



Office of the Warden

P.O. Box 1614, 21 Reeve Street

Woodstock, Ontario N4S 7Y3

Phone: 519-539-9800 • Fax: 519-421-4712

Web site: www.oxfordcounty.ca

June 2, 2014

The Honourable Jim Bradley
Minister of the Environment
77 Wellesley Street W., 11th Floor, Ferguson Block
Toronto, Ontario - M7A 2T5

Dear Minister Bradley:

The Southwestern Landfill Proposal seeks to develop a modern landfill in the mined Carneuse Lime (Canada) Beachville Quarry Operations within the Township of Zorra, in the County of Oxford. If approved, the site will receive solid non-hazardous waste generated by businesses and communities across Ontario. The Townships of Zorra and South-West Oxford, the Town of Ingersoll and the County of Oxford have been actively monitoring this proposal and extensively involved in the Environmental Assessment process and the Terms of Reference review process through our Joint Municipal Coordinating Committee (JMCC), its coordinated Peer Review Team (PRT) and Oxford County's Acting Medical Officer of Health.

On April 2, 2014, WEG issued a 3-page Amendment to the ToR for public review and comment. In correspondence dated May 2 and May 16, 2014 we provided significant comments outlining our concerns with regard to the Environmental Assessment Terms of Reference (attached). The public review period for this amendment closed May 20, 2014.

On May 26, 2014, Walker submitted to the Ministry of Environment for approval an Amended Terms of Reference which disregards some key concerns raised in the aforementioned material. We are very disappointed that Walker has chosen to disregard our very valid concerns and issues. Along with the many technical issues raised through our JMCC and PRT efforts and as evidenced by the support from all appropriate local Councils and County Council, our community strongly believes that any Environmental Assessment for the Southwestern Landfill must include an In-Depth Health Impact Assessment, including a comprehensive assessment of the cumulative and synergistic impacts of all factors that may impact the overall health and well-being of our community. We believe that the Environmental Assessment process must review and assess all determinants of health & health equity. We realize the significance of this requirement and we are steadfast in our belief that it is required.

An Environmental Assessment Terms of Reference that does not address the issues and concerns of our coordinated JMCC/PRT technical review team and those of our Acting Medical Officer of Health is totally unacceptable to our community. This position has been supported by the appropriate local governing bodies through resolutions of support from the Councils of the County of Oxford, the Town of Ingersoll and the Townships of Zorra and South-West Oxford.

As the Minister of the Environment, final approval of the Amended Terms of Reference for the Southwest Landfill Proposal lies with you. I ask therefore that you reject the Amended Terms of Reference on the basis that Walker has chosen to ignore the significant concerns of our community. Failing outright rejection of the Amended Terms of Reference, I ask that you not approve any Terms of Reference for the Southwest Landfill Proposal without a Ministerial amendment that includes all comments and submissions in their entirety from the Joint Municipal Coordinating Committee and the Acting Medical Officer of Health as endorsed by resolutions of support from the Councils of the County of Oxford, the Town of Ingersoll and the Townships of Zorra and South-West Oxford.

On behalf of our community at large I ask that you exercise the obligations of your office in a manner that ensures the residents and businesses of Oxford County are properly served by the Environmental Assessment process.

Yours truly,

Don McKay
Warden, County of Oxford
/cjs



Office of the C.A.O./Clerk

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May 16, 2014

Ms. Michelle Whitmore, Special Project Officer
Environmental Assessment Services Section
Environmental Approvals Branch, Ministry of the Environment
2 St. Clair Avenue West, Floor 14
Toronto, ON M4V 1L5

Michelle.Whitmore@ontario.ca

SWLandfillProposal.MOE@ontario.ca

Dear Ms. Whitmore:

This letter is in regard to the Proposed Terms of Reference Amendment for the Walker Environmental Group (WEG) Southwestern Landfill Environmental Assessment. On April 2, 2014, WEG issued a 3-page Amendment to the ToR. The public review period for this amendment closes May 20, 2014.

The Southwestern Landfill Proposal seeks to develop a modern landfill in the mined Carmeuse Lime (Canada) Beachville Quarry Operations within the Township of Zorra, in the County of Oxford. If approved, the site will receive solid non-hazardous waste generated by businesses and communities across Ontario. The Townships of Zorra and South-West Oxford, the Town of Ingersoll and the County of Oxford have been actively monitoring this proposal and extensively involved in the Environmental Assessment process and the Terms of Reference review process through our Joint Municipal Coordinating Committee (JMCC), its coordinated Peer Review Team (PRT) and Oxford County's Acting Medical Officer of Health.

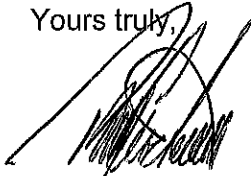
In prior correspondence dated May 2, 2014 (attachment #2) I provided you a copy of the County of Oxford Council's adoption of Dr. Neal's report (Report MOH 2014-01, also attached) on this issue. Further to this matter, please find enclosed support for Dr. Neal's report from Councils of the Townships of Zorra and South-West Oxford and the Town of Ingersoll. As evidenced by the noted support from all appropriate local Councils and County Council, our community strongly believes that any Environmental Assessment for the Southwestern Landfill must include an In-Depth Health Impact Assessment, including a comprehensive assessment of the cumulative and synergistic impacts of all factors (determinants of health & health equity) that may impact overall health and well-being. We realize the significance of this requirement and we are steadfast in our belief that it is required.

