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File No: Z-7945
Planner: Craig Smith

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: BFI CANADA INC. 441 INDUSTRIAL ROAD PUBLIC PARTICIPATION MEETING ON NOVEMBER 14, 2011 AT 4:30 P.M.

RECOMMENDATION

That, on the recommendation of the Director of Land Use Planning and City Planner based on the application of BFI Canada Inc. relating to the property located at 441 Industrial Road;

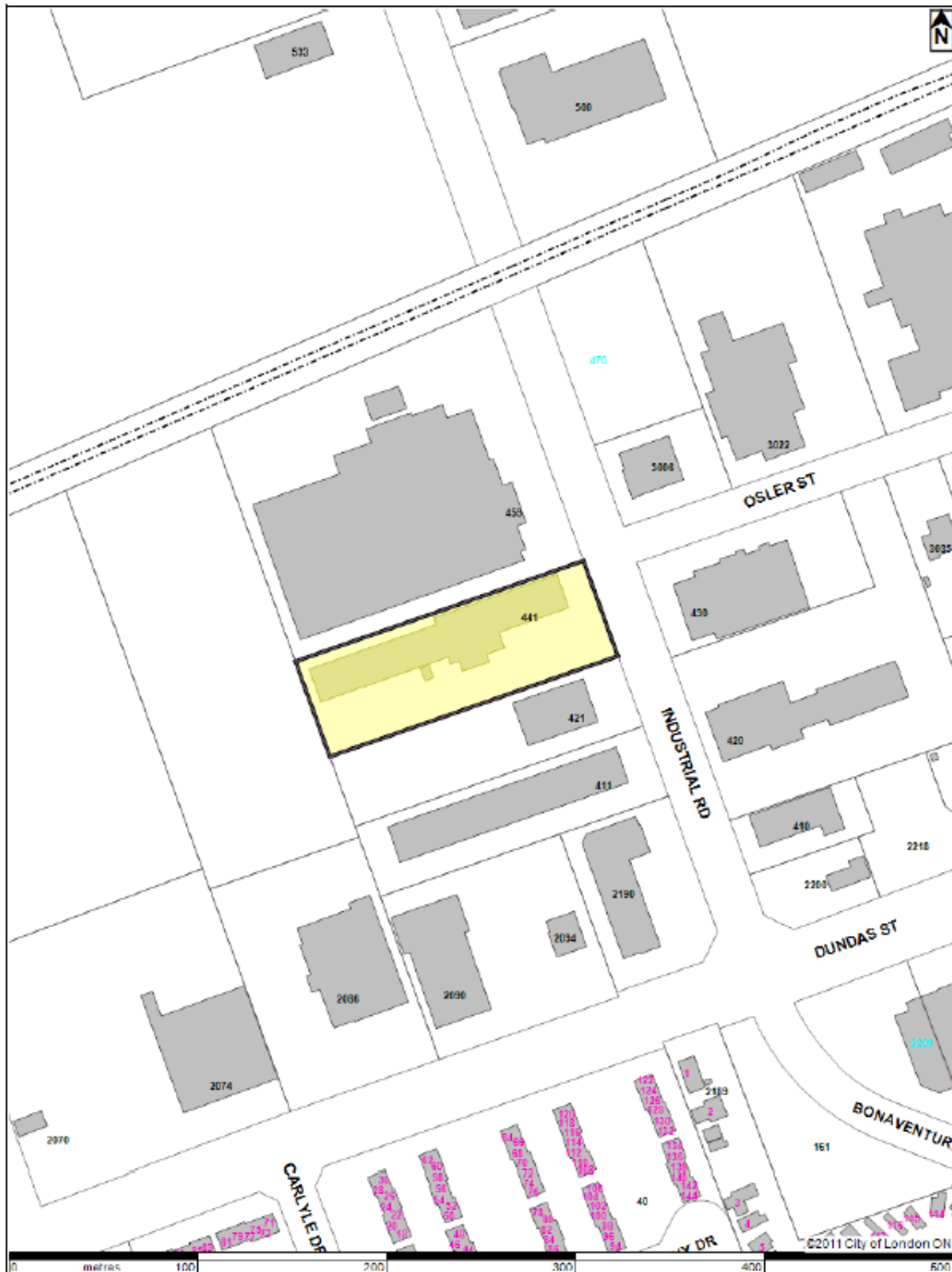
- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on November 21, 2011, in conformity with the Official Plan, to amend Zoning By-law No. Z.-1, to change the zoning of the subject lands **FROM** a General Industrial (GI1) Zone which permits a wide range of manufacturing processing industries, warehousing and transportation transfer stations **TO** a Holding General Industrial Special Provision (h-(_) *GI1 (_)) Zone which permits the above uses and a solid waste transfer station with a maximum 5% outdoor storage; no outside storage of solid wastes; no outside storage permitted in the front yard; a minimum north interior side yard setback of 2.8 metres, a minimum of 30 parking spaces, and the holding provision shall not be removed until the Certificate of Approval has been granted by the Ministry of Environment ensuring that the development of the Waste Transfer Station is planned, designed, operated and maintained in such a way as to promote compatibility with adjacent existing and future land uses and to minimize any adverse impacts on the natural environment which includes providing for enhanced landscaping, opaque fencing, and confirmation of sufficient sanitary capacity of the sewer and/or flows to meet the allowable quality parameters for discharge to the municipal sanitary sewer system to the satisfaction of the City of London; and
- b) Planning Staff **BE DIRECTED** to send comments to the Ministry of Environment for consideration, including City staff responses and neighbourhood concerns (including submitted letters) with respect to the Certificate of Approval application.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The proposed amendment will permit a solid waste transfer station which will consolidate industrial and commercial solid waste from multiple collection vehicles into larger, high-volume transfer vehicles for more efficient and economical shipment to municipal landfills.

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LOCATION MAP
Subject Site: 441 Industrial Rd
Applicant: BFI Canada Inc.
File Number: Z-7945
Planner: Craig Smith
Created By: Craig Smith
Date: 2011-07-20
Scale: 1:2500

Corporation of the City of London
Prepared By: Planning and Development

LEGEND

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- Address Numbers

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RATIONALE

1. The proposed amendment is consistent with the PPS in that it provides for a facility that is of an appropriate size and type to accommodate present and future waste management requirements.
2. The proposed amendment is consistent with the General Industrial policies in the City of London Official Plan.
3. The proposed development will require a Certificate of Approval from the Ministry of the Environment prior to the removal of the holding provision.
4. The City will seek assurance through the Certificate of Approval that the facility is planned, designed, operated and maintained in such a way as to promote compatibility with adjacent existing and future land uses and minimizes any adverse impacts on the natural environment.

BACKGROUND

Date Application Accepted: July 4, 2011	Agent: Beech Engineering Limited
<p>REQUESTED ACTION: Change Zoning By-law Z.-1 from a General Industrial (GI1) Zone which permits a large range of heavy industrial uses including manufacturing and assembly industries, processed goods industries, transport terminals and terminal centres to a General Industrial Special Provision (GI1 (S)) Zone which would allow for the above uses and a solid waste transfer station with a maximum 5% outdoor storage; no outside storage of solid wastes; no outside storage be permitted in the front yard; a minimum north interior side yard setback of 2.8 metres, a minimum of 30 parking spaces</p>	

<p>SITE CHARACTERISTICS:</p> <ul style="list-style-type: none"> • Current Land Use – Manufacturing • Frontage – 53.3m • Depth – 161.5m • Area – 0.86ha • Shape – rectangle

<p>SURROUNDING LAND USES:</p> <ul style="list-style-type: none"> • North – Manufacturing- Leggett & Platt Automotive Group • South – Transfer Facility-Fleet Master Truck Trailer and Tank Service • East – Manufacturing- True North Moulds • West - Vacant Commercial
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OFFICIAL PLAN DESIGNATION: (refer to map on page 5)
<ul style="list-style-type: none"> • General Industrial
EXISTING ZONING: (refer to map on page 6)
<ul style="list-style-type: none"> • General Industrial (GI1)

PLANNING HISTORY

- Consent B.3/07 granted to sever 441 Industrial Road from the lands to the west.
- Variance A.4/07 to permit an existing industrial building with a north interior side yard setback of 2.8 m (9.1') whereas 4.5 m (14.7') is required and 30 parking spaces whereas 43 parking spaces are required

