

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

HAUSSMANN  
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.**

---

**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 'CH' followed by a long horizontal stroke.

Chris Hausmann  
Peer Review Manager

Copy: JMCC members  
PRT members