As noted previously, the Townships of Zorra and South-West Oxford, the Town of Ingersoll and the County of Oxford have been actively monitoring this proposal and extensively involved in the Environmental Assessment process and the Terms of Reference review process through our Joint Municipal Coordinating Committee (JMCC) and its coordinated Peer Review Team (PRT).

At its meeting on May 14, 2014 County Council endorsed the report from the PRT and coordinated through the JMCC. I provide herein (Attachment #1), Report CAO 2014-06, within which you will find the PRT report along with the supporting resolution from County Council. I have also included resolutions supporting the PRT Report from Town of Ingersoll Council, Township of Zorra Council and Township of South-West Oxford Council. As with the Health Impact Assessment issue, support for the PRT Report is unified and steadfast.

We thank you for your favourable consideration of all of the material provided in this submission as you complete your review of the proposed Terms of Reference, and its amendment. We trust you will support our position on this matter.

Yours truly,

A handwritten signature in black ink, appearing to read 'Peter M. Crockett', written over a horizontal line.

Peter M. Crockett, P.Eng.
Chief Administrative Officer
/cjs

Attach.

cc: JMCC members



Attachment #1



CORPORATION OF THE TOWNSHIP OF ZORRA

7.9

274620 27th Line, PO Box 306 Ingersoll, ON, N5C 3K5
Ph. (519) 485-2490 • 1-888-699-3868 • Fax (519) 485-2520

Moved By: *Andra M. Mackay*

Seconded By: *Egon Verwer*

Date: May 6, 2014

Resolution #: 1305-14

“THAT Council endorse the Oxford County Acting Medical Officer of Health’s position that an In-Depth Health Impact Assessment, including a comprehensive assessment of the cumulative and synergistic impacts of all factors (determinants of health & health equity) that may impact the overall health and well-being, must be included within the Environmental Assessment of the Southwestern Landfill (Walker) Proposal, as outlined in Oxford County Report MOH 2014-01.”

	Yea	Nay
Recorded Vote	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Lupton	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Forbes	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Keasey	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Mackay	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Verwer	<input type="checkbox"/>	<input type="checkbox"/>

Carried Defeated Tabled/Deferred

Mayor: *M. Lupton*



TOWNSHIP OF SOUTH - WEST OXFORD

R. R. # 1, Mount Elgin, On. N0J 1N0
312915 Dereham Line

Phone: (519) 877-2702; (519) 485-0477; Fax: (519) 485-2932

Council Minutes of May 6, 2014

JMCC – Walker Environmental Group Southwestern Landfill Proposal EA Letter
Council Report No. C.A.O. 12-2014 provided the background information regarding the 3-page amendment to the Terms of Reference now under review.

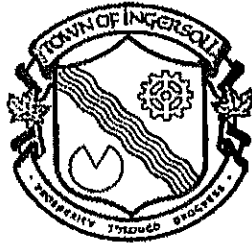
Resolution No. 25 Moved by George Klosler
Seconded by D. Anne Vanhoucke

RESOLVED that Council endorse the recommendations of the Peer Review Team made to the Joint Municipal Coordinating Committee in the draft report dated April 16, 2014;

AND FURTHER that Council endorse the Oxford County Acting Medical Officer of Health's position that an In-Depth Health Impact Assessment, including a comprehensive assessment of the cumulative and synergistic impacts of all factors (determinants of health & health equity) that may impact the overall health and well-being, must be included within the Environmental Assessment of the Southwestern Landfill (Walker) Proposal, as outlined in Oxford County Report MOH 2014-01.

DISPOSITION: Motion Carried

I, Mary Ellen Greb,
Clerk-Treasurer/C.A.O. for the
Township of South-West Oxford
do hereby declare this to be a
true and correct copy



TOWN OF INGERSOLL

Resolution # _____

Moved by _____

Date: May 12, 2014

Seconded by Kristy Van Kooten-Bossence

THAT the Council of the Corporation of the Town of Ingersoll endorse the JMCC comments on the amended TOR dated May 2, 2014;

AND FURTHER THAT the Council of the Corporation of the Town of Ingersoll endorse the County of Oxford Medical Officer of Health recommendations contained in the report No. MOH 2014-01.

YEAS	RECORDED VOTE 2014	NAYS
	Councillor John Fortner	
	Deputy Mayor Fred Freeman	
	Councillor Gordon Lesser	
	Councillor Dave McLeod	
	Councillor Cathy Mott	
	Councillor Kristy Van Kooten-Bossence	
	Mayor Ted Comiskey	
	TOTALS	

Lost by _____

Carried by [Signature]

**COUNTY OF OXFORD
REPORT NO. CAO 2014-06
MAY 14, 2014**

Recommendations Contained in Report No. CAO 2014-06:

1. That County Council endorse the Peer Review Team report dated May 2, 2014 as outlined in Report CAO 2014-06;
2. And further, that the Ministry of the Environment be advised of Council's endorsement by submitting the information in compliance with the Southwestern Landfill (Walker) Terms of Reference Amendment public comment period closing May 20, 2014;
3. And further, that the Warden sign a letter to the Minister of the Environment requesting that the Ministry of the Environment confirm the following:
 - a. The regulatory responsibilities of the Ministry of the Environment with regard to the operation and perpetual care of such a facility;
 - b. The requirements and conditions typical of the Environmental Compliance Approval (ECA) for such a facility; and
 - c. The financial, legal obligations and signatory requirements typically required through the ECA as they apply to the property owners and any facility operator (whether through lease or otherwise).