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Environmental Engineering Services Department

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Zoning By-Law amendment application:

- *The applicant will be required to have a consulting Professional Engineer design and install a stormwater management system for quality control on site to the standards of the Ministry of the Environment and to the satisfaction of the City Engineer.*
- *The applicant is advised that the City Subwatershed Planning Studies were approved by City Council on September 18, 1995. Hence, the applicant will be required to comply with the SWM targets and criteria identified in the Pottersburg Creek Study, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.*
- *The applicant is advised that there is no objection to the proposed Zoning By-Law amendment subject to the by-law including a requirement for site plan approval for the waste transfer use.*
- *Please note that the proposed Zoning By-Law amendment would permit the use of the site as a waste transfer station and this use may adversely impact the municipal sanitary sewer. Processes related to the waste transfer station may result in flows which exceed the sanitary capacity of the sewer and/or flows which do not meet the allowable quality parameters for discharge to the municipal sanitary sewer system; however, this could be reviewed through the site plan process,*

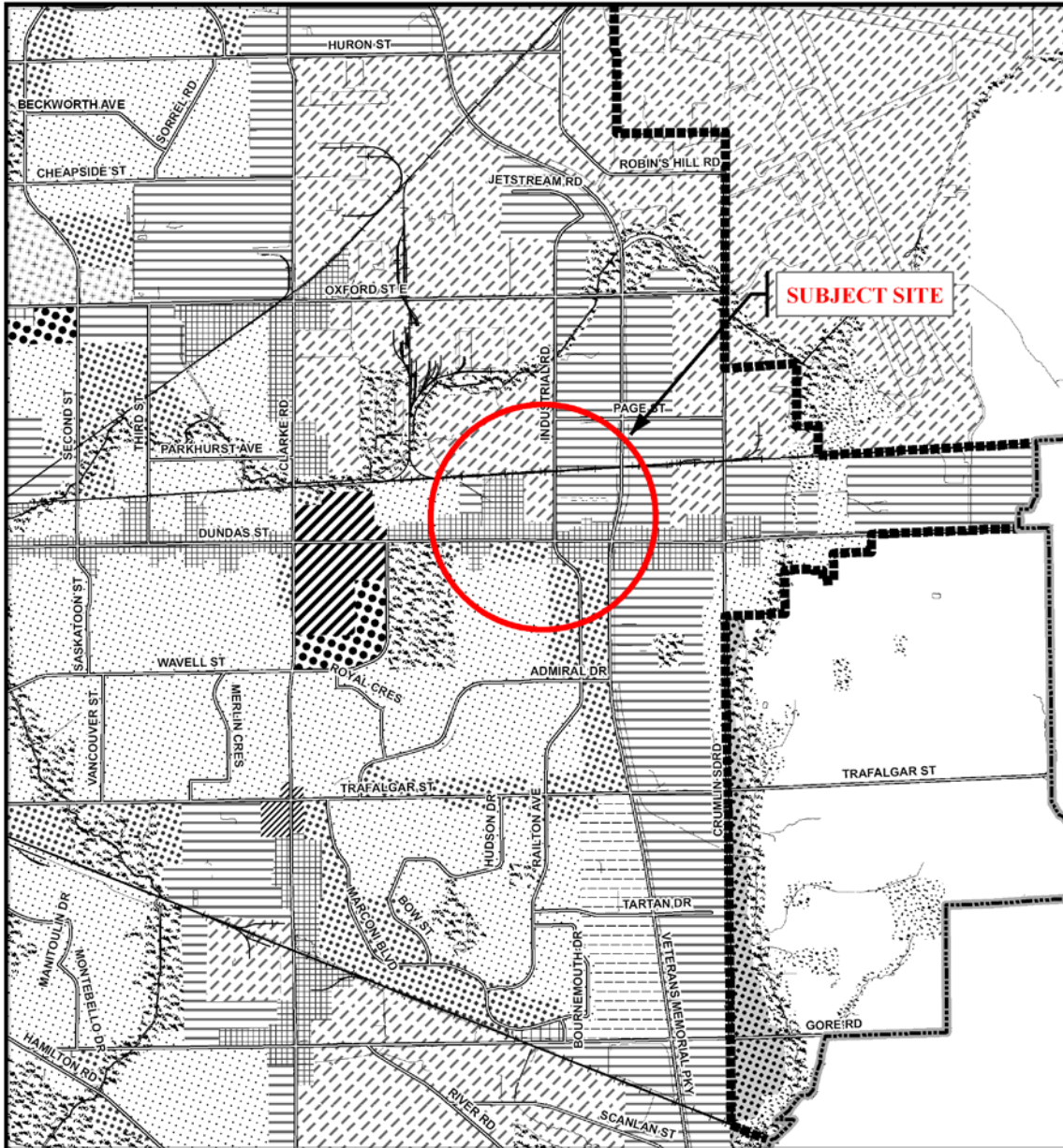
The Transportation Division has reviewed the additional information provided by the Planning Department regarding this application and has provided the following comments:

- *The data presented in Table 1 regarding Truck Traffic Analysis seems to be based on processing the number of trucks in the facility rather than traffic volume generated by the site.*
- *The Table indicates that between 169 & 225 trucks will be processed through the facility – 150 to 200 inbound recycling trucks and 19 to 25 outbound transfer trailers. The data does not take into account that inbound vehicles must also leave the site and outbound vehicles must also enter the site. Therefore, the total truck traffic generated will be 338 to 450 trips per day. This translates into an average of 26 to 32 trips per hour.*
- *The data in Table 1 is based upon theoretical vehicle arrival rates of waste trucks and waste processing times which may not represent actual conditions. A truck or several trucks in close proximity may arrive at random times throughout the day. If more than 4 trucks arrive for processing, does the site have sufficient space to store waiting trucks on site?*

The Transportation Division has no concerns regarding the ability of the existing transportation infrastructure on Industrial Road or Dundas Street to accommodate the additional traffic that this site will generate.

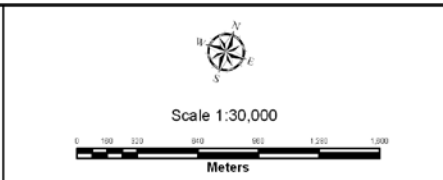
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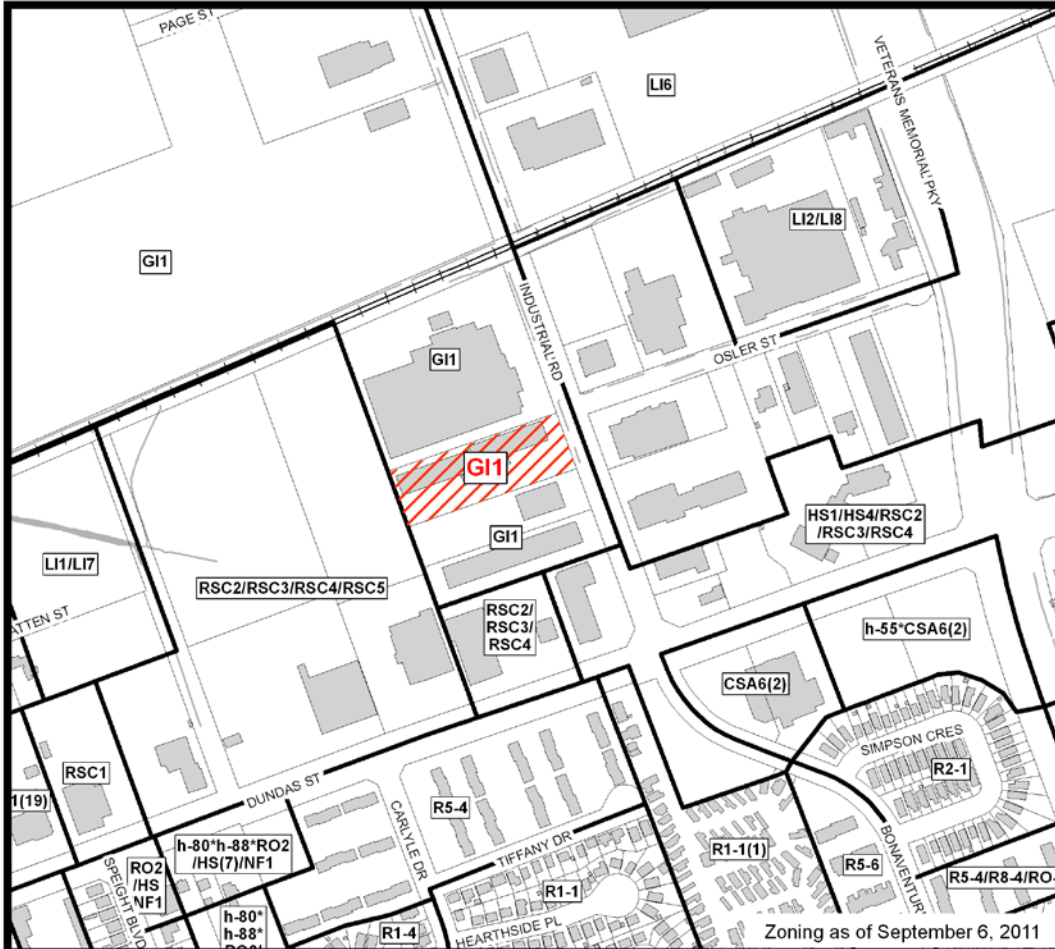
Legend	
Downtown Area	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth
Multi-Family, Medium Density Residential	Rural Settlement
Low Density Residential	Environmental Review
Office Area	Agriculture
Office/Residential	Urban Growth Boundary
	Areas Under Appeal

CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-7945
 PLANNER: CS
 TECHNICIAN: CK
 DATE: 2011 Oct 19

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: GI-1

1) *LEGEND FOR ZONING BY-LAW Z-1*

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "d" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

<p>CITY OF LONDON</p> <p>PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES</p> <p>ZONING BY-LAW NO. Z-1</p> <p>SCHEDULE A</p> <p style="font-size: small;">THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>		<p>FILE NO: Z-7945 CS</p> <hr/> <p>MAP PREPARED: 2011/10/19 CK</p> <hr/> <p style="text-align: center;">1:5,000</p> <p style="text-align: center;">0 25 50 100 150 200 Meters</p>
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The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.

PUBLIC LIAISON:	On July 22, 2011 13 letters were sent to all landowners within 120 m of the property. Living in the City notice was published on July 23, 2011	4 responses were received, 3 letters and one phone call. Two letters and the phone call where in opposition of the proposed use. 1 letter was received requesting specific operational requirements.
<p>Nature of Liaison: The purpose and effect of this zoning change is to allow a waste transfer station to operate from the existing building. Change Zoning By-law Z.-1 from a General Industrial (GI1) Zone which permits a large range of heavy industrial uses including manufacturing and assembly industries, processed goods industries, transport terminals and terminal centres to a General Industrial Special Provision (GI1 (□)) Zone which would allow for the above uses and a waste transfer station with a maximum 5% outdoor storage; no outside storage of solid wastes; no outside storage be permitted in the front yard; a minimum north interior side yard setback of 2.8 metres, a minimum of 30 parking spaces</p>		
<p>Responses: Middlesex London Health Unit replied in a letter dated August 19, 2011 that it opposes the proposed zoning amendment (see attached Appendix 1). Leggett & Platt property owners of 459 Industrial Road replied in a letter dated August 10, 2011 that it opposes the proposed zoning amendment (see attached Appendix 2) Try Recycling submitted at letter on September 28, 2011 requesting that the waste transfer station not transfer materials which are currently being recycled in the City (see attached Appendix 3). 1 phone call was received by an area residence in opposition of the proposed use based on concerns regarding odour, truck traffic, and rodents.</p>		

ANALYSIS

Nature of Application

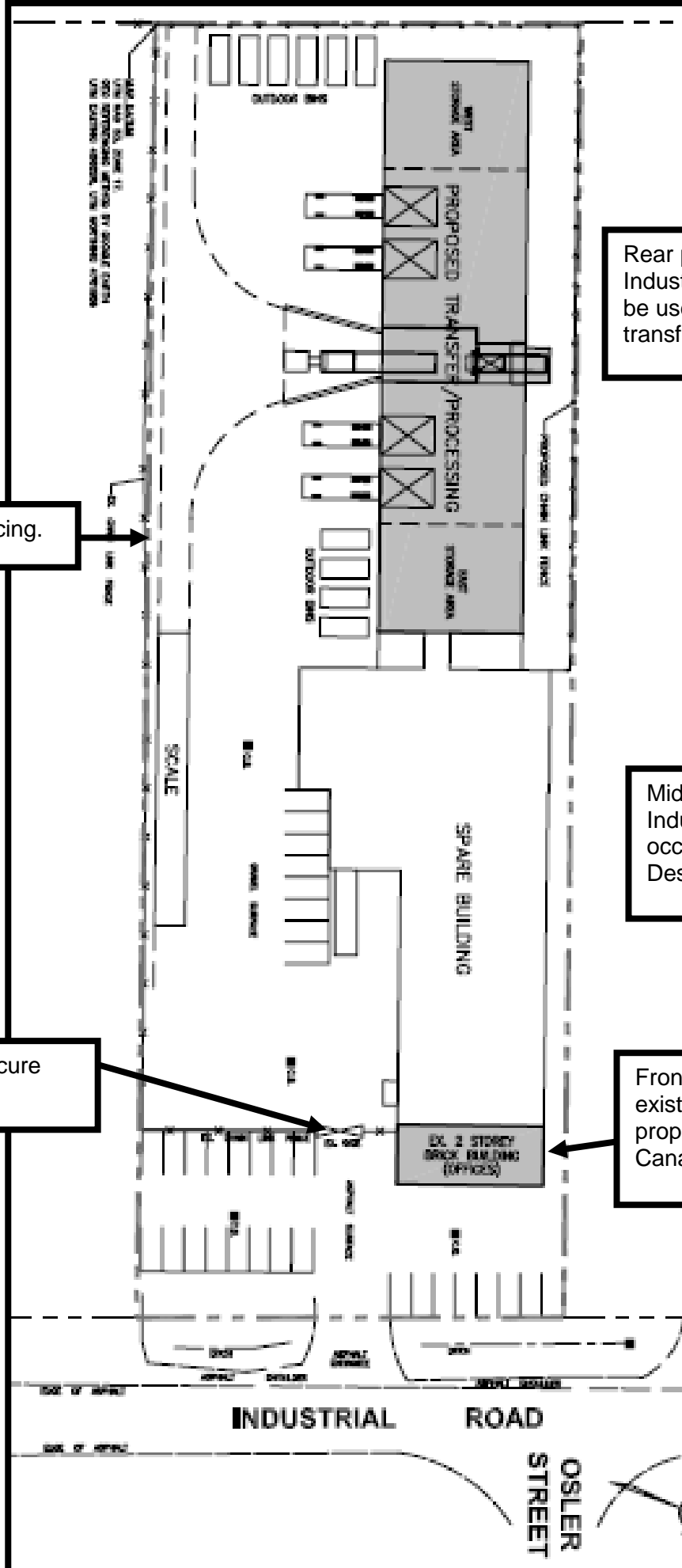
The application is to amend Zoning By-law Z.-1 from a General Industrial (GI1) Zone to a Holding General Industrial Special Provision (h-(□)*GI1 (□)) Zone to permit a waste transfer station to be developed on this property with a maximum of 5% outdoor storage a minimum north interior side yard setback of 2.8 metres, a minimum of 30 parking spaces. The Holding Provision will require that a Certificate of Approval has been granted by the Ministry of Environment ensuring that the development of the Waste Transfer Station is planned, designed, operated and maintained in such a way as to promote compatibility with adjacent, existing and future land uses and to minimize any adverse impacts on the natural environment which includes providing for enhanced landscaping, opaque fencing, and confirmation of sufficient sanitary capacity of the sewer and/or flows to meet the allowable quality parameters for discharge to the municipal sanitary sewer system to the satisfaction of the City of London

Subject Site

The property is located on the west side of Industrial Road, north of Dundas Street. The site is approximately 0.86ha in size with an existing 2,995 m² industrial building that consists of a two storey front office portion that is currently vacant and a large one storey industrial building to the rear. The middle portion is currently occupied by Accutech Design Limited a design and manufacturing facility and the rear portion of the industrial building is proposed to be used to process solid waste.

