

Ministry of the Environment
and Climate Change

Ministère de l'Environnement et de
l'Action en matière de changement
climatique



Deputy Minister

Sous-ministre

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MAR 17 2016

ENV1283MC-2015-1

Mr. Darren Fry, A. Sc. T
Director of Strategic Growth
Walker Industries
160 Carnegie Street
Ingersoll ON N5C 4A8

Dear Mr. Fry:

Thank you for submitting Walker Environmental Group's (Walker) Terms of Reference for the proposed Southwestern Landfill Environmental Assessment on August 30, 2013, as well the additional commitments you proposed on May 26, 2014.

After undertaking a comprehensive analysis of the Terms of Reference and your additional commitments, and carefully considering the issues raised by the public, stakeholder groups, Aboriginal communities and municipal and government reviewers; the responses provided by Walker; and a detailed technical review by ministry staff I have approved the Terms of Reference with a number of amendments that I consider necessary.

This Terms of Reference provides a work plan for Walker to follow to complete the proposed detailed environmental studies, but there is no guarantee that this proposal to establish a landfill will be approved.

I have amended the Terms of Reference to address outstanding issues and concerns related to characterizing regional air quality, groundwater and surface water, finalizing the technical work plans, and assessing impacts to human health. I have also amended the Terms of Reference to incorporate the additional commitments made in your May 26, 2014 submission.

I consider these amendments necessary in order to ensure that a balanced approach to evaluating the proposal is taken, one which not only clearly demonstrates an understanding of potential impacts, but also provides a process to confirm if the advantages of this proposal, including any economic benefits, outweigh the disadvantages, including any potential impacts to the natural environment and human health. I expect that Walker will be able to demonstrate that it can clearly identify, understand and mitigate any potential environmental impacts, in consultation with the public, Aboriginal communities and government reviewers before I make a decision on the proposed undertaking.

The Terms of Reference has been amended to specifically include additional consultation early in the process of finalizing the technical work plans for the various environmental components that will be studied during the preparation of the environmental assessment. This will ensure that my ministry is actively engaged during the planning of technical studies, to provide guidance to Walker on what is expected to clearly understand the proposed site and potential environmental impacts of the proposed undertaking. This will also provide the public, Aboriginal communities, local municipalities, and government reviewers an early opportunity to provide input into the design of the environmental assessment studies. I expect Walker to make all reasonable efforts to provide opportunities for the public, Aboriginal communities, municipalities and government reviewers to engage in meaningful consultation during the planning of its technical studies.

More specifically, it will be important to address the past and on-going air quality studies in the region due to the presence of other operations in the area, and to adequately understand the regional air quality to evaluate potential impacts. I have imposed an amendment to ensure that Walker takes into consideration all on-going air quality studies currently being conducted as appropriate during its assessment to ensure that all available data is considered in identifying potential air quality effects.

It is also important to acknowledge the potential challenges with respect to characterizing the hydrology of the site due to the potential for karst features and fractured bedrock, as well as the potential interactions of the blasting and dewatering operations at the Carmeuse Lime quarry. I have also imposed an amendment to outline in greater detail the methodology that should be used to help ensure that an environmental assessment conducted in accordance with the approved Terms of Reference can adequately characterize the potential groundwater and surface water impacts from the project.

Furthermore, the Terms of Reference has been amended to address outstanding concerns with respect to the human health assessment that have been raised by the local municipalities as well as numerous members of the public. The ministry believes that the protection of human health and the environment is of paramount importance. Ensuring the scope and magnitude of any potential health effects are fully characterized as part of the environmental assessment process can be best achieved by ensuring participation of local communities and authorities in the process. To this end, I have imposed an amendment that will more clearly define the process and expectations for scoping the details of the proposed health study to ensure adequate identification of health impacts and possible mitigation. Walker will be required to specifically consult with the Joint Municipal Coordinating Committee and community members on the determinants of health that Walker will include as part of its health assessment, and demonstrate how it has incorporated the committee's input into its health study work plan.

With the Terms of Reference now approved, the next step in the environmental assessment process is to evaluate the environmental risks of this proposal and confirm if the project is feasible. Please make sure that Walker contacts my ministry early in the planning stages of the proposed technical studies, prior to the selection of the preferred alternative, so that technical staff can provide guidance on the details and extent of the investigations. I expect that Walker will remain in regular contact with ministry staff as the studies proceed, and will make every effort to ensure that any issues are appropriately addressed.

Mr. Fry
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This Terms of Reference provides Walker with the framework to undertake its environmental assessment, but this is just the first step in evaluating the proposed undertaking. The onus will be on Walker to work within this framework to actively engage with affected stakeholders and undertake its studies to the highest standards, in order to demonstrate if its proposal will be consistent with the purpose of the Environmental Assessment Act. Walker is expected to maintain ongoing, open dialogue with the public, Aboriginal communities and municipal stakeholders throughout the environmental assessment process, and to ensure that the environmental assessment is conducted in a clear and transparent manner.

Before proceeding with the environmental assessment, please revise the Terms of Reference to include the amendments outlined in the attached Notice of Approval and submit a revised copy to the Director, Environmental Approvals Branch for the public record. As required by section 6.1(1) of the Environmental Assessment Act, the environmental assessment must now be prepared in accordance with the approved Terms of Reference. Walker is responsible for fulfilling the commitments outlined in the Terms of Reference and providing the appropriate level of quality in the environmental assessment.

Should Walker wish to vary significantly from the approved Terms of Reference in preparing the environmental assessment, you will need to submit a new Terms of Reference for my approval. In the event of any uncertainty, you should consult the Environmental Approvals Branch.

If you have any questions, please contact Mr. Andrew Evers, Special Project Officer of the Environmental Approvals Branch at 416-314-7213, or by e-mail at Andrew.Evers@ontario.ca.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Glen Murray', with a long horizontal line extending to the right.

Glen Murray
Minister of the Environment and Climate Change

Attachment(s)