RESOLUTION NO. 12:

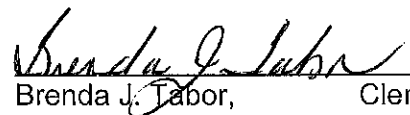
Moved by: Marion Wearn
Seconded by: Donald Doan

That the recommendations contained in Report No. CAO 2014-06, titled "Southwestern Landfill Proposal Environmental Assessment Terms of Reference Amendment", be adopted.

DISPOSITION: Motion Carried

The recommendations contained in Report No. CAO 2014-06, dated May 14, 2014, were adopted by Oxford County Council Resolution No. 12, dated May 14, 2014.

I, Brenda J. Tabor, Clerk of the County of Oxford, do hereby certify that the foregoing is a true copy of Resolution No. 12, dated May 14, 2014, passed by Oxford County Council on May 14, 2014.


Brenda J. Tabor, Clerk

To: Warden and Members of County Council
From: Chief Administrative Officer

Southwestern Landfill Proposal Environmental Assessment Terms of Reference Amendment

RECOMMENDATIONS

1. That County Council endorse the Peer Review Team report dated May 2, 2014 as outlined in Report CAO 2014-06;
2. And further, that the Ministry of the Environment be advised of Council's endorsement by submitting the information in compliance with the Southwestern Landfill (Walker) Terms of Reference Amendment public comment period closing May 20, 2014;
3. And further, that the Warden sign a letter to the Minister of the Environment requesting that the Ministry of the Environment confirm the following:
 - a. The regulatory responsibilities of the Ministry of the Environment with regard to the operation and perpetual care of such a facility;
 - b. The requirements and conditions typical of the Environmental Compliance Approval (ECA) for such a facility; and
 - c. The financial, legal obligations and signatory requirements typically required through the ECA as they apply to the property owners and any facility operator (whether through lease or otherwise).

REPORT HIGHLIGHTS

- To seek County Council endorsement of the results of the Joint Municipal Coordinating Committee (JMCC) Peer Review Team comments on the Southwestern Landfill (Walker) Proposal Environmental Assessment Terms of Reference Amendment.

Implementation Points

The Southwestern Landfill (Walker) Proposal Environmental Assessment Terms of Reference Amendment is open for public comment to the Ministry of the Environment until May 20, 2014. Any resolution of Council pertaining to this matter will be submitted to the Ministry of the Environment.

Financial Impact

There are no financial implications to the County of Oxford associated with this report. The Treasurer has reviewed this report and agrees with the financial impact information.

Risks/Implications

There are no risks or implications to the County of Oxford with regard to this report. To meet the associated deadlines for public comment on the matter, any Council position must be finalized and submitted to the Ministry of the Environment prior to the May 20, 2014 deadline.

Strategic Plan

County Council adopted the County of Oxford Strategic Plan at its regular meeting held March 27, 2013. The initiative contained within this report supports the Values and Strategic Directions as set out in the Strategic Plan as it pertains to the following Strategic Directions:

1. *ii. A County that Works Together* – Enhance the quality of life for all of our citizens by:

- *Implementing a healthy community strategy*
- *Working with community partners and organizations to maintain / strengthen public safety*

3. *ii. A County that Thinks Ahead and Wisely Shapes the Future* – Implement development policies and community planning guidelines that:

- *Actively promote the responsible use of land and natural resources*

3. *iii. A County that Thinks Ahead and Wisely Shapes the Future* - Apply social, financial and environmental sustainability lenses to significant decisions by assessing options in regard to:

- *Responsible environmental stewardship*

DISCUSSION

Background

The Southwestern Landfill (Walker) Proposal Status

Walker is considering a landfill proposal that will grow its waste management business into Oxford County. The Southwestern Landfill Proposal seeks to develop a modern landfill in a mined quarry in Zorra Township – specifically, the Carmeuse Lime (Canada) Beachville Operations located at 374681 37th Line (Oxford County Road 6), Zorra Township (Figure 1). If approved, the site will receive solid non-hazardous waste generated by businesses and communities in Ontario.

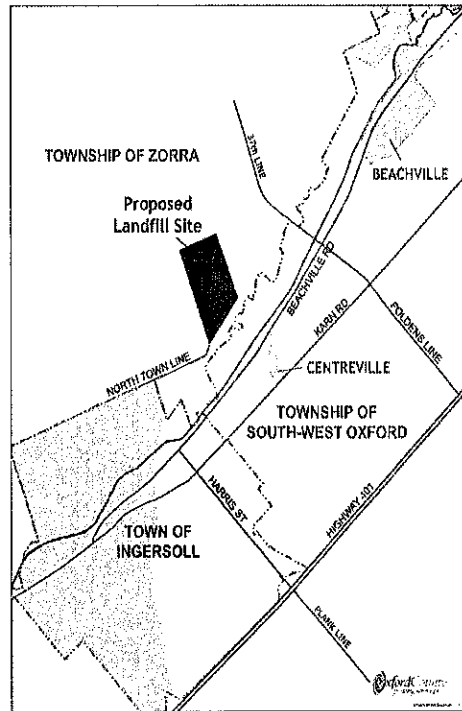


Figure 1
Southwestern Landfill Proposal Site

Council will recall that the Terms of Reference (ToR) is a document prepared by a project proponent, in this case Walker Environmental Group (WEG), and submitted to the Ministry of the Environment (MOE) for approval. It is the proponent's work plan for what is going to be studied. The environmental assessment must then be prepared in accordance with an approved Terms of Reference.