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Proposed Site Layout



Existing chain link fencing.

Rear portion of existing Industrial building proposed to be used for the solid waste transfer station.

Middle portion of existing Industrial building currently occupied by Accutech Design Limited.

Truck entrance – secure gate

Front 2 story office portion of existing Industrial building proposed to be used for BFI Canada.

Agenda Item # Page #

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Front of 411 Industrial Road



Rear Loading Area and Parking Lot



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What Are Waste Transfer Stations?

The United States Environmental Protection Agency: Waste Transfer Stations: A Manual for Decision-Making; provides the following definition:

Waste transfer stations play an important role in a community's total waste management system, serving as the link between a community's solid waste collection program and a final waste disposal facility. While facility ownership, sizes, and services offered vary significantly among transfer stations, they all serve the same basic purpose—consolidating waste from multiple collection vehicles into larger, high-volume transfer vehicles for more economical shipment to distant disposal sites. In its simplest form, a transfer station is a facility with a designated receiving area where waste collection vehicles discharge their loads. The waste is often compacted, then loaded into larger vehicles for long-haul shipment to a final disposal site—typically a landfill. No long-term storage of waste occurs at a transfer station; waste is quickly consolidated and loaded into a larger vehicle and moved off site, usually in a matter of hours.

What is the Proposed Operational Process at 441 Industrial Road?

BFI Canada Inc. in their submitted Design and Operation Report as required by the Ministry of Environment Certificate of Approval process states the following:

- *The site will transfer non-hazardous solid industrial, institutional, and commercial waste with only incidental amounts of residential waste.*
- *Processing will be limited to the sorting of incoming waste to remove recyclable materials.*
- *Waste and recyclable materials will be delivered to the facility by a variety of waste collection vehicles and unloaded inside the transfer/processing building onto the facility tipping floor.*
- *Recyclable materials recovered from these loads will be stored on-site until load-size quantities have been collected for economically efficient transport to end markets.*
- *Residual and waste materials deemed unsuitable for materials recovery will be loaded into transfer trailers for hauling to Ministry of Environment (MOE) approved disposal facilities.*

- *This D&O Report has been prepared to include the following operations:*
 - *The receipt or shipment off-site of a maximum of 800 tonnes per day to an annualized average of 600 tonnes per day;*
 - *The receipt or shipment off-site of a maximum of 219,000 tonnes of waste annually;*
 - *The maximum waste storage quantity of 560 tonnes at any one time;*
 - *Shipping and receiving hours from 6 am to 8 pm, Monday to Friday and from 6 am to 5 pm on Saturdays; and*
 - *Approved hours for internal operations of 24 hours a day from Monday to Sunday.*

The proposed holding provision will require that the above proposed scale of operation be included in the Certificate of Approval by the Ministry of Environment to the satisfaction of Council prior to the removal of the holding provision.

Provincial Policy Statement

The PPS promotes and directs efficient land use and development patterns. The proposed development is consistent with Section 1.0 Building Strong Communities, specifically Section 1.6 Infrastructure and Public Service Facilities and 1.7 Long Term Economic Prosperity as it:

- Provides for a facility that is an appropriate size and type to accommodate present and future waste management requirements of the City of London.

- Provides for a waste management system that is appropriately designed, buffered and/or separated to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.

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Official Plan Policies

City Structure Policies

Section 2.4 states: *Industrial development will be encouraged to locate in planned industrial areas. The use of older industrial areas as a means of encouraging start-up industries is provided for by the Plan.*

The proposed waste transfer station is an industrial use which is located in an existing established older industrial area.

Existing Industrial Areas Objectives

Section 7.1.5. provides policies regarding existing and established industrial areas. The plan of subdivision for this industrial area was registered in 1953 as such; it is an older existing industrial area in the City of London along the Dundas Street corridor. The section states:

- i. *Provide opportunities within existing industrial areas for the introduction of new industries that are compatible with existing and surrounding land uses.*

The proposed amendment to allow a waste transfer station is consistent with Official Plan Policy 7.1.5 as it:

- Continues the use of an established industrial area and provided for site improvements; and
- Provides for the introduction of a new industrial use that is compatible with the existing and surrounding land uses.

General Industrial Policies

Section 7.2 provides policies regarding general industrial land uses. The section states:

- i. *waste disposal sites and transfer stations (are permitted uses in the General Industrial designation), subject to meeting the requirements of the Ministry of the Environment and other Ministries in accordance with the Environmental Assessment Act, the Environmental Protection Act, and other guidelines and policies that apply;*
- ii. *All uses adding, emitting, or discharging a contaminant into the natural environment must obtain a Certificate of Approval from the Ministry of the Environment as required by the Environmental Protection Act and associated Regulations. Uses permitted in this category will also be required to comply with additional requirements as set out in this Section of the Plan and in the City of London's Waste Discharge By-law;*
- iii. *Certain industrial uses within the General Industrial designation, including industries requiring large amounts of open storage and those with nuisance aspects relating to their operations, may be restricted, through the Zoning By-law, from locating near residential areas or along major entryways to the City;*
- iv. *Industrial traffic should be directed away from, and not through, residential areas;*
- v. *The number of access points from General Industrial sites to arterial or primary collector roads should be limited to minimize disruptions to traffic flows; and*
- vi. *The Zoning, Site Plan, and Sign Control By-laws may specify higher standards for setbacks, the location of parking and loading areas, landscaping, signage, and screening of outdoor storage areas for industries adjacent to residential areas and along major entryways to the City.*

The proposed amendment to allow a waste transfer station is consistent with Official Plan Policy 7.2 as it:

- Provides for a waste transfer station that will meet the requirements of the Ministry of the Environment and other Ministries in accordance with the Environmental Assessment Act, the Environmental Protection Act, to the satisfaction of Council prior to the removal of the Holding Provision;
- Has access to arterial roads and is adequately serviced;
- Existing transportation infrastructure on Industrial Road and Dundas Street can accommodate traffic generated by the use;
- Is located approximately 200 metres away from the residential areas south of Dundas Street;

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- Is not located along a major entryway into the City;
- Will be required to obtain a Certificate of Approval from the Ministry of Environment;
- Will comply with the City of London Waste Discharge By-law;
- Utilizes the existing industrial building and the height, location and spacing of the existing building is in keeping with the abutting uses;
- Will have reduced outdoor storage of recyclable materials removed from the solid waste and the outdoor storage will be excluded from the front yard; and
- Will be required to have opaque screening and enhanced landscaping through site plan approval process.

Service Utilities Policies

Section 17. provides policies regarding solid waste management objectives. The section states:

- *Provide for the disposal of solid waste materials generated or produced by City residents and businesses, at acceptable locations and in a manner which will minimize negative impacts on the environment and surrounding land uses; and*
- *The location of waste transfer stations or storage areas, and facilities for storing hazardous waste will:*
 - *be permitted only on lands designated General Industrial and lands within the Waste Management and Resource Recovery Area;*
 - *require an amendment to the Zoning By-law;;*
 - *require the approval of the Ministry of the Environment, including certification under the Environmental Protection Act; and*
 - *be planned, designed, operated, and maintained in such a way as to promote compatibility with adjacent, existing and future land uses, and to minimize any adverse impacts on the natural environment and surrounding area.*

The proposed amendment to allow a waste transfer station is consistent with Official Plan Policy 17 as it:

- Provides for the consolidation of industrial and commercial waste from City residents into larger, high-volume transfer vehicles for more efficient and economical disposal;
- Is located on lands designated General Industrial in the City of London Official Plan;
- Will be required to obtain a Certificate of Approval from the Ministry of Environment; and
- Will be operated wholly within the existing building and will be compatible with adjacent land uses.

Ministry of Environment/Certificate of Approval Process

A Certificate of Approval (C of A) from the Ministry of the Environment (MOE) is required prior to the operation of the waste transfer station. A C of A is required to ensure that the operation of the proposed waste transfer station operates within all parameters and regulations as set out by the Ministry for emissions and operational procedures. A design and operations report has been submitted to the Ministry of Environment on June 28, 2011. In the Design and Operations Report it outlines how the site functions and lists its daily operational functions which include the following public assurances:

- Section 3.10 Site Inspections and Nuisance Conditions as part of the required daily operation of the site a visual site inspection is required by trained competent staff which includes the following points of review:
 - *Site fencing and gate;*
 - *Security camera;*
 - *Spills;*
 - *Stagnant water;*
 - *Unacceptable debris, litter and dust;*
 - *Pest issues;*
 - *Fire control systems;*
 - *Odour;*
 - *Surface water drainage in the yard; and*
 - *Compactor.*

Copies of the Daily inspection sheets will be kept on file at the facility.

