRONTAGE & DEPTH FOR M2 & M3 ZONES - PROPOSED DEVELOPMENT OF LOTS 4&5		
	PROVIDED	REQUIRED
LOT AREA (min.)	4.8 ha	1,500 sq.m.
LOT FRONTAGE (min.)	233 m	30.0 m
LOT DEPTH (min.)	145 m	50.0 m
M3 ZONES - PROPOSED WASTE TRANSFER FACILITY		
	PROVIDED	REQUIRED
FRONT YARD (min.)	9.0 m	9.0 m
REAR YARD (min.)	114.5 m	6.0 m
INTERIOR SIDE YARD (min.)	25 m (9.6m to H2FD Zone)	6.0 m
LOT COVERAGE (max.)	+/- 5%	60%
HEIGHT (max.)	<30 m	n/a*
LANDSCAPE OPEN SPACE (min.)	>5%	5%
* NO HEIGHT RESTRICTIONS SHALL APPLY TO ANY BUILDING OR STRUCTURE LOCATED MORE THAN 150 m FROM A RESIDENTIAL (R) ZONE.		
M2 & M3 ZONES - PROPOSED COMMERCIAL GARAGE		
	PROVIDED	REQUIRED
FRONT YARD (min.)	56 m	9.0 m
REAR YARD (min.)	36 m	6.0 m
INTERIOR SIDE YARD (min.)	65 m SOUTH 0 m INTERNAL** +/-24 m (NORTH TO M3)	3.0m (M2), 6.0 m (M3)
LOT COVERAGE (max.)	+/- 9% (M2) +/- 12% (M3)	50% (M2) 60% (M3)
HEIGHT (max.)	<15 m	15.0 m (M2), n/a * (M3)
LANDSCAPE OPEN SPACE (min.)	>5%	5%
**AN EXCEPTION TO RECOGNIZE THE 0 m INTERNAL ZONE SETBACK IS REQUESTED THROUGH THIS APPLICATION.		
PARKING CALCULATIONS		
	- AUTOMOTIVE USE (COMMERCIAL GARAGE & ACCESSORY OFFICE) - 1/30 sq.m. NET FLOOR AREA	
	- INDUSTRIAL USE (WASTE TRANSFER FACILITY) - 1/90 sq.m. NET FLOOR AREA, PLUS 1/30 sq.m. NET FLOOR AREA OF ACCESSORY OFFICE	
TOTAL	92	63 *CALCULATION BELOW*
BARRIER FREE SPACES	3	2
LOADING SPACES	3	1
SNOW REMOVAL:	TO BE COMPLETED ON SITE	
GARBAGE REMOVAL:	TO BE PROVIDED BY WASTE MANAGEMENT	

TOPOGRAPHIC INFORMATION AS SUPPLIED BY TULLOCH ENGINEERING INC. FILE 145849 TOPO DATED 2022.

USE	MINIMUM PARKING SPACE REQUIREMENT	RELEVANT FLOOR AREA PROPOSED	CALCULATED REQUIREMENT
AUTOMOTIVE USE (COMMERCIAL GARAGE +ACCESSORY OFFICE)	UNLESS OTHERWISE DEFINED 1/30M ² NET FLOOR AREA	1463 SQM NFA AUTOMOTIVE USE 167 SQM NFA ACCESSORY OFFICE	55 PARKING SPACES
INDUSTRIAL USE (WASTE TRANSFER FACILITY)	1/90M ² NET FLOOR AREA, PLUS 1/30M ² NET FLOOR AREA OF ACCESSORY OFFICE	676 SQM NFA INDUSTRIAL USE	8 PARKING SPACES
		TOTAL	63 PARKING SPACES



REVISIONS		
DATE	DETAILS	BY

CAUTION	
- ALL UTILITIES ARE NOT NECESSARILY SHOWN ON THIS DRAWING	
- WHERE UTILITIES ARE SHOWN, LOCATIONS ARE NOT GUARANTEED	
- LOCATION & SIZE OF ALL UTILITIES MUST BE VERIFIED IN THE FIELD.	

DATE:	2024-03-27
DRAWN:	LZ
DESIGNED:	
CHECKED:	
ENGINEER:	
APPROVED:	



RVA R.V. ANDERSON ASSOCIATES LIMITED
 Innovative solutions for complex challenges

SITE PLAN
 GENERAL LAYOUT
 WASTE MANAGEMENT FACILITY

SCALE: 1:500
 CONTRACT NO.:
 CAD/FILE NUMBER: 237002
 PAGE NO.: **1**

TECHNICAL MEMORANDUM

To: Kingsway Entertainment District Inc. **RVA:** 237002
From: Candice Green, P.Eng., LEED AP, ENV SP
Date: March 28, 2024
Subject: KED Waste Management Site – Conceptual Stormwater Management Plan

1.0 Background

Waste Management intends to construct a new Waste Transfer Station within the Kingsway Employment District Industrial Park in the City of Greater Sudbury (The City). Kingsway Entertainment District Inc. (KED) intends to sell Lot 4 and Lot 5 within the Industrial Park to Waste Management, for the development of their Waste Transfer Station. A condition of the sale of the lands is rezoning the property to accommodate the proposed development. R.V. Anderson Associates Limited (RVA) was retained by KED to prepare a conceptual stormwater management plan, as part of the works associated with rezoning the property.

This Technical Memorandum outlines RVA's conceptual stormwater management plan for the proposed Waste Management Site within the City of Greater Sudbury (CGS).

2.0 Pre-Development Conditions

The proposed subject site is located on undeveloped lands and consists of undulating brush, trees, bedrock, with wetlands nearby. The property is bisected by a watershed boundary with the southern half of the site draining towards Ramsey Lake and the northern half of the site draining towards the Wahnapiatae River Watershed. The Ramsey Lake Watershed is subject to restrictions as it is an Intake Protection Zone (IPZ3).

For stormwater management purposes, the subject site was split into two drainage catchment areas along the IPZ limit. The southern catchment, PRE1 is 2.00 ha and is within the IPZ. The northern catchment, PRE2, is 3.08 ha and is within the Wahnapiatae River Watershed. The pre-development drainage area plan is shown in Figure 1.