WEG submitted the Southwestern Landfill Proposal Terms of Reference to the MOE on August 29, 2013. During the subsequent review by the Government Review Team (GRT), the MOE extended the review period on several occasions to allow WEG to conduct additional consultations with stakeholders and provide the GRT with more detailed responses to some comments received by the MOE.

On April 2, 2014, WEG issued a 3-page Amendment to the ToR and provided a 30-day review period, which was subsequently extended to a 45-day review period. WEG also issued a completed Record of Consultation providing its further responses to comments received on the ToR and Supporting documents.

The public review period for the Terms of Reference Amendment closes on May 20, 2014.

At its April 23, 2014 meeting, Council endorsed Report MOH 2014-01 regarding the Acting Medical Officer of Health's comments on the Terms of Reference Amendment.

The Joint Municipal Coordinating Committee

The Joint Municipal Coordinating Committee (JMCC) is made up of the heads of Council and CAOs from Zorra Township, the Town of Ingersoll, Township of South-West Oxford and the County of Oxford. These municipalities are those within Oxford County most directly affected by the proposal to build a large-scale landfill in Zorra Township. The group's main purpose is to oversee a sound professional peer review of the information and research contained in the Southwestern Landfill proposal.

The Peer Review Team

The Peer Review team is made up of a panel of experts retained by the JMCC. The PRT is comprised of subject matter experts across several discipline areas that will be considered in the landfill proposal's Environmental Assessment, including air, noise, hydrogeology, land use, legal, traffic, agriculture, groundwater, social impact and other issues that have the potential to affect quality of life for residents and the area's ecosystem.

Comments

Peer Review Team Report

The May 2, 2014 report of the Peer Review Team is provided as Attachment 1. County staff is confident in the quality and thoroughness of the Peer Review Team's technical review of the Terms of Reference.

Additional Issues Raised by the JMCC

In addition to the technical review from the PRT, discussions within the JMCC have raised concerns with our understanding of the ongoing environmental and regulatory framework should this landfill proposal be approved at any point in the future. To better understand this issue, the JMCC has requested that the Ministry of the Environment confirm the following:

- The regulatory responsibilities of the Ministry of the Environment with regard to the operation and perpetual care of such a facility;
- The requirements and conditions typical of the Environmental Compliance Approval (ECA) for such a facility; and
- The financial, legal obligations and signatory requirements typically required through the ECA as they apply to the property owners and any facility operator (whether through lease or otherwise).

Conclusions

This report recommends that County Council endorse the recommendations and comments contained with the Peer Review Team report (Attachment 1), and the Joint Municipal Coordinating Committee's request of the Ministry of the Environment to clarify the environmental and regulatory framework any landfill proposal such as the Southwestern Landfill (Walker) Proposal must operate if, through a complete and thorough Environmental Assessment process, is approved by the Ministry of the Environment.

SIGNATURE

Approved for submission:

Original signed by _____

Peter M. Crockett, P.Eng.
Chief Administrative Officer

ATTACHMENTS

Attachment 1 Peer Review Report dated May 2, 2014

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435 Roehampton Ave
Toronto, Ontario
M4P 1S3
Tel: 416-484-6570
Fax: 416-484-9527
E: hausscon@rogers.com

HAUSSMANN
HAUSSMANN
HAUSSMANN
HAUSSMANN
CONSULTING

May 2, 2014

Mayor Margaret Lupton
Chair, Joint Municipal Peer Review Coordinating Committee
Office of the Mayor, Zorra Township
P. O. Box 306
Ingersoll, Ontario N5C 3K5

Re: Walker Environmental Group Southwestern Landfill Proposal EA

Dear Mayor Lupton:

On August 29, 2013 Walker Environmental Group (WEG) submitted a Terms of Reference (ToR), Record of Consultation and four Supporting Documents (1. Glossary of Terms, 2. Rationale for Proceeding with the Proposed Undertaking (Need), 3. Rationale for the Alternatives to be Examined in the Environmental Assessment, and 4. Draft Study Plans for the Evaluation of the Proposed Undertaking) to the Ministry of the Environment (MOE) for consideration by the Government Review Team (GRT) and the Minister. Subsequently, the MOE extended the Ministry review period on several occasions to allow WEG to conduct additional consultations with stakeholders and provide the GRT with more detailed responses to some comments received by the MOE.

On April 2, 2014, WEG issued a 3-page Amendment to the ToR and provided a 30-day review period, which was subsequently extended to a 45-day review period. WEG also issued a completed Record of Consultation providing its further responses to comments received on the ToR and Supporting documents. The ToR is a very important document that establishes a roadmap for the conduct of the EA. Once the ToR is approved, it is difficult to change the parameters that govern the preparation of the EA.