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- Section 3.11 Complaint Procedure, BFI will be required to employ a formal complaint reporting procedure. A copy of the Complaint Report is kept on file at the site and summary will be included in an Annual Report.

The proposed holding provision will permit the applicant to obtain approval of the C of A but is intended to be removed after Council is satisfied that any concerns or conditions raised through the planning process are included in the Certificate of Approval. BFI Canada Inc. has submitted its application for their Certificate of Approval. The amendment, if approved, will allow BFI to work with the Ministry towards full approval. Full approval and issuance of the Certificate of Approval will occur after Council removes the holding provision.

Zoning

The property is zoned General Industrial (G11) which permits Auction establishments, Automobile body shop, Automobile repair garages, Building or contracting establishments, Commercial recreation establishments, Dry cleaning and laundry plants, Food, tobacco and beverage processing industries, Manufacturing and assembly industries, Printing, reproduction and data processing industries, Private clubs, Processed goods industries, Repair and rental establishments, Research and development establishments, Service and repair establishments, Service trades, Storage depots, Terminal centres, Transport terminals, Truck sales and service establishments, Warehouse establishments, and Wholesale establishments.

A waste transfer station is defined as: *a site and facilities used in the management and processing of liquid and hazardous wastes, wastes and recyclable materials which has a Provisional Certificate of Approval for such purposes under the Environmental Protection Act.*

The Official Plan requires a zoning amendment to allow for a waste transfer station to be established in a General Industrial designation. The proposed amendment will permit a solid waste transfer station and meets the intent of the Official Plan as the proposed Holding General Industrial Special Provision (h ()*G11 ()) Zone specifically allows for:

- A solid waste transfer station;
- a maximum 5% outdoor storage of recycled material or other accessory materials required by the use;
- no outside storage of solid wastes;
- no outside storage be permitted in the front yard;
- a minimum north interior side yard setback of 2.8 metres; and
- a minimum of 30 parking spaces.

The proposed holding provision is intended to ensure that the development of the Waste Transfer Station is planned, designed, operated and maintained in such a way as to promote compatibility with adjacent, existing and future land uses and to minimize any adverse impacts on the natural environment which includes providing for enhanced landscaping, opaque fencing, and confirmation of sufficient sanitary capacity of the sewer and/or flows to meet the allowable quality parameters for discharge to the municipal sanitary sewer system to the satisfaction of the City of London. The proposed holding provision will not be removed by Council until a Certificate of Approval is granted by the Ministry of Environment and all conditions to ensure the above are included.

Public Comment

The following analysis address public comment received and recorded above and in the appendices to this report.

It is noted that industrial uses and setbacks from industrial uses are regulated by the Ministry of Environment through the regulation as set out in Guideline D-6: Compatibility between Industrial Facilities and Sensitive Land Uses.

Section 12.4 of Guideline D-6, states:

This guideline does not apply to the following provincial, municipal or private facilities, land uses or related activities, nor to any on-site industrial-type facilities associated with them, except as noted below: sewage treatment facilities; landfills or dumps, transfer stations and other waste management facilities and waste processing facilities that require a Waste Certificate of

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Approval (e.g. facilities for waste oil refining, waste wood chipping and materials recovery facilities [MRFs]). (emphasis added). According to Ministry of the Environment the solid waste transfer Station is not subject to Ministry of the Environment minimum setback requirements for industrial uses but is required through the Certificate of Approval process to provide measures to mitigate impacts.

Guideline D-6, Section 1.2.1 Sensitive Land Uses states:

For the purposes of this guideline, (i.e. where industry is concerned) 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.*

The applicant has applied to the Ministry of the Environment for a Certificate of Approval to operate the proposed solid waste transfer station. The applicant has submitted a detailed Design and Operations report that addresses the concerns raised by the Middlesex London Health Unit and Leggett and Platt the property owners to the north. In regards to air quality, water quality, vector-borne diseases, odour, and noise, the solid waste transfer station will be wholly contained on the site. The material will be received within the existing building where all processing will occur. The process of sorting, compacting and shipping are completely contained in the existing building. The Certificate of Approval requires public assurances such as daily site inspections and complaint procedures to ensure and mitigate any adverse impacts that may occur.

The proposed use is located in a General Industrial Designation and the site is located in an area that is zoned General Industrial. The zone allows for transport terminals and warehouses. The nature of these uses as well as a waste transfer station typically generates large volumes of traffic. The City of London Transportation Division has no concerns regarding the ability of the existing transportation infrastructure on Industrial Road or Dundas Street to accommodate the additional traffic that this site will generate.

BFI Canada Inc. is proposing to remove recyclables from the solid waste material that is sorted on site. These materials will be stored outside in covered collection bins to a maximum lot coverage of 5% and will not be stored in the front yard.

What Do Other Municipalities Do?

Four other municipalities were canvassed regarding specifically waste transfer station uses in their municipalities (Windsor, Guelph, Kitchener and Hamilton). All four municipalities had similar policy to London which allows for the waste management uses in areas designated General/Heavy Industrial and would allow a waste transfer station through a site-specific zoning by-law amendment. The City of Hamilton in May 2009 introduced new Official Plan policies that specifically defines and regulates waste transfer facilities. Hamilton has the only policy that has built- in specific setback requirements. Hamilton allows for waste transfer facilities to be located 70 to 300 metres from a sensitive land use through a zoning by-law amendment. The City of London's Official plan also allows for waste transfer facilities in General Industrial designations through a zoning by-law amendment. It is noted that the proposed waste transfer Station at 441 Industrial Road is located 200 metres from the residential uses on the south side of Dundas Street.

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File No: Z-7945
 Planner: Craig Smith

CONCLUSION

BFI Canada Inc. is proposing to operate a solid waste transfer station at this location. The solid waste transfer station will consolidate industrial and commercial solid waste from multiple collection vehicles into larger, high-volume transfer vehicles for more efficient and economical shipment to municipal landfills. The proposed facility requires a Certificate of Approval from the Ministry of Environment. A Holding provision is being applied to the proposed amended zone to ensure that issues such as emissions and safety are included in the Certificate.

The proposed solid waste transfer station is of an appropriate size and type to accommodate present and future waste management requirements in the City of London. The lands are located in an area designated in the City of London Official Plan as General Industrial. The General Industrial designation allows for the use through a site-specific zoning amendment. The proposed zoning is appropriate at this location.

PREPARED BY:	SUBMITTED BY:
C. SMITH – PLANNER, COMMUNITY PLANNING AND URBAN DESIGN	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING AND CITY PLANNER	

October 26, 2011
 CS/

Y:\Shared\implemen\DEVELOPMENT APPS\2011 Applications 7854 to\7945-Z - 441 Industrial Rd. (CS)\BNECreportZ-7945.docx

Agenda Item # Page #

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File No: Z-7945
Planner: Craig Smith

Bibliography of Information and Material – Z-7945

Request for Approval

City of London Zoning By-law Application Form, completed by Beech Engineering Limited, July 4, 2011.

Reference Documents

The United States Environmental Protection Agency: Waste Transfer Stations: A Manual for Decision-Making

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005

City of London. *Official Plan*, June 19, 1989, as amended

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended

Municipality of Hamilton, Official Plan Amendments (By-law 09-130) and Zoning Amendments (By-law 09-131) respecting Waste Facilities

Agency Review and Public Responses: (located in City of London File No. OZ-7539 unless otherwise stated)

City of London

Ismail Abushehada., Environmental and Engineering Services Department. Memo to C. Smith, October 5, 2011

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Responses to Public Liaison Letter and Publication in “Living in the City”

Telephone

Ed Borland

Written

Ritchie, Ketcheson, Hart and Biggart
solicitors for:

Leggett and Platt
459 Industrial Road
London ON

Middlesex London Health Unit
50 King Street
London ON

Zelinka Priamo Ltd. agent for Try Recycling
318 Wharnccliffe Road
London ON

Two empty rectangular boxes for agenda item and page numbers.