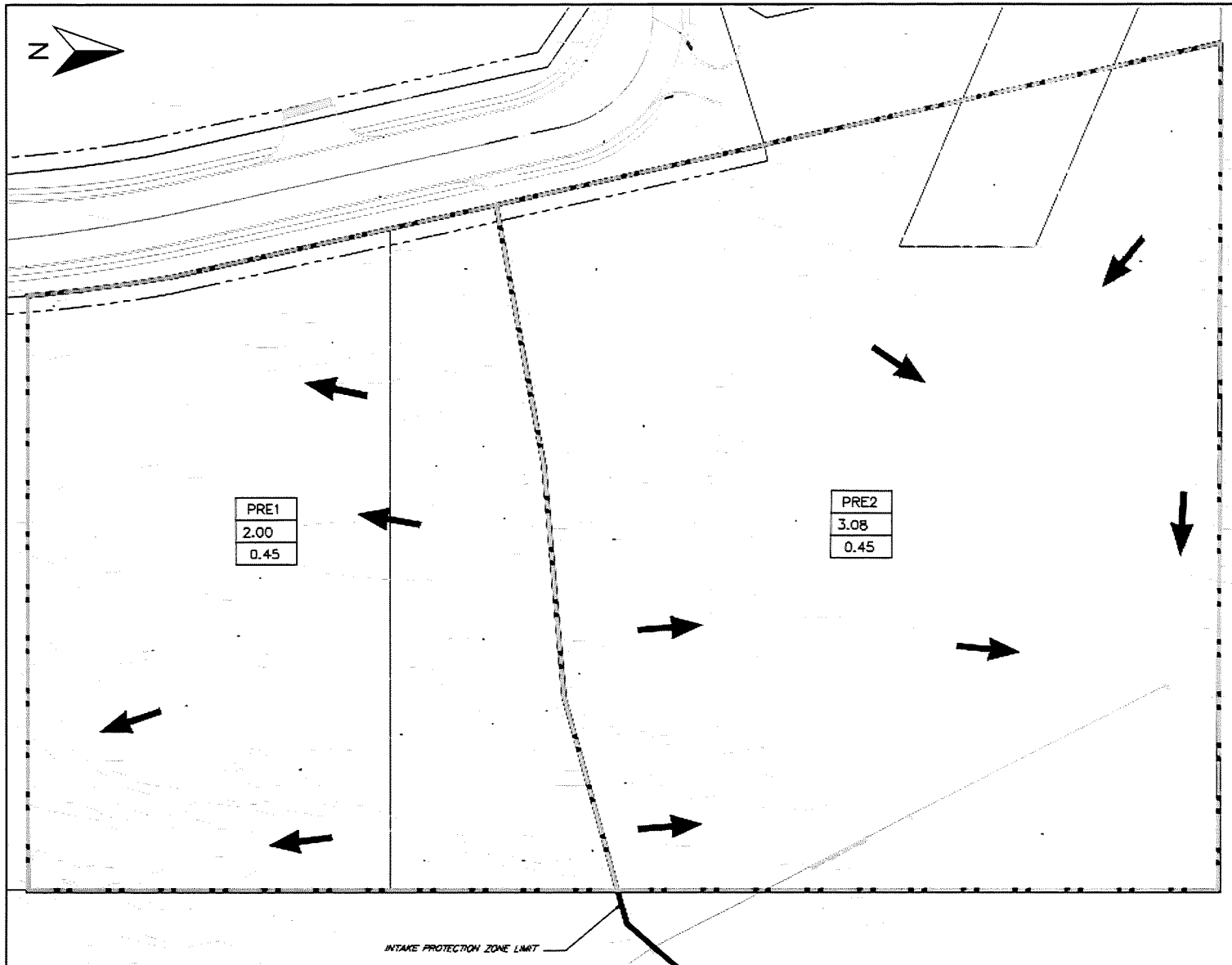


Figure 1: Pre-development Catchment Areas

2.1 Pre-development Hydrologic Model

Pre-development runoff conditions of the subject area were calculated using the Rational Method. Based on CGS standards, the Chicago type distribution was used to evaluate peak flows and runoff volume. Visual OTTHYMO (VO) software version 6.2 was used to generate the 6-hour Chicago design storms. The Intensity-Duration-Frequency (IDF) curve parameters used for generating the design storms were as per the CGS Supplemental Design Criteria for Sanitary Sewers, Storm Sewers and Force mains, December 2022. The hydrologic response of the pre-development area was evaluated for the 5-year and 100-year design storm events. The A, B, and C values to determine the rainfall intensity are shown in Table 2.1.

Table 2.1 – Sudbury Rainfall – IDF Curve Parameters

Design Storm Event	A	B	C
5-year	600.938	4.000	0.7325
100-year	1092.988	3.656	0.7350

Based on the subject site land use and topography being a mix of dense vegetation, woodland, and some bare rock coverage, with flat to rolling slopes, a runoff coefficient of 0.45 was chosen. The pre-development runoff calculations are shown in Appendix 1. Table 2.2 shows the hydrologic results for the pre-development conditions.

Table 2.2 – Pre-Development Runoff Peak Flow Rate

Design Storm Event	PRE1 - Runoff Peak Flow (m ³ /s)	PRE2 - Runoff Peak Flow (m ³ /s)
5-year	0.175	0.270
100-year	0.401	0.617

3.0 Post-Development Conditions

The proposed development includes an office, service shop, and parking spaces within the southern portion of the site. The northern portion of the site includes truck parking, truck scales stations, space for the storage of waste bins, and the waste transfer station. Stormwater can be conveyed through the subject site overland, via catch basins, storm sewers and/or swales. The two halves of the site will be controlled by two separate stormwater management facilities, one draining to the storm sewer network on Street 'C' within the Ramsey Lake Watershed and one draining to the existing environment within the Wahnapiatae River Watershed.

For the conceptual design, the post-development catchment areas were assumed to be the same as the pre-development catchments. Under post-development conditions, all the proposed

development areas including the entrances and the vehicle/waste truck access areas around the buildings were assumed to be impervious. All remaining undeveloped areas were assumed to be a pervious surface such as grass. The catchment areas POST1 and POST2 are shown are outlined in the post-development drainage area plan shown in Figure 2. A runoff coefficient of 0.9 and 0.2 was used for the impervious and pervious areas, respectively. The weighted runoff coefficient calculated for POST1 and POST2 is 0.55 and 0.57, respectively, for the 2–10-year design storm events.