Further to our October 2013 report reviewing the August 29 ToR, this letter reports on the review by your Peer Review Team (PRT) of the following documents:

- i. The Amendment to the Terms of Reference dated April 2, 2014;
- ii. WEG's response to the PRT's Summary Report on the ToR dated October 7, 2013;
- iii. WEG's response to the Government Review Team comments on the ToR.

PRT COMMENTS ON THE ToR AMENDMENTS AND RELATED RECOMMENDATIONS

The PRT provided WEG with comments on its draft response to (ii) above on 10 March, 2014. This reply was posted on the JMCC web site at <http://oxfordreviewteam.ca>. WEG has responded positively to most of the PRT comments and recommendations. In its Amendment document WEG has committed to:

- 1) Consult with the PRT on the evaluation methodology and degree of technical input required to carry out the comparative evaluation of Alternative Methods in advance of actually conducting this evaluation;
- 2) Consult with the PRT in developing detailed work plans subsequent to selection of the preferred alternative;
- 3) Provide for PRT observation of field work where appropriate;
- 4) Assess potential effects on Wellhead Protection Areas, highly Vulnerable Aquifers and Significant Groundwater Recharge Areas;
- 5) Address the requirements of the Aggregate Resources Act and the Endangered Species Act;
- 6) Work with MTO to ensure a comprehensive assessment of Highway 401 interchanges that may be identified as part of the primary or backup haul route(s);
- 7) Conduct a screening level review of the socio-economic effects assessment to identify any potential health effects requiring additional mitigation measures; and
- 8) Document and support the carcinogenic and non-carcinogenic toxicological reference values used in the Health Risk Assessment.

However, WEG does not agree to include in its description of the Undertaking, or to conduct a cumulative effects assessment of, the potential ancillary facilities likely to be associated with the Undertaking in the future. At this time WEG maintains that its application is for a landfill disposal facility only.

The PRT supports the position of the GRT (Michelle Whitmore, July 5, 2013) that Section 5.2 of the ToR should at least identify the "potential other components of the Undertaking, such as leachate treatment, haulage, landfill gas management and other components". Further, the ToR must identify all ancillary facilities, including recycling and composting facilities, that are likely to be carried out in association with the proposed landfill, and include an assessment of the impacts of these ancillary facilities as part of the required cumulative effects assessment for the Undertaking.

The PRT recommends that, as a condition of approval of the Terms of Reference, WEG be required to identify ancillary facilities that may be associated with the Undertaking and are likely to be developed at this site, and to conduct a cumulative effects assessment of all such identified facilities.

The PRT is also concerned that, in WEG's submission, the four Supporting Documents and the Record of Consultation, are not considered an integral part of the Terms of Reference and are not submitted for the approval of the Minister. These documents contain the details of many of WEG's commitments, and should be considered an integral part of the ToR as supporting documents. They do not necessarily require "approval" of the Minister, but they should be "accepted" by the Minister and have formal standing as documents that support and inform the ToR.

The PRT recommends that the ToR Supporting Documents and Record of Consultation be formally received by the Minister of Environment and be accorded formal standing as integral components of the Terms of Reference.

The PRT continues to have a fundamental concern that the ToR is being considered for approval in the absence of the preparation, and review by key stakeholders and the public, of draft workplans which clarify the approach to fundamental issues including: how cumulative impacts will be assessed by the various disciplines; how the Carmeuse property will be treated in the study process; what are the appropriate study areas; and a range of other underlying assumptions and methodological decisions related to the EA study process. In this regard, the ToR as it stands leaves a “blank slate” that allows the proponent to make key decisions on study process after the ToR is approved.

The PRT acknowledges the complexity, resources and time required in order to properly complete the task of developing detailed work plans, the somewhat iterative nature of this process and the difficulty of doing so in the absence of initial information gathering. Nevertheless, given the critically important decisions about the EA process to be made during the stage when detailed workplans are being developed, there is a need for additional meaningful stakeholder involvement in the finalization of these work plans, as well as an independent check to ensure reasonable stakeholder concerns regarding the work plans will be addressed.

To ensure this is the case, the PRT is recommending that the final approval of the ToR include a condition requiring WEG to consult with the JMCC and other key stakeholders on the detailed workplans, and to submit a final set of work plans to MOE Environmental Approvals Branch for approval before it proceeds with the net effects analysis.

The PRT recommends that the Terms of Reference state specifically that the consultations with the Joint Municipal Coordinating Committee’s PRT, and other affected stakeholders, must be completed with respect to the EA work plans, which consultations are to include but not necessarily be limited to discussion of:

- a) the design of the study areas, data collection and monitoring programs and the interpretation of the results including any modeling and identification of data gaps to characterize the existing conditions and future baseline conditions;
- b) the EA criteria and associated indicators to be used to assess the potential effects associated with the preferred alternative methods in an interdisciplinary manner;
- c) the methodology for conducting the cumulative effects assessment;
- d) fill rates, landfill gas generation rates and related air quality impact sensitivities;
- e) the methodology for classifying receptors and determining the Air Quality, Odour, Noise and Vibration criteria to be applied in the effects assessment and how effects on sensitive receptors from all Carmeuse quarry related operations will be measured and distinguished from landfill related effects of the proposed Undertaking.