Bill No. (number to be inserted by Clerk's Office)
2011

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 441 Industrial Road.

WHEREAS BFI Canada Inc. has applied to rezone an area of land located at 441 Industrial Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 441 Industrial Road as shown on the attached map comprising part of Key Map No.77, from a General Industrial (GI1) Zone to Holding General Industrial Special Provision (h-_)GI1 () Zone.

1) Section Number 3.8(2) of the Holding Zone Provisions Section to By-law No. Z.-1 is amended by adding the following holding provision:

-) h- _ Purpose: To ensure the Certificate of Approval has been granted by the Ministry of Environment ensuring that the development of the Waste Transfer Station is planned, designed, operated and maintained in such a way as to promote compatibility with adjacent existing and future land uses, minimize any adverse impacts on the natural environment and provide confirmation of sufficient sanitary capacity to the satisfaction of the City of London, prior to the removal of the "h-_" symbol

2) Section 41.4 of the General Industrial (GI1) Zone to By-law No. Z.-1 is amended by adding the following Special Provision:

- 41.4 a) ___) GI1 ()
- a) Additional Use:
- i) Solid waste transfer station
- b) Additional Regulations for a solid waste transfer station:
- i) Any outside storage of goods or recycled materials accessory to the waste transfer station shall not exceed 5% lot coverage
- ii) Outside storage of solid waste is prohibited
- iii) Outside storage of goods or recycled materials accessory to the waste transfer facility shall not be permitted in any required front yard
- iv) North Side Yard 2.8 metres
 Setback (minimum)
- v) Parking 30 spaces
 (minimum)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

Agenda Item # Page #

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File No: Z-7945
Planner: Craig Smith

PASSED in Open Council on November 21, 2011.

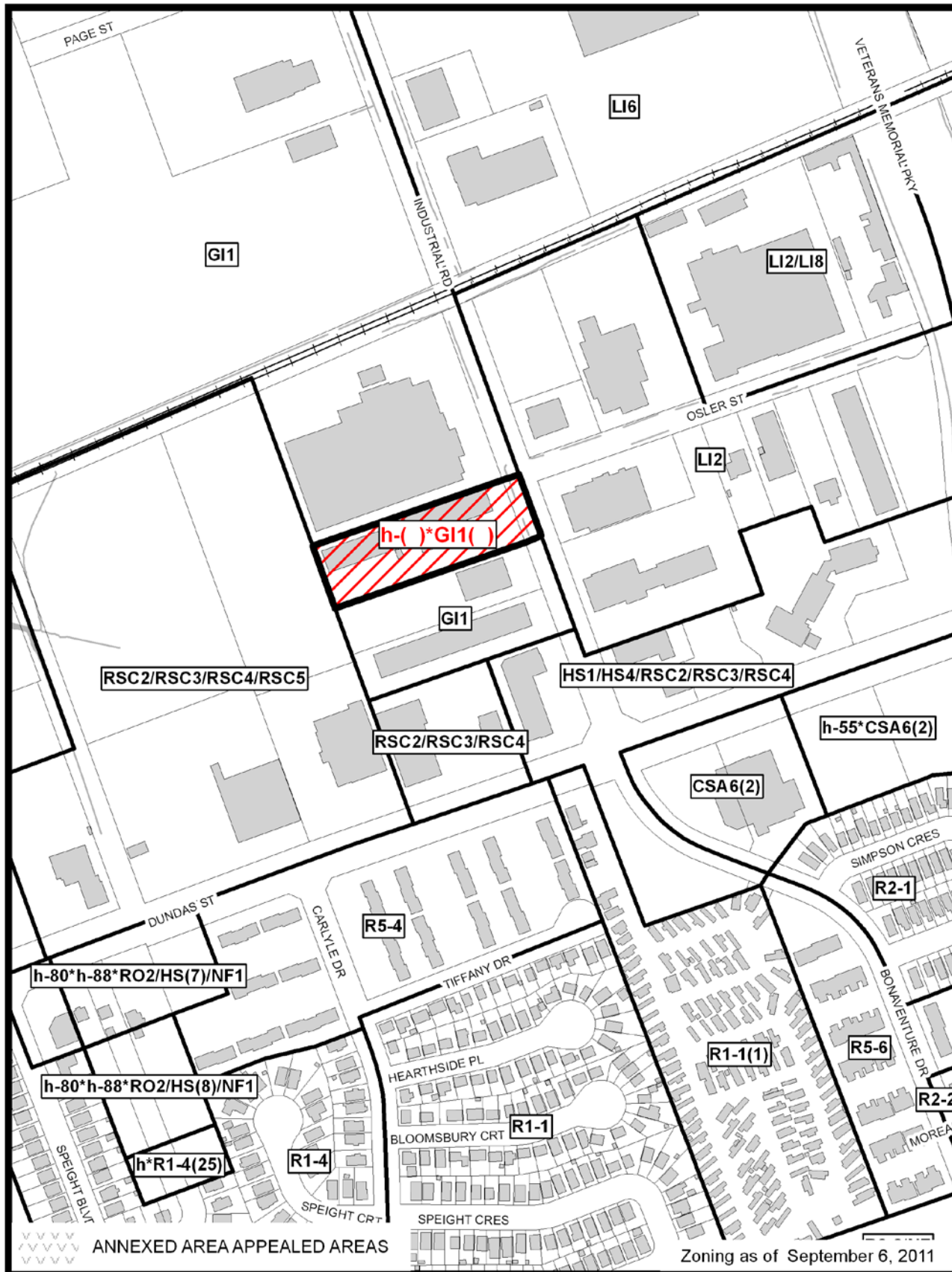
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - November 21, 2011
Second Reading – November 21, 2011
Third Reading - November 21, 2011



AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z-1)



File Number: Z-7945

Planner: CS

Date Prepared: 2011/10/27

Technician: MB

By-Law No: Z-1-

SUBJECT SITE



1:4,000

0 20 40 80 120 160 Meters



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Appendix 1



2011 August 19

Craig Smith
City of London Planning Division
P.O. Box 5035
London, ON, N6A 4L9

**Re: Notice of Application to Amend the Zoning Bylaw; Application Z-7945,
441 Industrial Rd., BFI Canada Inc.**

Mr. Smith:

The following report was developed by the Environmental Health program of the Middlesex-London Health Unit (MLHU) regarding the proposed land use change to 441 Industrial Road, application # Z-7945. This proposed by-law amendment poses health issues that the MLHU feels needs to be considered prior to any approval by the City of London. Firstly, based on the proposed waste transfer station location it will be directly adjacent to sensitive land uses, whereby, the MLHU feels that it makes it an incompatible land use and would not support its operation at this location.

The population growth within in the City of London is continually rising at a fast pace; from 2006 to 2026 the City is expected to grow by 19% from 352,395 to 419,350, placing increased demands on our ability to manage municipal solid wastes (CFOE, 2011). Therefore it is essential that the municipal solid waste (MSW) generated from such population growth is managed in the most appropriate manner. There are a number of known issues associated with the operation of Waste Transfer Stations (WTS) that may pose a potential health risk to the public in surrounding areas; the proposed site location of the BFI WTS is incompatible in several ways.

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There are several well-documented negative health issues that are associated with the operation of WTS. Ill-health effects are most commonly associated with air quality, water quality and vector-borne diseases; additional factors such as odour, noise and aesthetics must be considered as a point for corporate social responsibility (Yitzhak, 1993; Li, Chun-Ping, Li, Guo-Xue, Luo, Yi-Ming & Li, Yan-Fu, 2007). Due to the factors listed, the proposed WTS at 441 Industrial Road is deemed as an incompatible land use.

Air Quality: One of the most critical issues associated with waste transfer facilities is focused on the contribution to poor air quality for residents and workers within the area.

Exposure to air pollution consisting of particulate matter (PM) contributes to cardiovascular and respiratory morbidity and mortality: short-term exposure contributes to acute cardiovascular morbidity and mortality and that exposure to elevated PM levels over the long term can reduce life expectancy (Brook et al., 2010).

