

11-May-2016

Mr. Andrew Evers
Special Project Officer
135 St Clair Ave W, 1st Floor
Toronto ON
M4V 1P5

Dear Mr. Evers:

**Re: Walker Environmental Group (WEG) Southwestern Landfill
Notice of Approval and Minister's Amendments Acknowledgement
MOECC EA File No. EA 03-08-02**

This letter acknowledges receipt of the *Notice of Approval* for Terms of Reference (ToR) for the Southwestern Landfill proposal, dated March 17, 2016. We have carefully reviewed the instructions contained in the covering letter, the *Notice of Approval* and Minister's amendments and will be proceeding with our Environmental Assessment (EA) in accordance with the Minister's approval.

The purpose of this letter is to confirm and further outline how we plan to incorporate the Minister's amendments into our EA process.

As required, we have issued an Approved Amended Terms of Reference that incorporates the:

- Southwestern Landfill Terms of Reference as submitted on August 29th, 2013
- Addendum consisting of the Minister's *Notice of Approval* and its associated amendments, along with additional commitments made by WEG in the May 26, 2014 submission.

As directed, these additional commitments consist of those not otherwise addressed in the Minister's amendments. A copy of the Approved Amended Terms of Reference has been submitted to the Director and made available on the EA project website, as required.

The following points are numbered to correspond to the Minister's amendments and they are intended to be read in conjunction.

1. Step-by-step details of the process for consulting with key technical agencies on the revised draft EA Work Plans is set out in Item #1 of WEG's additional commitments; following that process will ensure that the requirements of Minister's amendment #1 are fully met.
2. In meeting with the MOECC and its Source Protection Branch regarding the revised draft EA Work Plans for groundwater and surface water, we will include in that agenda a discussion of how the Work Plan includes data collection and analysis consistent with subsequent approvals required under the OWRA or EPA, and if necessary we will amend the final Work Plans according to the MOECC input.

3. WEG will work closely with the licensee to identify any associated *Aggregate Resources Act (ARA)* approvals during the EA process, and also in consultation with the Ministry of Natural Resources and Forestry (MNRF) who are responsible for the ARA.
4. WEG will include in its meeting with the MOECC and its Source Protection Branch regarding the revised draft EA Work Plans for groundwater and surface water an agenda item specific to the appropriate Provincial Water Quality Objectives/Guidelines to be employed in the studies, and if necessary amend the final Work Plans according the MOECC input.
5. WEG has instructed its ecology consultant to incorporate these benthic sampling and analyses requirements into its revised draft EA Work Plans, which will be made available for further review by MOECC, the Conservation Authority and the MNRF prior to finalization.
6. WEG will consult with the technical reviewers assigned by MOECC for air quality regarding the matters detailed in this amendment as part of the review of the revised draft EA Work Plan, and if necessary amend the final Work Plans according the MOECC input. We will ensure that the previous air quality studies noted in this amendment are addressed in the EA. WEG has no objection to allowing MOECC full access to WEG's air monitoring locations and co-located sampling; where the most appropriate or necessary monitoring locations are on private property, WEG will make its best efforts to include this provision for MOECC in its access agreement with the landowner(s) but failing that, we expect that MOECC can employ its own authority as provincial inspectors to gain property access if necessary. We also advise that MOECC staff may be required to undertake certain training or follow certain protocols for access as may be required by the landowners. WEG requests that we be notified of any events where the monitoring equipment was accessed by the MOECC as a means of managing data integrity.
7. Section 8.2 of the approved ToR describes the process by which the potential net environmental effects of the proposed landfill will be characterized during the EA, while Appendix B to the Approved Amended ToR details the specific groundwater, surface water and ecology criteria that will be addressed (note particularly Criteria #4, 5, 8, 32, 33, 34, 35, & 36). Table A-2 in Appendix B illustrates the linkages between the groundwater, surface water and ecology studies in the EA and WEG will extend the characterization to the Thames River basin scale where necessary and appropriate, understanding that Provincial regulation will also require certain standards to be met in closer proximity (for instance, *Reasonable Use Policy* establishes minimum groundwater quality standards at the property boundary).
8. WEG proposes to meet with its MOECC Project Officer prior to undertaking the comparative evaluation of the alternative methods in order to further review and confirm the evaluation methodology set out in Section 8.1 of the Approved Amended ToR.

As set out in section 10.2 of the Approved Amended ToR, WEG will consult with interested parties, including a public event and CLC meeting, regarding the identification and evaluation of alternative methods, as well as the preferred alternative. In addition, the comparative evaluation methodology will be reviewed in a meeting with the JMCC Peer Review Team EA planning expert. WEG also commits to consulting with Aboriginal Communities prior to the selection of the preferred alternative, consistent with this amendment.

During the development of the ToR, WEG consulted with the MOECC, other government reviewers, members of the public, and Aboriginal Communities on the proposed EA studies through the release of draft EA Work Plans (including air quality, human health, surface water and groundwater). WEG received input from these parties, and responded through summary tables with commitments to amend and update the draft Work Plans accordingly following the selection of the preferred alternatives (so that the studies can be designed specific to the proposed undertaking). Step-by-step details of the process for further consultation on the revised draft EA Work Plans is set out in Item #1 of WEG's additional commitments.