Margaret Lupton
April 11, 2014

4

The PRT further recommends that the decision on the terms of reference be conditional upon WEG submitting to the Ministry a final set of EA work plans which addresses all of the outstanding stakeholder issues pertaining to these work plans, to the satisfaction of the Ontario Ministry of the Environment Environmental Approvals Branch before proceeding to implementation of the effects assessment. Following MOE approval, the final work plans should be incorporated as an approved component of the Terms of Reference.

These are our comments at this time, which we recommend your Committee forward to the Ministry of Environment (copy to Walker Environmental Group) for their consideration when determining whether or not to approve the Amended Terms of Reference for the Southwestern Landfill Proposal EA, and what conditions of approval should apply. These comments are additional to and do not in any way void our October 2013 comments on the August 2013 ToR document.

Yours truly,

A handwritten signature in black ink, appearing to read 'CHH', with a long horizontal stroke extending to the right.

Chris Haussmann
Peer Review Manager

Copy: JMCC members
PRT members



Attachment #2



Office of the C.A.O./Clerk
P.O. Box 1614, 21 Reeve Street
Woodstock, Ontario N4S 7Y3
Phone: 519-539-9800 • Fax: 519-421-4712
Web site: www.oxfordcounty.ca

May 2, 2014

Ms. Michelle Whitmore, Special Project Officer
Environmental Assessment Services Section
Environmental Approvals Branch, Ministry of the Environment
2 St. Clair Avenue West, Floor 14
Toronto, ON M4V 1L5

COPY

Michelle.Whitmore@ontario.ca
SWLandfillProposal.MOE@ontario.ca

Dear Ms. Whitmore:

As you are aware, Walker Environmental Group (WEG) has initiated a proposal to grow its waste management business into Oxford County. The Southwestern Landfill Proposal seeks to develop a modern landfill in the mined Carneuse Lime (Canada) Beachville Quarry Operations within the Township of Zorra, in the County of Oxford. If approved, the site will receive solid non-hazardous waste generated by businesses and communities across Ontario. The Townships of Zorra and South-West Oxford, the Town of Ingersoll and the County of Oxford have been actively monitoring this proposal and extensively involved in the Environmental Assessment and the Terms of Reference review process through our Joint Municipal Coordinating Committee (JMCC) and its coordinated Peer Review Team (PRT), as well as Oxford County's Acting Medical Officer of Health. On April 2, 2014, WEG issued a 3-page Amendment to the ToR. The public review period for this amendment closes May 20, 2014.

This letter is to advise that on April 23, 2014 County of Oxford Council endorsed the position held by Dr. Douglas Neal, Acting Medical Officer of Health that an In-Depth Health Impact Assessment, including a comprehensive assessment of the cumulative and synergistic impacts of all factors (determinants of health & health equity) that may impact the overall health and well-being, must be included within the Environmental Assessment of the Southwestern Landfill (Walker). A copy of the Council resolution and Dr. Neal's report are attached for convenient reference.

Council's support of Dr. Neal's position has been consistent and unwavering. WEG submitted the Southwestern Landfill Proposal Terms of Reference to the MOE on August 29, 2013. During the subsequent public review period, submissions were filed by each of our municipal partners and through the coordinated effort of our JMCC/PRT technical review. In October 2013, in a letter to County Council regarding the Terms of Reference and Work Plan for the proposed Environmental Assessment, Dr. Neal stated that a more comprehensive health impact assessment was needed. Council included Dr. Neal's letter as part of our official response during the public comment period for the Southwestern Landfill Terms of Reference.

During the subsequent review by the Government Review Team (GRT), the MOE extended the review period on several occasions to allow WEG to conduct additional consultations with stakeholders and provide the GRT with more detailed responses to some comments received by the MOE. Subsequently, on February 25, 2014, Oxford County Public Health & Emergency Services (PHES) met with representatives from Walker Environmental Group (WEG) to review their draft response to the Acting Medical Officer of Health's comments contained within the County of Oxford's submission to the Ministry of the Environment. At that meeting, Dr. Neal continued to stress the need for an in-depth Health Impact Assessment be included as part of the EA process.

As stated earlier, WEG issued a 3-page Amendment to the ToR on April 2, 2014. The initial 30-day review period was subsequently extended at our request to a 45-day review period. WEG also issued a completed Record of Consultation providing its further responses to comments received on the ToR and Supporting documents.

In the Southwest Landfill Proposal Amendment to the TOR issued April 2, 2014, WEG added the following commitment (#12):

In addition to the proposed health risk assessment, WEG's health expert will carry out a screening-level review of the socio-economic assessment results to determine the potential for related health effects, and if any significant negative effects are identified, WEG's health expert will work closely with the social, economic and environmental experts to adapt or augment their mitigation recommendations to minimize or eliminate these potential effects, and characterize any residual net effects for the purposes of this EA.

Based on consultation with public health officials from Public Health Ontario and upon reviewing Toronto Public Health's Health Impact Assessment Framework, Dr. Neal has determined that WEG's proposal to carry out a screening-level review of the socio-economic assessment results does not adequately address his recommendation for an In-Depth Health Impact Assessment process. WEG's proposal fails to capture the scoping step that considers the content of the Health Impact Assessment and the assessment and reporting stages that describes the potential health impacts of the proposed project, the impacts on health determinants, identification of health inequities and assessment of their potential nature and magnitude. Only an In-Depth Health Impact Assessment will provide PHES with the information needed to make informed and evidence based decisions regarding any potential health effects associated with the proposed landfill.