PM_{2.5}: Particulate matter that is less than 2.5 microns in diameter can remain in the air for days to weeks. It can penetrate deep into the lungs, collecting in tiny air sacs (alveoli) where oxygen enters the bloodstream. Health problems begin when the body starts to react to these foreign invaders. Another danger is that PM_{2.5} can contain a number of potentially harmful substances, such as cancer-causing chemicals.

Coughing and wheezing are two of the mild problems associated with inhaling PM_{2.5}. However, this type of air pollution can also cause or worsen serious illnesses such as asthma, heart disease, chronic bronchitis, emphysema and pneumonia. Exposure to PM_{2.5} is associated with a significant rise in the number of premature deaths from respiratory and heart disease. It's also linked with more emergency room visits, hospitalization, and time off work and school. Long-term exposure in pregnant women can cause premature births and low birth weights.

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Senior citizens, infants, and people who already have lung, heart and other illnesses (such as diabetes) are the most vulnerable. However, healthy adults and children can be affected, too.

PM_{2.5} can increase the prevalence of asthma attacks, and make them more severe. Over 1.2 million Canadians suffer from this condition, and asthma is the most common cause of medical emergencies in children.

Researchers for the American Heart Association (AHA) have concluded that most epidemiological studies corroborate the elevated risk for cardiovascular events associated with exposure to fine PM_{2.5} in aerodynamic diameter (PM_{2.5}). PM_{2.5} generally has been associated with increased risks of myocardial infarction, stroke, arrhythmia, and heart failure exacerbation within hours to days of exposure in susceptible individuals - those with pre-existing cardiovascular conditions.

Several new studies analyzed by the AHA have also demonstrated that exposure to the higher long-term average PM levels, elevates the risk for cardiovascular morbidity and mortality. In addition, some recent evidence also implicates other size fractions, such as ultrafine particles, gaseous co-pollutants (e.g., ozone and nitrogen oxides), and specific sources of pollution (e.g., traffic) with cardio-vascular morbidity & mortality. The authors (Brooks et al., 2010) also state that industrial processes such as waste management facilities (in which a WTS is included) are an important source of PM releases.

A study conducted in Beijing China has shown how WTS's contribute to elevated levels of hydrogen sulphide (H₂S), nitrogen dioxide (NO₂), and total suspended particulate matter (TSP) in ambient air (Li, Chun-Ping, Li, Guo-Xue, Luo, Yi-Ming & Li, Yan-Fu, 2007). Additionally, the poor air quality associated with WTS activities is known to contribute to the prevalence of respiratory illness for those living in close proximity. Considering that there are food premises within 150 meters (Tim Horton's at 2094 Dundas St., Famous Flesh Gordon's and Lynn's Bakery, Deli & Catering at 2190 Dundas St.), a school less than 1000

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metres away (Bonaventure Meadows Public School), a hotel (Airport Inn at 2230 Dundas St.) and high density residential housing approximately 200 meters south of the location, poor air quality is a major concern from a public health perspective, for all citizens including residents, employees and students/teachers. In review of the Ministry of the Environment D-Series Guidelines (Land-Use Policy) for separation distance, the MLHU feels that this type of industry, along with the potential health implications and sensitive land uses, should adhere to the Class III industrial separation distance of 1000 metres.

Maciejczyk (2004) investigated nineteen WTS and found that they contributed greatly to particulate matter (PM) exposures for young children from South Bronx due to the proximity of residential dwellings, schools and playgrounds (Godri, et al., 2010). Childhood hospitalization rates for asthma in South Bronx were 70 % higher than rates in New York City and 700% higher than rates in New York State as a whole (Godri, et al., 2010). Given the fact that there were WTS's in the area paired with the high incidence of hospital admissions, researchers hypothesized that the poor air quality was responsible for the poor health outcomes. From these results, the researchers conducted another study comparing air quality levels at WTS compared to background levels in London, UK (Godri, et al., 2010). The PM₁₀ associated with WTS was found to have elevated transition metals (Fe, Al and Pb) which are believed to induce toxicity through the oxidative potential which can drive damaging oxidation reactions in the lungs compared to other PM₁₀ found in other environments (Godri, et al., 2010). These findings indicate that the PM₁₀ associated with WTS are laden with trace metals that are hazardous, when inhaled, for nearby residential communities.

In another study, conducted by Norris et al. in Seattle Washington, researchers used a previous study that found higher incidences of childhood asthma-related hospital admissions in the downtown core when compared to the

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suburbs and investigated if these results were due to poor air quality (Norris et al, 1999). Results indicated significant associations between PM and Carbon Monoxide (CO) with elevated hospital admissions for childhood asthma (Norris et al, 1999). Given the larger concentrations of industry and diesel-related truck traffic, known contributors to airborne PM, the evidence indicates that these sources may have a significant impact on respiratory health, particularly among the younger population in the area. Young children spend more time outdoors and have larger respiratory rates due to their lung size placing them at higher risk for illness. The proposed development at 441 Industrial Road is located directly north of Bonaventure Meadows Public School, less than 1 km away, placing them in a higher risk.

Furthermore, delays in unloading of garbage at the WTS can cause increased vehicular idling, thereby creating more cumulative air pollution to the immediate vicinity i.e. residential dwellings, food establishments, an elementary school and playground nearby.

Water Quality: Considering the nature of the application to operate a WTS, the cause for concern lies in liquid contaminants that may come from the facility itself (whether from cleaning, truck leaks or potential contaminants on the waste being transferred) or from the rodent/animal waste. Animals and insects will be attracted to the location, or may migrate from an existing food premise.

The US EPA has published a decision-making manual regarding the location of WTS. This guideline requests that applicants consider the soil type as well as a hydrogeology patterns within 5 km of the proposed WTS. Surface water studies should include a description of the regional surface water features within 5 km of the site including floodplains, wetlands, ponds, streams, other natural water systems and drainage paths. In addition, it is important to consider that the infiltration of waste liquids and/or cleaning products may pollute the ground water. Considering that the proposed location is in close proximity to the Thames River, this creates an even larger hazard as toxins and contaminants

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can now travel longer distances. During high precipitation season (whether rain or snow – both predominant in the region) there is an even greater potential for this hazard to exist.

Vector-borne diseases: In a document prepared for the Government of Newfoundland and Labrador, Tucker describes the environmental standards for MSW transfer stations: in addition to other criteria, the consideration regarding the attraction of vermin is explained. Improper daily maintenance can contribute to accumulated waste piles which will have an influence on several things including the amount of rodents and insects for surrounding citizens/patrons; this will significantly increase the amount of human animal exposure, subsequently increasing the risk of vector-borne diseases.

Two major concerns arise due to rodents in the WTS environment. First, there are direct associated health effects that may develop if anyone was bitten or attacked as a result of a higher rodent population in the area; also indirectly they serve as hosts for microbes. Secondly, damages may ensue in agriculture, machinery and households in the surrounding areas creating an economic burden for the companies and residents (Yitzhak & Kellerman, 1993). The impacts associated with insects are similar to those of rodents although additionally, the geographical range of influence of insects is much larger because they have the ability to fly.

Furthermore, when delays are expected in waiting for long haul trucks or collection trucks, the refuse will remain unmoved for long periods of time. The hot weather will create strong odours in the area for nearby residents and an increased potential for pest infestations which will cause concern for the nearby food establishment. The City of London experiences high temperatures and high levels of humidity during the summer months.

Additional Health Effects: it has been found that adverse health effects, including cancer and non-cancer disease risks, have been associated with the practices of holding and disposing of MSW through WTS and landfills as

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opposed to incineration by utilizing Waste to Energy (WTE) technology (Moy, P., 2008). A study conducted in 1999 by the MOE in Ontario has arrived with similar study findings.

Odour: Odour complaints are common in communities where residential neighbourhoods are located near industrialized areas (Hobbs, Longhurst, Sarkar & Sneath, 2000). There are several potential sources for bad odours surrounding the station with improper maintenance of the disposal trucks and the facility itself being two main contributors to the odour problem. Other sources include the runoff of garbage and polluted liquid, when drainage is not sufficient or clogged (Yitzhak & Kellerman, 1993). Furthermore, wind direction must be accounted for because the proposed station location is in proximity to residential land use and food premises, as noted above. High temperatures will add to the waste fermentation and significantly increase the odour. Hobbs, Longhurst, Sarkar & Sneath, (2000) conducted a study showing that a strong odour is normally emitted from WTS during both operational and static periods.