The methodology set out in Section 8.2 of the Approved Amended ToR for the evaluation of the proposed undertaking, in conjunction with the associated technical studies to be set out in the final Work Plans, will meet the MOECC's requirements to identify the potential environmental effects in a sound and scientifically defensible manner. Specifically, Item #2 in Section 8.2 details the methodology for incorporating the "do nothing" alternative into the EA through the use of a forecasting technique for the baseline conditions. The EA Criteria in Appendix B of the approved ToR were developed in consultation with the public, Aboriginal communities and government reviewers; WEG will further confirm the use of these criteria during the EA in conjunction with the development of Indicators as part of Step #3 of the evaluation of the proposed undertaking (Section 8.2 of the approved ToR), all of which will be subject to consultation with these same parties as part of the EA.

9. In the course of developing the facility characteristics in Step #1 of the evaluation of the proposed undertaking (see approved ToR, Section 8.2), WEG will carry out and document a further¹ review of the potential for additional diversion activities (which could also include information and awareness programs, workshops, etc.) for IC&I waste at the landfill or at source and incorporate any feasible diversion activities into the EA.
10. WEG has retained the services of a recognized expert in the field of Karst geology; the results of their Karst assessment will be incorporated within the hydrogeology Work Plan, and EA assessment.
11. WEG agrees to characterize sound levels from the proposed landfill, Carmeuse's adjacent quarry & lime plant operation, and other baseline sources, as directed by the Minister.

We will also characterize the combined sound emissions from the proposed WEG Southwestern landfill and Carmeuse quarry as directed, for the purpose of characterizing the "cumulative effects" in the EA.

We will seek further advice from the MOECC noise reviewers in conjunction with their review of the revised draft EA Work Plan for the noise assessment.

12. WEG will carefully review the CEAA guidance document² regarding cumulative effects assessment. Recognizing that there are fundamental differences between the Federal and Ontario EA processes, we will draft a briefing note indicating how the Federal guidance is, or can be, incorporated into the present EA.

¹ Further to (or updating) the detailed analyses of further waste diversion opportunities documented in Supporting Document #3, and Attachment #1, submitted in support of the approved ToR.

² The 2007 document referenced in the Ministry's Amendment #12 has been updated to March 2015; the more recent version will be used, unless otherwise instructed by the MOECC.

WEG will then meet with its MOECC Project Officer to review the above, and confirm our approach to cumulative effects in this present EA.

Based on this input, WEG will then prepare a draft EA Work Plan explaining how the assessment of cumulative effects is incorporated into its EA methodology. This draft will be circulated to the MOECC Project Officer, and undergo public, Aboriginal and government agency consultation in conjunction with the other technical work plans as set out in Item #1 of WEG's additional commitments.

13. Concurrent with the ToR development, WEG consulted with, received input from, and responded to, the JMCC health expert and the local medical officer of health regarding the draft Work Plan. In association with the process set out in Item #1 of WEG's additional commitments to the approved ToR, we will be updating this work plan to reflect this input and subsequently consulting with these two parties on the revised draft Work Plan before finalizing. We will ensure that our approach to addressing health determinants and the stages in the assessment are included in that agenda for discussion. We will also document issues, concerns, resolutions, and any outstanding issues arising from their comments and the meeting. We will carry out a similar process with these parties at the completion of the health assessment.
14. WEG will address climate change in this EA, including how this project may contribute to or reduce greenhouse gas emissions, and the potential effects of climate change on the preferred alternative. During the development of the ToR, we met and reviewed our approach with the MOECC personnel who are preparing the Ministry's guidelines on incorporating climate change into the EA process and will use MOECC guidance documents if and when available. Briefly, climate change will be addressed as follows in this present EA:
 - Incorporate best available climate projections into the forecasts of the future baseline conditions.
 - Estimate the net GHG emissions or reductions, from the proposed landfill and its operations relative to the forecast baseline conditions (see EA Criterion #2, Appendix B, approved ToR).
 - Evaluate and document the net effects of these GHG emissions or reductions during both the construction/operation and post-closure periods.
 - Develop specific adaptation plans for potential climate extremes, in conjunction with the contingency/emergency response plans, and document these in the Design & Operations Report.
15. As set out in Section 8.2, Step #1 in the approved ToR, the Facility Characteristics Report that will be developed during the assessment of the proposed undertaking will include *all of the basic elements of landfill design and operations set out in O. Reg. 232/98 (the Landfill Standards)*, and then updated to incorporate any additional mitigation found to be necessary or appropriate as a result of the potential effects assessment (Step #4). This will demonstrate through the EA that the proposed undertaking will be capable of meeting the requirements of *O. Reg. 232/98*.

WEG states its intention in Section 3, p. 3 of the Approved Amended ToR that the EA prepared in accordance with the ToR will be consistent with the purpose and requirements of the *Environmental Assessment Act*, and intends to demonstrate such in its EA submission.

We appreciate your continuing guidance as we conduct the Southwestern Landfill Environmental Assessment. Please contact me at any time if we can provide further information.

Warm Regards,

A handwritten signature in blue ink, appearing to read 'Darren Fry', with a stylized flourish extending to the right.

Darren Fry
Project Director, SWLF EA