In Ontario, the *Environmental Assessment Act* defines the word "environment" to include human life. According to a 2004 Health Canada publication entitled *Canadian Handbook on Health Impact Assessment* (Volume 1 p. 7-3):

The major reason why health is not sufficiently included in EA is lack of awareness...There are also individuals who are of the opinion that health is automatically protected within EA if environmental protection measures are adequate. This is naïve and inaccurate since it does not take account of the physical health of humans (e.g. bioaccumulation) or the social, community and psychological aspects of health and well-being.

A Health Impact Assessment can and should be integrated with Environmental Assessments, Environmental Screening or Class EA processes in order to provide key health impact conclusions and recommendations at key decision making stages of those processes (Toronto Public Health, Health Impact Assessment Framework, February 2008). This in turn informs the decision making process that is based on evidence and provides critical input to the evaluation of alternatives so as to minimize negative and maximize positive health impacts.

Our submission to the formal public review period ending May 20, 2014 is to ask the Province to require Walker Environmental Group to further revise the Southwestern Landfill (Walker) Proposal Terms of Reference to include an In-Depth Health Impact Assessment, including a comprehensive assessment of the cumulative and synergistic impacts of all factors (determinants of health & health equity) that may impact the overall health and well-being of our citizens today and in the future. In the words of Dr. Neal, "Citizens of Oxford deserve nothing less".

Yours truly,



Peter Crockett, P.Eng.
Chief Administrative Officer
/cjs

COPY

Attach.

cc: JMCC members
Dr. Douglas Neal, Acting Medical Officer of Health

COUNTY OF OXFORD
REPORT NO. MOH 2014-01
ACTING MEDICAL OFFICER OF HEALTH
APRIL 23, 2014

Recommendations Contained in Report No. MOH 2014-01:

1. That County Council endorse the Acting Medical Officer of Health's position that an In-Depth Health Impact Assessment, including a comprehensive assessment of the cumulative and synergistic impacts of all factors (determinants of health & health equity) that may impact the overall health and well-being, must be included within the Environmental Assessment of the Southwestern Landfill (Walker) Proposal, as outlined in Report MOH 2014-01;
2. And further, that the Council endorsement of the Acting Medical Officer of Health's position and Report MOH 2014-01 be filed with the Ministry of the Environment in accordance with the requirements of the public comment period closing May 20, 2014 for the Southwestern Landfill (Walker) Amendment to the Terms of Reference;
3. And further, that the Warden sign a letter to the Premier of Ontario, the Minister of Health and Long Term Care and the Minister of the Environment with copies to the Member of Provincial Parliament (Oxford), the Leaders of the New Democratic Party of Ontario and the Progressive Conservative Party of Ontario and the Chief Medical Officer of Health for Ontario, outlining the contents position of the County of Oxford;
4. And further, that the Councils of the Townships of Zorra and South-West Oxford and the Town of Ingersoll be asked to support the County of Oxford Council position and Report MOH 2014-01.

RESOLUTION NO. 11:

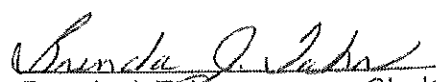
Moved by: David Mayberry
Seconded by: Sandra Talbot

That the recommendations contained in Report No. MOH 2014-01, titled "Response to Southwestern Landfill (Walker) Proposal Terms of Reference Addendum", be adopted.

DISPOSITION: Motion Carried

The recommendations contained in Acting Medical Officer of Health Report No. MOH 2014-01, dated April 23, 2014, were adopted by Oxford County Council Resolution No. 11, dated April 23, 2014.

I, Brenda J. Tabor, Clerk of the County of Oxford, do hereby certify that the foregoing is a true copy of Resolution No. 11, dated April 23, 2014, passed by Oxford County Council on April 23, 2014.


Brenda J. Tabor, Clerk

To: Warden and Members of County Council

From: Acting Medical Officer of Health

Response to Southwestern Landfill (Walker) Proposal Terms of Reference Addendum

RECOMMENDATIONS

1. That County Council endorse the Acting Medical Officer of Health's position that an In-Depth Health Impact Assessment, including a comprehensive assessment of the cumulative and synergistic impacts of all factors (determinants of health & health equity) that may impact the overall health and well-being, must be included within the Environmental Assessment of the Southwestern Landfill (Walker) Proposal, as outlined in Report MOH 2014-01;
2. And further, that the Council endorsement of the Acting Medical Officer of Health's position and Report MOH 2014-01 be filed with the Ministry of the Environment in accordance with the requirements of the public comment period closing May 20, 2014 for the Southwestern Landfill (Walker) Amendment to the Terms of Reference;
3. And further, that the Warden sign a letter to the Premier of Ontario, the Minister of Health and Long Term Care and the Minister of the Environment with copies to the Member of Provincial Parliament (Oxford), the Leaders of the New Democratic Party of Ontario and the Progressive Conservative Party of Ontario and the Chief Medical Officer of Health for Ontario, outlining the contents position of the County of Oxford;
4. And further, that the Councils of the Townships of Zorra and South-West Oxford and the Town of Ingersoll be asked to support the County of Oxford Council position and Report MOH 2014-01.

REPORT HIGHLIGHT

- To seek County Council endorsement of the Acting Medical Officer of Health response to the Southwestern Landfill (Walker) Proposal Amendment to the Terms of Reference.