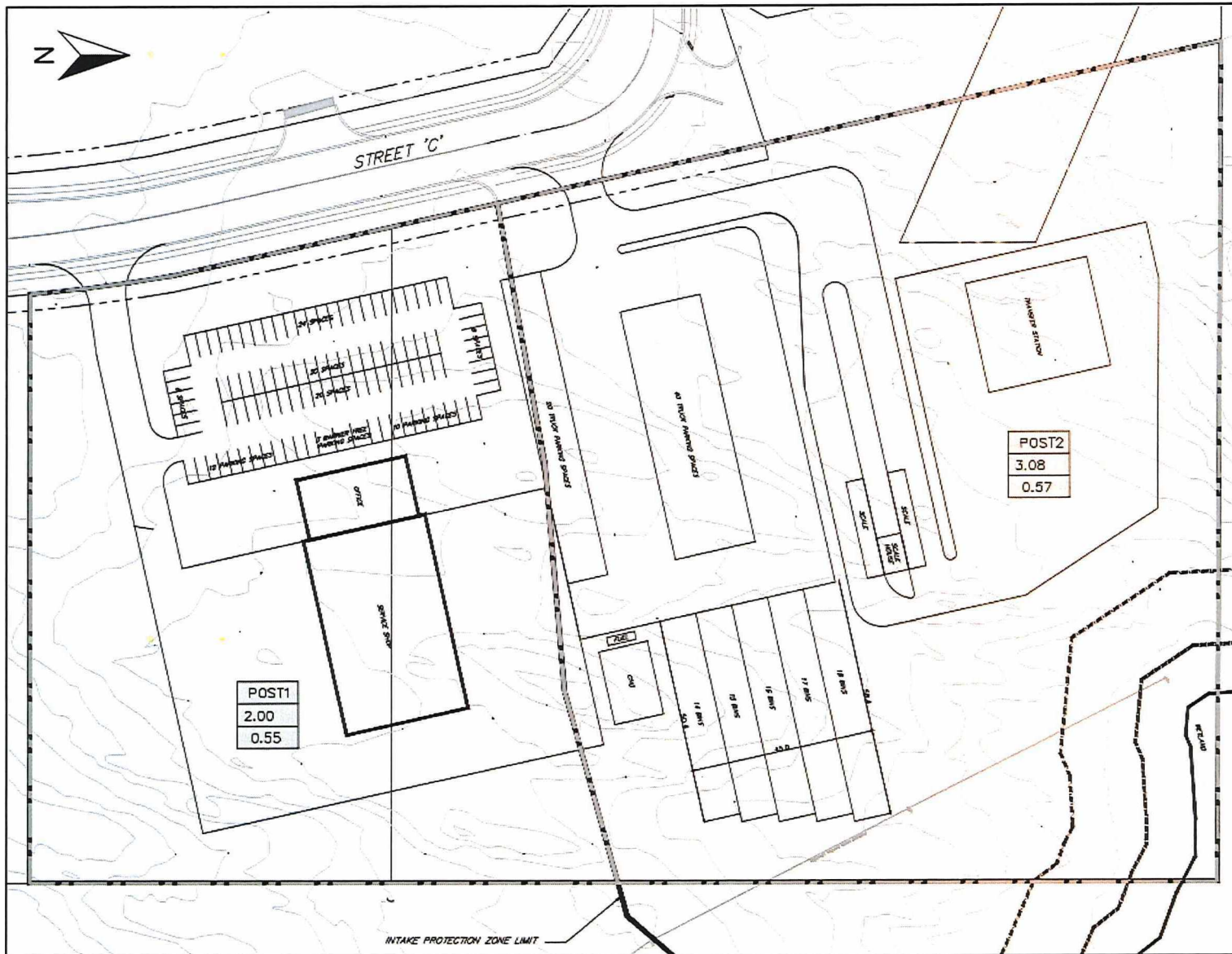


Figure 2: Post-development Catchment Areas

3.1 Post-development Hydrologic Model

Post-development runoff conditions of the subject area were calculated using the Rational Method. The hydrologic response was evaluated for the 5-year and 100-year 6-hour Chicago design storms.

The post-development runoff calculations are shown in Appendix 2. Table 3.1 shows the hydrologic results for the post-development conditions.

Table 3.1 – Post-Development Runoff Peak Flow and Runoff Volume

Design Storm Event	POST1 - Runoff Peak Flow (m ³ /s)	POST2 - Runoff Peak Flow (m ³ /s)
5-year	0.216	0.342
100-year	0.493	0.782

3.2 Quantity Control

The City requirements for the site development include controlling post-development peak flows to pre-development levels within the Wahnapiatae River Watershed, and reducing the post-development peak flow rate to 80% of the pre-development flow rate within the Ramsey Lake Watershed.

The Modified Rational Method was used to calculate the storage volume required to control post-development peak flow rates to the pre-development levels. The 100-year storm was used for this analysis, to determine the maximum required storage. The Modified Rational Method is based off the formula $V_s = 0.5 \cdot t_b \cdot (Q_p - Q_A)$ where V_s is the storage required (m³), $0.5 \cdot t_b$ can be seen as the time to peak/time of concentration, Q_p is the peak post-development runoff rate (m³/s) based on that time of concentration, and Q_A is the allowable peak runoff rate (m³/s).

This formula was iterated for increasing time of concentration values until the maximum potential storage volume required was found. The results show that for catchment area POST1, to achieve the additional 20% flow rate reduction for quantity control, the peak storage volume plus a 30% allowance is 235 m³. For catchment area POST2, the peak storage volume plus a 30% allowance is 307 m³. The Modified Rational Method calculations and results are shown in Appendix 3.

Two separate stormwater management (SWM) facilities are proposed to provide quantity control, based on the two separate watersheds and catchment areas. Two conceptual SWM ponds are shown in the sketch shown in Figure 3.

