

Peter Pickfield
9 Norwich St. W
Guelph, ON N1H 2G8
Telephone: (519) 837-0500
Fax: (519) 763-2204
Email: pickfield@garrodpickfield.ca
File No 11651

Via Electronic Mail and Overnight Courier

March 7, 2014

Environmental Approval Branch
Ontario Ministry of the Environment (MOE)
12A Floor, 2 St Clair Ave W
Toronto ON M4V1L5

Attention: Ms. Agatha Garcia-Wright, Director

Dear Ms. Garcia-Wright:

RE: Suspension of Decision-making Process for the Terms of Reference - Walker Environmental Group (WEG) Proposed Southwest Landfill Environmental Assessment

On behalf of the Joint Municipal Coordinating Committee (“JMCC” and/or “Committee”), thank you for your response to our letter of February 14, 2014 received by our office this past Friday, February 28, 2014. This letter arrived just in time to be received and reviewed by the JMCC at last Friday’s scheduled Committee meeting.

In your letter, you indicate that WEG now has until March 31, 2014 to amend its ToR and consult on the amendments with stakeholders and the public. You also indicate that MOE has an expectation that Walker will make available the proposed amended ToR for thirty days during the “time-out” period for public review. Walker has not yet released a proposed amended ToR. It is therefore not possible to achieve this MOE expectation of a 30 day review period and still meet the current March 31st deadline.

It should be noted that WEG has circulated to the JMCC Peer Review Manager a table which sets out WEG responses to comments provided by the peer review team to the ToR as originally filed by WEG (WEG Response Table). WEG is seeking to meet with the Peer Review Manager to obtain comments on this Response Table from the JMCC Peer Review Team (“PRT”).

Based on the responses provided in your letter and in light of this WEG request for input from the PRT, the JMCC decided to take the following actions at last Friday’s meeting.

First, the JMCC Peer Review Team Manager has been directed to reactivate the PRT to provide further comments on WEG’s PRT Response Tables as requested by WEG. A letter from detailed PRT comments on the WEG Response Table will be provided to WEG within the next few business days.

Second, the Committee has directed a request be made to both MOE and WEG that the MOE- suggested 30 day review period for the WEG-proposed amended ToR be extended to 60 days from the date it is publically released. The MOE-recommended 30 day period is insufficient time for the completion of a review of the amended ToR by the JMCC peer review team together with consideration of both the amended ToR and the results of the peer review by the municipal Councils for each of the four participating municipalities. You will recall that your Ministry allowed for a 60 day public review period of the original ToR. In the JMCC's view, the same review period is required for the amended ToR if the councils of affected municipalities are to have a reasonable opportunity for meaningful input. In separate correspondence to WEG, a copy of which is attached to this letter, the Chair of the JMCC, Mayor Margaret Lupton will be writing to WEG to support this requested extension of the review period

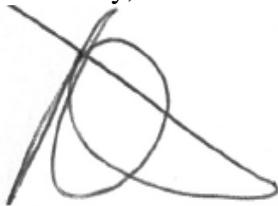
Third, the JMCC is requesting that the MOE direct WEG to take the formal step of posting the draft amended ToR on the Environmental Registry in order to trigger the 60 day review period. This step will ensure that all interested members of the public have independent notice of the proposed amended ToR. It is appropriate to take this step given the lack of transparency and clarity which has characterized the decision-making process for the ToR since the decision was taken last November to pause this decision-making process.

Finally, the JMCC has directed me to accept the offer in your letter that the Ministry meet with the JMCC at the earliest opportunity. JMCC members continue to have questions and concerns about the way in which the ToR approval process was modified without clear and transparent information on this modified process and its implications in terms of the roles and responsibilities of affected stakeholders. The meeting will provide an opportunity to discuss not only the revised decision-making process for the amended ToR, but expectations, responsibilities and clear communications going forward in the EA process, should the amended ToR be approved. To ensure a full and open discussion on these issues, the JMCC is also intending to invite representatives of WEG to this meeting.

Please advise as soon as possible on the above JMCC requests to establish a 60 day review period and Environmental Registry posting requirement for the proposed amended ToR. In addition, please advise as to availability dates for attendance by appropriate MOE representative at a meeting with the JMCC.

On behalf of the JMCC, thank you again for your response to our letter and for considering the above requests.

Yours truly,



Peter C. Pickfield

cc: Members, Joint Municipal Co-ordinating Committee
Mr. Chris Haussmann (Peer Review Manager)
Harry Dahme, counsel, Walker Industries
Mr. Darren Fry, WEG
Ms. Michelle Whitmore, Project Advisor, EAB.

Attachment: Letter from JMCC to WEG dated March 7, 2014



MARCH 7, 2014

**JOINT MUNICIPAL COORDINATING
COMMITTEE**

Walker Environmental Group Inc. (WEG)
160 Carnegie Street
Ingersoll, ON N5C 4A8

Attention: Darren Fry, General Manager, Strategic Growth

Dear Mr. Fry:

Re: Walker Southwestern Landfill Proposal EA Terms of Reference

The Joint Municipal Coordinating Committee ("JMCC" or "Committee") has directed me to write to you as a follow-up to our letter of January 28, 2014 pertaining to the decision by Walker Environmental Group Inc. (WEG) to suspend the decision-making process to permit the filing of an amended Terms of Reference for the Proposed WEG Southwest Landfill Environmental Assessment.

As you know, after receiving your response to our January 28, 2014, JMCC has sought further clarification from the Ontario Ministry of the Environment with respect to the decision-making process for approval of the amended ToR. MOE has now indicated to us that there is a Ministry expectation that there be a minimum 30-day public review and comment period for the WEG proposed amended ToR document.

The purpose of this letter is to request that WEG support the request of the JMCC to extend this review period to 60 days, and that this period be triggered by a posting of the WEG-proposed amended ToR on the Environmental Registry. In the JMCC's view, a minimum of 60 days is required in order to provide adequate time for the following required steps to be completed: (1) review of, and report on, the WEG's amended ToR document by the PRT; (2) JMCC review and approval of the final PRT report on the amended ToR document; and (3) review of the revised ToR and the final PRT report by the Councils of the member municipalities of the JMCC so that each can come to a final position on the amended ToR.

In addition, as will have been clear from the January 28 letter, the JMCC has questions and concerns about the WEG approach to communications and public consultation regarding the November 2014 decision by WEG to seek a suspension of the decision-making process to respond to concerns raised about the ToR. It wishes to open a dialogue with WEG and MOE about how to improve communications and avoid unnecessary confusion and uncertainty going forward with respect to the environmental assessment process for this matter.

The Ministry has offered to meet with the JMCC to discuss EA process issues. As you will note from the attached letter to the Ministry, the JMCC is accepting the Ministry's offer, and as a first step to address the need for improved communications, I have been asked by the JMCC to invite you and other representatives of WEG to attend this meeting.

Please advise as to whether you would be prepared to participate in this meeting, and to work with the JMCC to develop a clearer protocol for communications on the EA process going forward.

We look forward to hearing from you on the above.

Sincerely,

A handwritten signature in black ink that reads "Margaret Lupton". The signature is written in a cursive, flowing style.

Margaret Lupton,
Mayor, Township of Zorra
Chair, Joint Municipal Coordinating Committee

cc. All JMCC members

Attachment: Copy of Letter from Garrod Pickfield LLP. to Ms. Agatha Garcia-Wright dated March 7, 2014