Implementation Points

The Southwestern Landfill (Walker) Proposal Amendment to the Terms of Reference is open for public comment to the Ministry of the Environment until May 20, 2014. Any resolution of Council

pertaining to this matter will be submitted to the Ministry of the Environment in accordance with the requirements of the public review period.

Financial Impact

There are no financial implications to the County of Oxford associated with this report. The Treasurer has reviewed this report and agrees with the financial impact information.

Risks/Implications

There are no risks or implications to the County of Oxford with regard to this report. To meet the associated deadlines for public comment on the matter, any Council position must be finalized and submitted to the Ministry of the Environment prior to the May 20, 2014 deadline.

Strategic Plan

County Council adopted the County of Oxford Strategic Plan at its regular meeting held March 27, 2013. The initiative contained within this report supports the Values and Strategic Directions as set out in the Strategic Plan as it pertains to the following Strategic Directions:

1. ii. *A County that Works Together* – Enhance the quality of life for all of our citizens by:
 - *Implementing a healthy community strategy*
 - *Working with community partners and organizations to maintain / strengthen public safety*
3. i. *A County that Thinks Ahead and Wisely Shapes the Future* – Influence federal and provincial policy with implications for the County by:
 - *Advocating for human and health services, facilities and resources, support for local industry, etc.*
3. iii. *A County that Thinks Ahead and Wisely Shapes the Future* - Apply social, financial and environmental sustainability lenses to significant decisions by assessing options in regard to:
 - *Potential impacts to the vulnerable population in our community*
 - *Responsible environmental stewardship*

DISCUSSION

Background

A Health Impact Assessment is an important process employed by some local health units so that the Medical Officer of Health can make more informed decisions regarding major projects and their health impacts. A Health Impact Assessment can be integrated with Environmental Assessments, Environmental Screening or Class EA processes and can provide key health

impact conclusions and recommendations at key decision making stages of those processes (Toronto Public Health, Health Impact Assessment Framework, February 2008). This in turn informs the decision making process that is based on evidence and provides critical input to the evaluation of alternatives so as to minimize negative and maximize positive health impacts. In Ontario, the Environmental Assessment Act defines the word environment to include human life. According to a 2004 Health Canada publication entitled Canadian Handbook on Health Impact Assessment (Volume 1 p. 7-3)

The major reason why health is not sufficiently included in EA is lack of awareness... There are also individuals who are of the opinion that health is automatically protected within EA if environmental protection measures are adequate. This is naive and inaccurate since it does not take account of the physical health of humans (e.g. bioaccumulation) or the social, community and psychological aspects of health and well-being.

During a consultation with a colleague, who has experience working in two health unit areas (Hamilton and Niagara) that have existing landfills operating in former quarries, advice was received which supported the inclusion of a Health Impact Assessment as part of an EA related to landfills.

Comments

On February 25, 2014, Oxford County Public Health & Emergency Services (PHES) met with representatives from Walker Environmental Group (WEG) to review their draft response to the Acting Medical Officer of Health comments contained within the County of Oxford's submission to the Ministry of Environment as outlined in Report CAO 2013-12, October 23, 2013. At this meeting, Public Health continued to stress the need for a Health Impact Assessment to be included as part of the EA process. During the February 25th, 2014 meeting, WEG committed to consulting with PHES on health impacts in the future should the EA proposal be approved to proceed.

In the Southwest Landfill Proposal Amendment to the TORS issued April 2, 2014, WEG has added the following commitment (#12):

In addition to the proposed health risk assessment, WEG's health expert will carry out a screening-level review of the socio-economic assessment results to determine the potential for related health effects, and if any significant negative effects are identified, WEG's health expert will work closely with the social, economic and environmental experts to adapt or augment their mitigation recommendations to minimize or eliminate these potential effects, and characterize any residual net effects for the purposes of this EA.

Based on consultation with public health officials from Public Health Ontario and upon reviewing Toronto Public Health's Health Impact Assessment Framework, WEG's proposal to carry out a screening-level review of the socio-economic assessment results does not adequately address this department's recommendation for an In-Depth Health Impact Assessment process. WEG's proposal fails to capture the scoping step that considers the content of the Health Impact Assessment and the assessment and reporting stages that describes the potential health

impacts of the proposed project, the impacts on health determinants, identification of health inequities and assessment of their potential nature and magnitude. An In-Depth Health Impact Assessment would allow Public Health to analyze and summarize information related to the potential health effects associated with the proposed landfill in an informed and evidence based manner.

Conclusions

This report recommends that County Council endorse the Acting Medical Officer of Health's position that an In-Depth Health Impact Assessment, including a comprehensive assessment of the cumulative and synergistic impacts of all factors (determinants of health & health equity) that may impact the overall health and well-being, must be included within the Environmental Assessment of the Southwestern Landfill (Walker) Proposal. In addition, that this report be forwarded to the Ministry of the Environment in compliance with the Southwestern Landfill (Walker) Amendment to the Terms of Reference public comment period closing May 20, 2014.

SIGNATURE

Departmental Approval:

Original signed by _____

Dr. Douglas A. Neal
Acting Medical Officer of Health

Approved for submission:

Original signed by _____

Peter M. Crockett, P.Eng.
Chief Administrative Officer