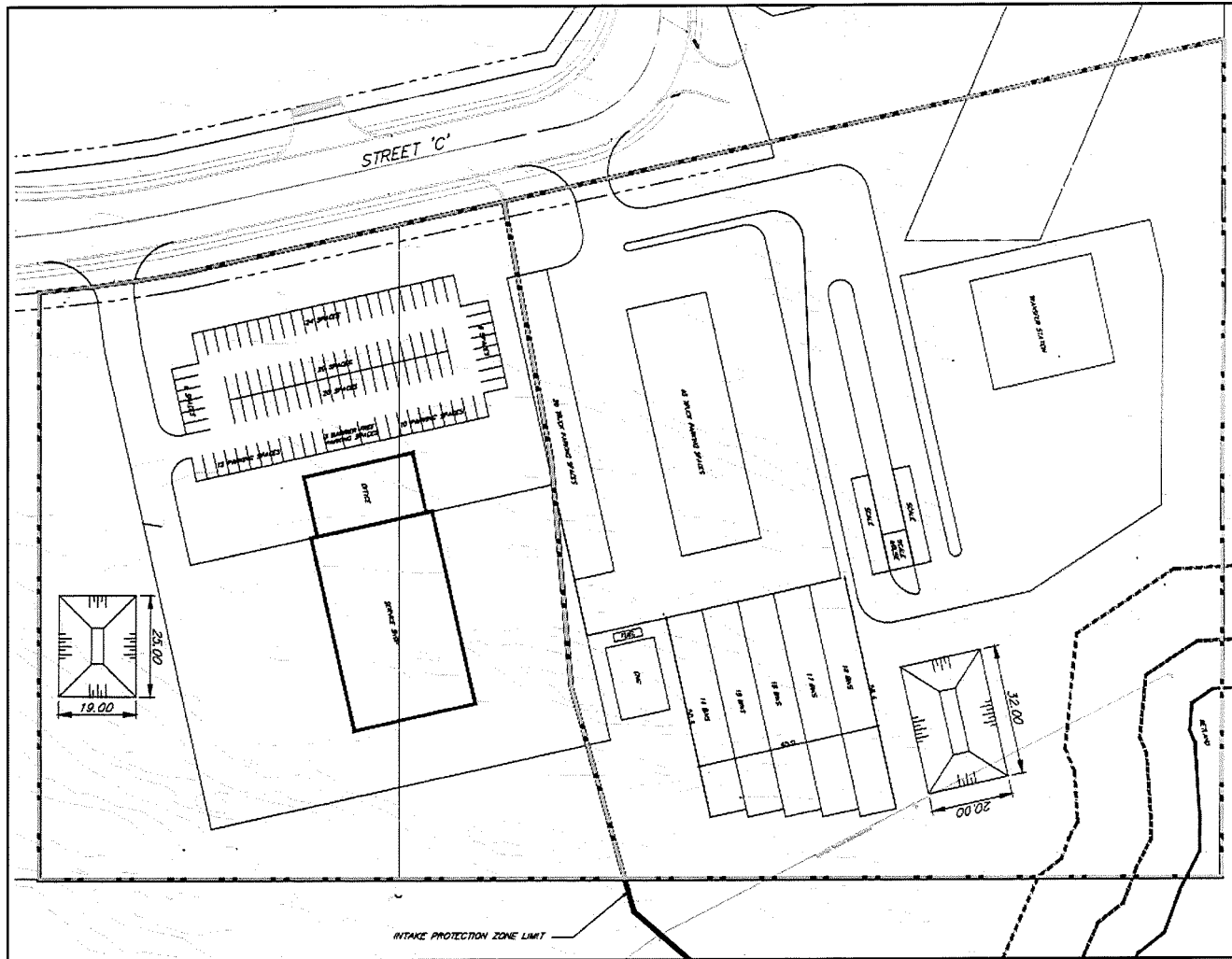


Figure 2: Post-development Catchment Areas

One SWM pond is conceptually located near the south end of the property. Catchment area POST1 will drain to this SWM pond, then eventually outlet at the controlled rate to the storm sewer system on Street 'C'. The proposed pond bottom is 9.0 m long by 3.0 m wide, with a depth of 2.0 m and 4:1 side slopes, so the surface dimensions are 25.0 m long by 19.0 m wide. The maximum volume of this SWM pond is 417 m³, which exceeds the requirement of 235 m³.

The second SWM pond is conceptually located near the northeast corner of the property, outside of the wetland limits. Catchment area POST2 will drain to this SWM pond, and the pond will control the outflow to the environment to the allowable rate. The proposed pond bottom is 16.0 m long by 4.0 m wide, with a depth of 2.0 m and 4:1 side slopes, so the surface dimensions are 32.0 m long by 20.0 m wide. The maximum volume of this SWM pond is 619 m³, which exceeds the requirement of 307 m³.

3.3 Quality Control

The conceptual SWM ponds can be designed to each provide the water quality objective of long-term average removal of 80% total suspended solids (TSS) in the runoff volume for 'enhanced' protection levels. Table 3.2 from the Ontario Ministry of the Environment (MOE) Stormwater Management Planning and Design Manual (March 2003) was used to estimate the required pond volume for water quality control purposes. Catchment area POST1 has an area of 2.0 ha and an imperviousness of 51%, therefore the required storage volume for 80% TSS removal is 380 m³. Catchment area POST2 has an area of 3.08 ha and an imperviousness of 53%, therefore the required storage volume for 80% TSS removal is 585 m³. The proposed conceptual SWM ponds both provide the storage necessary to meet the water quality objective.

4.0 Conclusions and Recommendations

This report conceptually reviews whether the City's requirements for quality and quantity stormwater management can be spatially achieved on the site. Specific details of the arrangement, location and dimensions of the stormwater management facilities will be developed during the detailed design. The following information conceptually complies with the City's requirements:

- A 417 m³ SWM pond at the south end of the property provides quantity and quality control for the portion of the site within the Ramsey Lake Watershed Intake Protection Zone 3. The proposed SWM pond storage volume is adequate for providing 'enhanced'

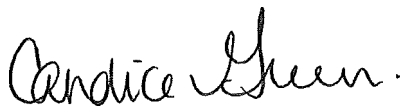
quality protection level and controlling post-development peak outflow to 80% of the pre-development peak flow rate.

- A 619 m³ SWM pond at the northeast corner of the property provides quantity and quality control for the portion of the site within the Wahnapiatae River Watershed. The proposed SWM pond storage volume is adequate for providing 'enhanced' quality protection level and controlling the post-development peak outflow to the pre-development peak flow rate.

We trust that the above satisfies the City's requirements. If you have any questions or would like to discuss the above, please contact our office at your convenience.

Yours very truly,

R.V. ANDERSON ASSOCIATES LIMITED



Candice Green, P.Eng., LEED AP, ENV SP

Principal, Regional Manager

"R:\2023\237002 - KED-Waste Management Facility Site Plan\237002 - KED WM Facility Site Plan - 20240325 Concept SWM Memo.docx"

APPENDIX 1

PRE-DEVELOPMENT CALCULATIONS



The Rational Method calculations were completed using the formula $Q=0.00278 \cdot C \cdot I \cdot A$. Where Q = peak runoff rate (m³/s), C = composite runoff coefficient, I = rainfall intensity (mm/hr), and A = drainage area (ha).

Project: KED Waste Management Facility
Project No.: 237002
Date: 2024-03-25
Designed: M.P.A
Checked:

PRE-DEVELOPMENT

Catchment	Total Area (ha)	C (2-10 yr)	C + 25% (for 100-yr)
PRE1	2.000	0.45	0.56
PRE2	3.080	0.45	0.56

Chicago 6hr 15min - Peak Intensity		
Design Storm	5 Year	100 Year
Peak Intensity (mm/hr)	69.5	127.2
Calculated Peak Runoff Rate Based on Rational Method		
PRE1	0.175	0.401
PRE2	0.270	0.617

NOTES:

- 1) C values for 5-year design storm based upon Ministry of Transportation Drainage Management Manual
- 2) Overall C values for 100-year storm were determined by adding an additional 25% to the 5-year values according to MTO Drainage Management Manual

APPENDIX 2
POST-DEVELOPMENT CALCULATIONS



Project: KED Waste Management Facility
Project No.: 237002
Date: 2024-03-25
Designed: M.P.A
Checked:

POST-DEVELOPMENT

Catchment	Total Area (ha)	Impervious Area	Pervious Area	C Impv.	C Perv.	C (2-10 yr)	C + 25% (for 100-yr)
POST1	2.000	1.01	0.99	0.9	0.2	0.55	0.69
POST2	3.080	1.63	1.45	0.9	0.2	0.57	0.71

Chicago 6hr 15min - Peak Intensity		
Design Storm	5 Year	100 Year
Peak Intensity (mm/hr)	69.5	127.2
Calculated Peak Runoff Rate Based on Rational Method		
POST1	0.216	0.493
POST2	0.342	0.782