Noise: the WTS will produce noise stemming from the trucks and the station itself. The impacts of noise are determined by several factors: height-distance ratio between the station and adjacent building, the distance of the facility itself to food establishments, the school and residential uses, traffic speeds and volumes and the structure (slopes, curves, etc.) of the driveway and parking lot (Yitzhak, 1993).

Aesthetics: Improper daily maintenance can contribute to accumulated waste piles (noted above) which also creates lack of aesthetics for surrounding citizens/patrons. Given that the City of London has a high degree of civic vitality (MLHU, 2011) the proposed WTS is again an incompatible land use in this area.

Additional Considerations: The proposed building was not originally designed for a WTS operation. Furthermore, the literature has included additional considerations that should be taken when considering the operation of a WTS. These include: incompatibility with future sensitive land uses including

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adjacent lands, the potential for spillage, fugitive and hazardous emissions and the need to plan for natural disasters (Tucker, 2008). A major additional consideration in the ecological impacts on specific populations that are known to be more susceptible to the health risks explained.

When deciding upon citing a WTS, the MLHU recognizes that health impacts are very important considerations, however, social injustice and ecological impacts are equally important. The Public Health Agency of Canada states that health status improves at each step of the income hierarchy. The disproportionate location of WTS's in low income areas has been a social issue in many communities across the world. The National Environmental Justice Advisory Council (NEJAC), an advisory committee to the U.S. Environmental Protection Agency (EPA), was created in an effort to address the recurring theme of locating WTS's in low income areas (NEJAC, 2010). The NEJAC gathered feedback from several New York communities, including South Bronx, Red Hook and Greenpoint / Williamsburg, regarding some concerns they had with the local WTS. Some main concerns are as follows: high asthma rates and other various illnesses, safety hazard from increased truck traffic, dust and odours, vermin, noise, lack of green buffer zones, trash strewn onto streets, dust-laden trucks use residential streets, poor appearance depresses property value and exodus of businesses, drive out prospective new businesses, and a lack of environmental impact assessments (NEJAC, 2000).

To conclude, although waste transfer stations can be beneficial, this type of facility is not compatible in this location. The proposed BFI Waste Transfer Facility location at 441 Industrial Road poses several threats to nearby residents and businesses. Due to the possible health threats as well as any noise, odour and other aesthetic issues, MLHU concludes that the proposed development will result in an incompatible land use and therefore does not support the operation of the WTS.

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Appendix 2



Ritchie Ketcheson Hart & Biggart LLP
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R. Andrew Biggart
Tel: (416) 622-6601 Ext. 227
abiggart@ritchieketcheson.com

VIA FACSIMILE and by REGULAR MAIL

August 10, 2011

The City of London
Planning Division
P.O. Box 5035
London, ON N6A 4L9

Attention: Mr. Craig Smith

Dear Sirs:

RE: FILE NO. Z-7945 | APPLICANT - BFI CANADA INC. | 441 INDUSTRIAL ROAD
APPLICATION TO REZONE FROM G11 TO G11-SPECIAL PROVISION
PROPOSED WASTE TRANSFER FACILITY



We have been retained by Leggett & Platt Incorporated ("Leggett & Platt") with respect to the above-noted application. We received notice of the Notice of Application dated July 20, 2011 as delivered by the City of London. We are writing to express our client's opposition to the proposed use of 441 Industrial Road as a Waste Transfer Facility.

Background

Leggett & Platt owns 459 Industrial Road, which is located adjacent to 441 Industrial Road. Leggett & Platt has owned 459 Industrial Road since 1990 and has operated its existing manufacturing plant from that location since the time of purchase. Within the manufacturing plant, Leggett & Platt constructs suspension systems for automobile seats.

As an existing manufacturer in the City of London, Leggett & Platt contributes to the tax base of the City and employs approximately 80 persons on a full time basis. The manufacturing facility operates 24 hours per day, 5 days per week. It also receives and sends out deliveries generally between 6:30 a.m. and 11:00 p.m. 5 days per week.

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When Leggett & Platt decided to locate part of its Canadian operation in London, Ontario, it did so after an extensive review of the Official Plan and Zoning permissions that existed in the subject area. Leggett & Platt has invested a substantial amount of money to develop and upgrade its facility over the past 21 years and, in so doing, has relied upon the existing Official Plan designation and Zoning controls.

Concerns with Proposed Waste Transfer Facility

We have reviewed the Planning Justification and Rationale Report dated June 2011 ("Planning Report") in support of the proposed zoning amendment, as drafted by Glen Schnarr & Associates Inc. on behalf of BFI Canada. The Planning Report provides a broad overview of the proposed development but is clearly lacking with respect to several of the specific issues that will have to be addressed if the proposed use is to be considered.

While we do not yet have sufficient information to provide the City with a complete list of our client's potential concerns, we can advise you that Leggett & Platt is opposed to the proposed Waste Transfer Facility at this time as it does not have sufficient information as to how necessary rate of truck and other traffic will impact Leggett & Platt's ability to receive and deliver goods in a timely manner. The Planning Report speaks of 219,000 tonnes of waste arriving at the site on an annual basis. The proposed limit for the site is proposed to be set at 560 tonnes at any one time. The total amount of truck traffic necessary to deal with such volumes of waste is not adequately addressed in the Planning Report. We have not been provided with a Traffic Impact Study with respect to the proposed use.

Further, our client has concerns with respect to issues related to odour, dust, spills, spread of environmental contamination, vermin and other pests. The Planning Report does not provide sufficient information to address Official Plan Policy 7.6.2 (ii)(i) which requires an applicant to set out "measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis". Our client will require a better understanding as to how BFI Canada intends to address issues related to odour, dust, environmental issues and pests before it will be in a position to reconsider its objection to the proposed Waste Transfer Station.

The Planning Report filed by the applicant goes to some lengths to identify how a Waste Transfer Facility will fulfill the objectives of the *Provincial Policy Statement* and the City of London Official Plan. Leggett & Platt respectfully reminds the City that Leggett & Platt's existing manufacturing plant, together with its existing neighbours, currently fulfill the objectives of the *Provincial Policy Statement* and the City of London's Official Plan and that the operation of an existing manufacturer that employs over 80 persons should not be put at risk by a use that is not permitted under the existing zoning permissions.

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Ritchie Ketcheson
Hart & Biggart


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We request that you place our firm on the City's contact list with respect to the subject application and that you advise us of all future public meetings at which the application is to be considered by Committees and Council of the City.

If you have any questions concerning our submissions or wish to discuss our client's concerns, please contact the writer and we would be pleased to speak or meet with you.

Yours very truly,

**RITCHIE KETCHESON
HART & BIGGART LLP**

 R. Andrew Biggart

RAB/bjc
c. Client

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Appendix 3



September 28, 2011

City of London Planning Department
300 Dufferin Avenue
London, ON N6A 4L9

Attention: Craig Smith

Re: Application for ZBA: 441 Industrial Road
Your File #Z-7945

We are the Planning Consultants for TRY Recycling Inc. We appreciate the opportunity to comment on this application for a waste transfer facility.

TRY Recycling encourages infrastructure that supports an integrated approach to waste management in the City of London. This approach involves support for recycling as much waste material as possible and undertaking cost effective transfer for materials which are not recyclable.

Specifically, TRY Recycling accepts construction and demolition (C&D) waste for recycling. At TRY's new facility on Dingman Drive, where we worked with the City on appropriate approvals, the City has imposed a requirement that 80% of C&D materials be recycled. This high diversion requirement helps support the City's overall waste diversion targets.

If C&D materials are to be accepted at the Industrial Road site which is the subject of this Zoning Bylaw Application, the same 80% diversion requirement should be applied to such waste. Otherwise, the City risks undermining its own waste diversion efforts.

Any new facility in the City should not be permitted to transfer to landfill those materials which are currently being recycled in the City. Best practices should be required for the handling of those materials which cannot be recycled.

Yours very truly,

ZELINKA PRIAMO LTD.

Richard Zelinka, MES, MCIP, RPP
Principal Planner

RZ/ad

cc Jay Stanford, City of London
TRY Recycling Inc.