NOTES:

- 1) C values for 2-year design storm based upon Ministry of Transportation Drainage Management Manual
- 2) Overall C values based upon a weighted calculation
- 3) Overall C values for 100-year storm were determined by adding an additional 25% to the 5-year values according to MTO Drainage Management Manual

APPENDIX 3

POND STORAGE CALCULATIONS



Modified Rational Method Preliminary Storage Sizing

Project: 237002 - KED WM Site
Date: March 25, 2024

1	Pre Dev. Site Area (ha) =	2
	Post Dev. Site Area (ha) =	2.000
	Pre Dev. Runoff Coefficient =	0.56
	Post Dev. Runoff Coefficient =	0.69
	Max. Allowed Runoff Coefficient =	0.56

2 **CGS IDF**

$i = a / (t + b)^c$
 where, i = rainfall intensity (mm/hr), and t = rainfall duration (minutes)

Return Period (Year)	A	B	C	i (mm/hr)
2	429.375	4.25	0.7325	49.20
5	600.938	4	0.7325	69.53
10	726.563	3.938	0.7400	82.42
25	847.03	3.938	0.7400	96.09
50	986.25	3.75	0.7375	113.54
100	1092.988	3.656	0.7350	127.22

$T_c = 15$ min

3 **Allowed Peak Discharge Rate - 100yr**

Rational Method

$Q = 0.0028 * C * I * A$

where

- Q = Peak runoff rate, m³/s
- C = Composite runoff coefficient
- I = Rainfall intensity, mm/h
- A = Drainage area, ha

Q Allowed = 0.399 L/s
 Q 100 = 0.492 L/s

4 **On Site Detention Storage**

100 Yr Storm Event

Post Development Runoff Coefficient = 0.69
 Site Area (ha) = 2
 Allowed Release Rate (cu.m/s) = 0.319
 Peak Storage + 30% Allowance (m3) = 235.000

t_c (min)	i_{100} (mm/hr)	Q_{100} (m ³ /s)	Q_{stored} (m ³ /s)	Peak Volume (m ³)
1	352.879	1.364	1.044	62.661
2	305.859	1.182	0.863	103.520
3	271.365	1.049	0.729	131.288
4	244.835	0.946	0.627	150.448
5	223.711	0.864	0.545	163.573
6	206.438	0.798	0.479	172.260
7	192.014	0.742	0.423	177.562
8	179.763	0.695	0.375	180.207
9	169.211	0.654	0.335	180.713
10	160.012	0.618	0.299	179.466
11	151.913	0.587	0.268	176.758
12	144.719	0.559	0.240	172.813
13	138.280	0.534	0.215	167.809
14	132.480	0.512	0.193	161.890
15	127.222	0.492	0.172	155.171
16	122.432	0.473	0.154	147.747
17	118.047	0.456	0.137	139.699
18	114.016	0.441	0.121	131.092
19	110.295	0.426	0.107	121.985
20	106.849	0.413	0.094	112.424
21	103.646	0.400	0.081	102.453
22	100.661	0.389	0.070	92.108
23	97.871	0.378	0.059	81.420
24	95.258	0.368	0.049	70.416
25	92.803	0.359	0.039	59.123
26	90.493	0.350	0.030	47.560
27	88.313	0.341	0.022	35.749
28	86.254	0.333	0.014	23.706
29	84.305	0.326	0.007	11.446
30	82.456	0.319	0	-
31	80.701	0.312	0	-
32	79.031	0.305	0	-
33	77.441	0.299	0	-
34	75.924	0.293	0	-
35	74.475	0.288	0	-
36	73.090	0.282	0	-

max

Modified Rational Method Preliminary Storage Sizing

Project: 237002 - KED WM Site
Date: March 25, 2024

1	Pre Dev. Site Area (ha) =	3.08
	Post Dev. Site Area (ha) =	3.080
	Pre Dev. Runoff Coefficient =	0.56
	Post Dev. Runoff Coefficient =	0.71
	Max. Allowed Runoff Coefficient =	0.56

2 **CGS IDF**

$i = a / (t + b)^c$

where, i = rainfall intensity (mm/hr), and t = rainfall duration (minutes)

Return Period (Year)	A	B	C	i (mm/hr)
2	429.375	4.25	0.7325	49.20
5	600.938	4	0.7325	69.53
10	726.563	3.938	0.7400	82.42
25	847.03	3.938	0.7400	96.09
50	986.25	3.75	0.7375	113.54
100	1092.988	3.656	0.7350	127.22

$T_c = 15$ min

3 **Allowed Peak Discharge Rate - 100yr**

Rational Method

$Q = 0.0028 * C * I * A$

where

- Q = Peak runoff rate, m^3/s
- C = Composite runoff coefficient
- I = Rainfall intensity, mm/h
- A = Drainage area, ha

Q Allowed =	0.614	L/s
Q 100 =	0.779	L/s

4

On Site Detention Storage

100 Yr Storm Event

Post Development Runoff Coefficient = 0.71
 Site Area (ha) = 3.08
 Allowed Release Rate (cu.m/s) = 0.614
 Peak Storage + 30% Allowance (m3) = 307.000

t_c (min)	i_{100} (mm/hr)	Q_{100} (m^3/s)	Q_{stored} (m^3/s)	Peak Volume (m^3)
1	352.879	2.161	1.546	92.777
2	305.859	1.873	1.258	151.005
3	271.365	1.662	1.047	188.490
4	244.835	1.499	0.885	212.334
5	223.711	1.370	0.755	226.613
6	206.438	1.264	0.650	233.861
7	192.014	1.176	0.561	235.745
8	179.763	1.101	0.486	233.417
9	169.211	1.036	0.422	227.702
10	160.012	0.980	0.365	219.208
11	151.913	0.930	0.316	208.398
12	144.719	0.886	0.272	195.628
13	138.280	0.847	0.232	181.181
14	132.480	0.811	0.197	165.283
15	127.222	0.779	0.165	148.117
16	122.432	0.750	0.135	129.836
17	118.047	0.723	0.108	110.564
18	114.016	0.698	0.084	90.407
19	110.295	0.675	0.061	69.457
20	106.849	0.654	0.040	47.789
21	103.646	0.635	0.020	25.471
22	100.661	0.616	0.002	2.559
23	97.871	0.599	0	-
24	95.258	0.583	0	-
25	92.803	0.568	0	-
26	90.493	0.554	0	-
27	88.313	0.541	0	-
28	86.254	0.528	0	-
29	84.305	0.516	0	-
30	82.456	0.505	0	-
31	80.701	0.494	0	-
32	79.031	0.484	0	-
33	77.441	0.474	0	-
34	75.924	0.465	0	-
35	74.475	0.456	0	-
36	73.090	0.448	0	-
37	71.764	0.439	0	-

max

Appendix C

Environmental Compliance
Approval for similar facility -
Clarington Transfer Station

AMENDED ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 3412-5ZQLYF

Issue Date: September 12, 2023

Waste Management of Canada Corporation
117 Wentworth Court
Brampton, Ontario
L6T 5L4

Site Location: Clarington Transfer Station
1 McKnight Rd
Clarington Municipality, Regional Municipality of Durham
L1E 2T3

You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:

the operation of a Waste Disposal Site (Transfer/Processing) for the Transfer and Processing

of the following types of waste:

Solid Non-Hazardous Domestic, Industrial, Commercial and Institutional waste.

Note: Use of the site for any other type of waste is not approved under this Approval, and requires

obtaining a separate approval amending this Approval.

For the purpose of this environmental compliance approval, the following definitions apply:

- a. "Adverse Effect" as defined in the EPA;
- b. "Approval" means this Environmental Compliance Approval and any Schedules to it, including the application and supporting documentation listed in Schedule "A".
- c. "Owner" means Waste Management of Canada Corporation, including its officers, employees, agents or contractors;
- d. "Director" means the person(s) designated pursuant to Section 5 of the Act for the purposes of administering Part V of the Act;
- e. "District Manager" means the District Manager of the local district office of the Ministry in which the Site is geographically located;
- f. "EPA" and "Act" means the Environmental Protection Act, R.S.O. 1990, c. E.19, as

amended;

g. "Ministry" and "MECP" means the Ontario Ministry of the Environment Conservation and Parks;

h. "Regulation 347" means Regulation 347 - R.R.O. 1990, General - Waste Management, as amended from time to time, made under the EPA;

i. "Organics" means source segregated organic materials that are received via Domestic, Industrial, Commercial and Institutional collection programs;

j. "Site" and "Facility" means the Transfer and Processing Station being approved under this Approval, located at 1 McKnight Road, Clarington Municipality, Regional Municipality of Durham; and,

k. "Trained" means knowledgeable in the items listed under Condition 27 of this Approval through instruction and practice.

You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:

TERMS AND CONDITIONS

GENERAL

1. Except as otherwise provided by these conditions, the Site shall be designed, developed, used, maintained and operated, and all facilities, equipment and fixtures shall be built and installed, in accordance with the Application for a Approval, dated March 26, 2003, including supporting documentation, and plans and specifications listed in Schedule "A".

2. The requirements specified in this Approval are the requirements under the EPA.

The issuance of this Approval in no way abrogates the Owner's legal obligations to take all reasonable steps to avoid violating other applicable provisions of this legislation and other legislation and regulations.

3. The requirements of this Approval are severable. If any requirement of this Approval, or the application of any requirement of this Approval to any circumstance, is held invalid, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected in any way.

4. The Owner shall ensure compliance with all the terms and conditions of this Approval. Any non-compliance constitutes a violation of the EPA and is grounds for enforcement.

5. (a) The Owner shall, forthwith upon request of the Director, District Manager, or Provincial Officer (as defined in the Act), furnish any information requested by such

persons with respect to compliance with this Approval, including but not limited to, any records required to be kept under this Approval; and,

(b) In the event the Owner provides the Ministry with information, records, documentation or notification in accordance with this Approval (for the purposes of this condition referred to as "Information"),

(i) the receipt of Information by the Ministry;

(ii) the acceptance by the Ministry of the Information's completeness or accuracy; or

(iii) the failure of the Ministry to prosecute the Owner, or to require the Owner to take any action, under this Approval or any statute or regulation in relation to the Information;

shall not be construed as an approval, excuse or justification by the Ministry of any act or omission of the Owner relating to the Information, amounting to non-compliance with this Approval or any statute or regulation.

6. The Owner shall allow Ministry personnel, or a Ministry authorized representative(s), upon

presentation of credentials, to:

(a) carry out any and all inspections authorized by Section 156, 157 or 158 of the EPA, Section 15, 16 or 17 of the Ontario Water Resources Act, R.S.O. 1990, or Section 19 or 20 of the Pesticides Act, R.S.O. 1990, as amended from time to time, of any place to which this Approval relates; and,

without restricting the generality of the foregoing, to:

(b) (i) enter upon the premises where the records required by the conditions of this Approval are kept;

(ii) have access to and copy, at reasonable times, any records required by the conditions of this Approval;

(iii) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required by the conditions of this Approval; and,

(iv) sample and monitor at reasonable times for the purposes of assuring compliance with the conditions of this Approval.

7. (a) Where there is a conflict between a provision of any document referred to in Schedule "A", and the conditions of this Approval, the conditions in this Approval shall take precedence; and,

(b) Where there is a conflict between documents listed in Schedule "A", the document bearing the most recent date shall prevail.

8. The Owner shall ensure that all communications/correspondence made pursuant to this Approval

includes reference to this Approval.

9. The Owner shall notify the Director in writing of any of the following changes within thirty (30)

days of the change occurring:

(a) change of Owner or operator of the Site or both;

(b) change of address or address of the new Owner;

(c) change of partners where the Owner or operator is or at any time becomes a partnership,
and a copy of the most recent declaration filed under the Business Names Act, 1991 shall

be included in the notification to the Director;

(d) any change of name of the corporation where the Owner or operator is or at any time

becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" (form 1 or 2 of O. Reg. 182, Chapter C-39, R.R.O. 1990 as amended from time to time), filed under the Corporations Information Act shall be included in the notification to the Director; and,

(e) change in directors or officers of the corporation where the Owner or operator is or at any

time becomes a corporation, and a copy of the most current "Initial Notice or Notice of Change" as referred to in 9(d), supra.

10. In the event of any change in ownership of the Site, the Owner shall notify, in writing, the succeeding owner of the existence of this Approval, and a copy of such notice shall be forwarded to the Director.

11. Any information relating to this Approval and contained in Ministry files may be made available

to the public in accordance with the provisions of the Freedom of Information and Protection

of Privacy Act, R.S.O. 1990, C. F-31.

12. All records and monitoring data required by the conditions of this Approval must be kept on the

Owner's premises for a minimum period of two (2) years from the date of their creation.

13. The obligations imposed by the terms and conditions of this Approval are obligations of due diligence.

OPERATIONS

14. (a) The Site may operate twenty-four (24) hours per day, seven (7) days per week; and

(b) The Site is approved to operate a Public Drop-Off Area as follows:

(i) Monday to Friday from 6:00 a.m. to 5:30 p.m. and

(ii) Saturday from 7:00 a.m. to 12:00 p.m.

(c) A sign shall be posted in a prominent location at the Site entrance clearly stating the hours of operation and the Owner's name, and an emergency phone number to call in the event of an emergency.

15. The Owner shall only accept at this Site solid non-hazardous waste from industrial, commercial, institutional and domestic sources including wood waste, blue box material, source separated

organics and tires.

16. Incoming waste shall be inspected prior to being received at the Site to ensure that the Site is

approved to accept that type of waste.

17. (a) The Site may receive up to 800 tonnes of waste per day;

(b) The total amount of waste leaving the Site shall not exceed 800 tonnes per day; and,

(c) Putresible and Organic waste shall be removed from the Site within seventy-two (72) hours after receipt.

18. (a) The maximum amount of waste stored on-site at any time shall not exceed 1,200 tonnes; and,

(b) Outdoor storage is limited to 100 tonnes of recyclable/reusable materials. The containers must be covered upon the completion of each operating day to prevent wind-blown litter and contamination of run-off.

19. (a) The tipping floor shall be disinfected as necessary to prevent any off-site impacts; and,

(b) A written record shall be kept of when the disinfection of the tipping floor was conducted as per Condition 28.

20. (a) If any incoming waste load is known to, or is discovered to, contain unacceptable waste, that load shall not be accepted at the Site; and,

(b) If any unacceptable waste is discovered on-site, that waste shall immediately be disposed of in accordance with Regulation 347.

21. The Owner shall ensure that all wastes transported to and from the Site shall be transported in accordance with the Act and Regulation 347.

22. (a) The Owner shall ensure that the Site is operated in a secure manner, such that unauthorized persons cannot enter; and,

(b) The Owner shall ensure that the Site is operated in a safe manner, and that all waste is properly handled, processed and contained so as not to pose any threat to the general public and site personnel.

23. The Owner shall ensure that trained staff are on duty at all times when the Site is open to ensure proper supervision of all activities.

24. (a) The Owner shall ensure that the Site is not operated unless all air approvals under Section 9 of the Act, where applicable, have been obtained; and,

(b) At no time is burning or incineration of any materials allowed on the Site.

25. The Owner must conduct regular inspections of the equipment and facilities to ensure that all

equipment and facilities at the Site are maintained in good working order at all times.

Any deficiencies detected during these regular inspections must be promptly corrected.

A written record must be maintained at the Site, which includes, but not limited to the following:

(a) name and signature of Trained personnel conducting the inspection;

(b) date and time of the inspection;

(c) list of equipment inspected and all deficiencies observed;

- (d) a detailed description of the maintenance activity;
- (e) date and time of maintenance activity; and,
- (f) recommendations for remedial action and actions undertaken.

26. The Owner, in addition to inspections and documentation requirements carried out in Condition 25 of this Approval, must conduct on each operating day, a visual inspection of the following areas to ensure the Site is secure and that no off-site impacts such as vermin, vectors, odour, noise, dust and litter, result from the operation of the Facility:

- (a) waste loading/unloading areas and associated containment areas;
- (b) waste storage areas and associated containment areas; and,
- (c) security fence, barriers and property line.

STAFF TRAINING

27. The Owner shall ensure through proper written records that all personnel directly involved with activities relating to the Site have been Trained with respect to:

- (a) the terms, Conditions and operating requirements of this Approval;
- (b) the operation and management of all Transfer, Processing, storage and contingency measures equipment and procedures;
- (c) any environmental and occupational health and safety concerns pertaining to the Site and

wastes to be Transferred and/or Processed ; a nd,

- (d) relevant waste management legislation and Regulations under the Act and Ontario Water Resources Act.

RECORD KEEPING

28. The Owner shall maintain, at the Site for a minimum of two (2) years, a log book or electronic file format which records daily the following information:

- (a) date of record;
- (b) types, quantities and source of waste received;
- (c) quantity of waste Transferred;
- (d) quantity of waste(s) Processed;
- (e) quantities of residual waste on the Site;
- (f) quantities and destination of each type of waste shipped from the Site; and,
- (g) results of inspections and reports required under Conditions 25 and 26 of this Approval,

including the name and signature of the person conducting the inspection and completing the report.

COMPLAINT RESPONSE PLAN

29. If at any time, the Owner receives complaints regarding the operation of the Site, the Owner shall respond to the complaint in accordance with the following procedure;

- (a) The Owner shall record each complaint on a formal complaint form entered in a sequentially numbered log book. The information recorded shall include the nature of the complaint, the name address and the telephone number of the complainant and the time and date of the complaint;

(b) The Owner, upon notification of the complaint shall initiate appropriate steps to determine all possible causes of the complaint, proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant; and,

(c) The Owner shall submit to the District Manager, a report written seven (7) days of the complaint date, listing the actions taken to resolve the complaint and any recommendations for remedial measures, and managerial or operations changes to reasonably avoid the reoccurrence of similar incidents.

EMERGENCY RESPONSE

30. The Owner shall take immediate measures to clean-up all spills, related discharges and process upsets of wastes which result from the operation of the Site. All spills and upsets shall be immediately reported to the Ministry's Spills Action Centre at (416) 325-3000 or 1-800-268-6060 and shall be recorded in a written log or an electronic file format, referred to in Condition 28 of this Approval as to the nature of the spill or upset, and the action taken for clean-up, correction and prevention of future occurrences.

31. (a) The Owner shall maintain a Spill Contingency and Emergency Response Plan for the operation of the Transfer/Processing Facility. The Plan shall include, but not necessarily limited to:

(i) emergency response procedures to be undertaken in the event of a spill or process upset, including specific clean up methods for each individual waste;

(ii) a list of contingency equipment and spill clean up materials, including names and telephone numbers of waste management companies available for emergency response; and,

(iii) a notification protocol with names and telephone numbers of persons to be contacted, including company personnel, the Ministry of the Environment District Office and Spills Action Centre, the local Fire Department, the local Municipality, the local Medical Officer of Health, and the Ministry of Labour.

(b) A copy of the Spill Contingency and Emergency Response Plan shall be kept on the Site at all times, in a central location available to all staff, and a copy shall be submitted to the District Manager, the local Municipality and the local Fire Department by no later than August 30, 2004;

(c) The Owner shall ensure that the contingency equipment and materials outlined in the Spill Contingency and Emergency Response Plan are immediately available on the Site at all times, in a good state of repair, and fully operational; and,

(d) The Owner shall ensure that all operating personnel are fully Trained in the use of the contingency equipment and materials outlined in the Spill Contingency and Emergency Response Plan, and in the procedures to be employed in the event of an emergency.

STORMWATER MANAGEMENT

32. The Owner shall manage all direct discharges from this Site including stormwater run-off in

accordance with appropriate Municipal, Provincial and or Federal Legislation, Regulations and By-laws.

ANNUAL REPORT

33. By March 31st of every year, the Owner shall prepare and submit to the District Manager an annual report covering the previous calendar year. Each report shall include, as a minimum, the following information:

- (a) a detailed monthly summary of the type, quantity and origin of all wastes received, Processed and Transferred from the Site, including the destination, type and quantity of waste destined for final disposal and also including any reconciliations on mass balance made;
- (b) any environmental and operational problems that could negatively impact the environment, encountered during the operation of the Site and during the facility inspections, and any mitigative actions taken;
- (c) a statement as to compliance with all Conditions of this Approval and with the inspection and reporting requirements of the Conditions herein;
- (d) any recommendations to minimize environmental impacts from the operation of the Site and to improve Site operations and monitoring programs in this regard; and,
- (e) the most updated revision of the Financial Assurance necessary for the Site as described in Condition 34(c) of this Approval.

FINANCIAL ASSURANCE

34. (a) Within twenty (20) days of the issuance of this Approval, the Owner shall maintain \$171, 244.54 to the Ministry. This Financial Assurance shall be in a form acceptable to the Director and shall provide sufficient funds for the analysis, transportation, Site clean-up, monitoring and disposal of all quantities of waste on the Site at any one time.

(b) Commencing on June 30, 2024 and at intervals of five years (5) thereafter, the Owner shall submit to the Director, a re-evaluation of the amount of Financial Assurance to implement the actions required under Condition 34 (a). The re-evaluation shall include an assessment based on any new information relating to the environmental conditions of the Site and shall include the costs of additional monitoring and/or implementation of contingency plans required by the Director upon review of the closure plan and annual reports. The Financial Assurance must be submitted to the Director within ten (10) days of written acceptance of the re-evaluation by the Director.

(c) The amount of Financial Assurance is subject to review at any time by the Director and may be amended at his/her discretion. If any Financial Assurance is scheduled to expire or notice is received, indicating Financial Assurance will not be renewed, and satisfactory methods have not been made to replace the Financial assurance at least sixty (60) days before the Financial Assurance terminates, the Financial Assurance shall forthwith be replaced by cash.

CLOSURE PLAN

35. (a) The Owner must submit, for approval by the Director, a written Closure Plan for the Site four (4) months prior to closure of the Site. This plan must include, as a minimum, a description of the work that will be done to facilitate closure of the Site and a schedule for completion of that work; and,
(b) Within ten (10) days after closure of the Site, the Owner must notify the Director, in writing, that the Site has been closed in accordance with the approved Closure Plan.

SCHEDULE "A"

This Schedule "A" forms part of this Approval;

1. Covering letter dated March 28, 2003 to Mr. J. O'Mara, Director, Ministry of the Environment, Conservation and Parks (MECP), enclosing an Application for a Approval, Waste Disposal Site (Transfer), requesting that the Minister issue an Order to declare that the provisions of the Environmental Assessment Act do not apply with respect to the proposed undertaking, signed by J. Campbell, Director, Environmental Compliance, Waste Management of Canada Corporation, (formerly Canadian Waste Services Inc.).
2. Covering letter dated March 28, 2003 to Mr. J. O'Mara, Director, Ministry of the Environment (MOE), enclosing an Application for a Approval, Waste Disposal Site (Transfer), enclosing a Design and Operations Report.
3. Copy of letter dated May 17, 2004 to Mr. Kevin Bechard, Director of Public Affairs, Waste Management of Canada Corporation, from Solange Desautels, Special Projects Officer, Environmental Assessment & Approvals Branch, advising that the proposed facility does not require designation under the Environmental Assessment Act.
4. Letter to K. Wassink, MOE, dated June 23, 2004 from Mr. Kevin Bechard, Director of Public Affairs, Waste Management of Canada Corporation, providing additional information and facility site plans.
5. Electronic letter, dated January 27, 2020 submitted to the Ministry by Katrina Dorenzo-McGrath, Manager Environmental Protection, Waste Management of Canada Corp.
6. Letter dated June 21, 2023 submitted to the Ministry by Katrina Dorenzo-McGrath, Director Environmental Protection, Waste Management of Canada Corp. requesting a change in Condition 14c.

The reasons for the imposition of these terms and conditions are as follows:

1. The reason for Conditions 1, 12 and 33 is to ensure that the Site is operated in accordance with the application and supporting documentation submitted by the Company, and not in a manner which the Director has not been asked to consider.
2. The reason for Conditions 2, 3, 4, 7, 8, 9, 10, 11 and 13 is to clarify the legal rights and responsibilities of the Company.
3. The reason for Conditions 5 and 6 is to ensure that the appropriate Ministry staff

have ready access to information and the operations of the Site which are approved under this Approval. Condition 6 is supplementary to the powers of entry afforded a Provincial Officer pursuant to the EPA, the Ontario Water Resources Act, and the Pesticides Act, as amended.

4. The reason for Conditions 14, 15, 16, 17, 18 and 26 is to ensure that the types and amounts of waste received at the Site are in accordance with that approved under this Approval.

5. The reason for Conditions 19, 20, 21, 22, 23, 24, 25, 28 and 32 is to ensure that the Site is operated in a manner which does not result in a nuisance or a hazard to the health and safety of the public and the environment.

6. The reason for Condition 27 is to ensure that staff are properly trained in Site operational procedures, the operation of the equipment used at the Site, and emergency response procedures.

7. The reason for Condition 29 is to ensure that complaints are properly and quickly resolved and that complaints and follow-up actions have been documented.

8. The reason for Conditions 30 and 31 is to ensure that staff notify the Ministry forthwith of any spills as required in Part X of the EPA so that appropriate spills response can be determined, and to ensure that any spills are dealt with in a manner which minimizes any impacts.

9. The reason for Condition 34 is to ensure that sufficient funds are available to the Ministry to clean up the Site in the event that the Company is unable or unwilling to do so.

10. The reason for Condition 35 is to ensure the Site is closed in accordance with Ministry standards and to protect the health and safety of the public and the environment.

Upon issuance of the environmental compliance approval, I hereby revoke Approval No(s). 3412-5ZQLYF issued on May 29, 2020

In accordance with Section 139 of the *Environmental Protection Act*, you may by written notice served upon me and the Ontario Land Tribunal within 15 days after receipt of this notice, require a hearing by the Tribunal. Section 142 of the *Environmental Protection Act* provides that the notice requiring the hearing ("the Notice") shall state:

- a. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
- b. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

Pursuant to subsection 139(3) of the *Environmental Protection Act*, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.

The Notice should also include:

1. The name of the appellant;
2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. The municipality or municipalities within which the project is to be engaged in.

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

Registrar*
Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5
OLT.Registrar@ontario.ca

and

The Director appointed for the purposes of Part II.1
of the *Environmental Protection Act*
Ministry of the Environment, Conservation and
Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

*** Further information on the Ontario Land Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349 or 1 (866) 448-2248, or www.oltf.gov.on.ca**

The above noted activity is approved under s.20.3 of Part II.1 of the *Environmental Protection Act*.

DATED AT TORONTO this 12th day of
September, 2023



Mohsen Keyvani, P.Eng.
Director
appointed for the purposes of Part
II.1 of the *Environmental Protection
Act*

RI/
c: District Manager, MECP York-Durham
Katrina DiRenzo-McGrath, Waste Management of Canada Corporation



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