

Public Meeting

February 16, 2017

Spencerville, Ontario

ED-19

Questions

and

Answers

1. Will the Counties commit to include a covenant on title to restrict the owner to not expand beyond the current Environmental Compliance Approval (ECA)?

At this time, the Counties Council has not provided any further directions to staff relating to a covenant on title to restrict the owner to not expand the waste disposal site beyond the current ECA. The Counties' position relating to past discussions with a buyer is that the site would be sold as is, with the ECA as is.

2. Will the Ministry of the Environment and Climate Change commit to not allowing an expansion of the site if it is purchased by a private firm?

Any expansion of any waste disposal site in Ontario is governed by provincial legislation. The legislation provides for a landfill to expand up to 40,000 cubic meters with an ECA amendment without an environmental assessment. An expansion between 40,000 and 100,000 cubic meters would require an environmental assessment screening, and anything greater than 100,000 cubic meters would require a full individual environmental assessment. Any request for an expansion must follow one of the above processes and shall be subject to MOECC legislative requirements and guidelines. As proposals for landfill expansions are proponent driven, it would be premature to speculate about what decision the ministry might make around an expansion if the site were purchased by a private firm.

3. What sort of compensation will be available to property owners near the site?

When the site was approved, the Counties undertook a program to purchase lands and compensate neighbouring landowners, based on the economic findings from the environmental assessment. This Counties program applied to any properties within 500 metres (½ kilometre) of the site. The Counties purchased most of the lands within this radius, and for those near the edge, they were offered compensation.

There has been no further building or development within the 500 metre radius of the site, thereby warranting any further compensation as per the Counties program. Counties Council has not discussed any potential amendments to this compensation program.

4. What guarantees are available to ensure the water table and water sources are not contaminated? Will the Counties put in place an insurance policy to protect against adverse water affects?

New waste disposal sites are assessed, designed and monitored to ensure unacceptable impacts to groundwater and surface water features do not occur. Monitoring programs and mitigation measures are put in place to help ensure this. The Counties has comprehensive insurance which includes environmental insurance for unforeseen instances of water contamination and other environmental concerns for properties owned by the municipality. Should a private company own and operate the site, financial assurances in a form acceptable to the Province will be required. This will ensure that should a private company default on operations at the site there will be sufficient funds available to the province to address environmental concerns.

5. Why weren't property owners, specifically those building new homes near the site, informed about the waste disposal site?

The Township of Edwardsburgh Cardinal issues all building permits and development permits for construction in its Township. The issuance of any building permits is governed by the Ontario Building Code, as well as land-use planning legislation and policies, in particular the Township's Official Plan and Zoning By-law. Pursuant to the Township's Official Plan, no development shall be considered within the 500 metre radius of the site. Based on a review of records, no new homes were constructed within the 500 meter radius since the Approval was issued in 1998.

6. What controls are in place to protect neighbouring property owners from issues such as noise, odour or contamination?

Prior to approving the design and operation of any new waste disposal site the MOECC conducts a detailed technical review based on the contaminating lifespan of the site to ensure that unacceptable impacts to the environment and neighbouring property owners do not occur. Monitoring, reporting and mitigation measures are put in place and enforced through the site's Environmental Compliance Approval to help ensure this.

In the case of noise, hours of operation and buffering are required to be considered. For odour, daily cover must be applied and a landfill gas collection system put in place. In the case of groundwater and surface water contamination, thorough monitoring programs are put in place to detect for any signs of unacceptable contamination before sensitive receivers are impacted (eg a residential well, a creek

or stream). Contingency plans must be developed to address any unforeseen unacceptable impacts..

7. What assurances are there that the haul route will comply with the original approval?

The haul route was a significant part of the original environmental assessment. It is part of the Environmental Compliance Approval and therefore must be adhered to. As outlined in the approval, the route shall be County Road 22 to Byers Road, and then directly to the site. Byers Road will be upgraded to a County Road and assumed by the Counties when the site is opened.

8. How can the public request a reassessment of the original approval?

The Ministry of the Environment and Climate Change has confirmed that the current Environmental Compliance Approval is still valid and in effect. The public may communicate with the Minister and make such a request. The Minister will be guided by his/her powers and legislative authority.

9. How many approvals have sat dormant for 20 years, such as the one for ED-19?

The Counties is unaware of this number. The Ministry of Environment and Climate Change representatives at the Public Meeting held February 16, 2017 noted at that time they were not aware of any.

10. If the Counties does not feel it is feasible to open/operate the site, why would it be different for the private sector?

Municipal governments have owned and operated many local waste disposal sites, presently and in the past. In order to open ED-19, the estimated cost is between \$15 and \$20 million. It is the local municipalities that are responsible for waste collection and disposal. Therefore, the Counties would not be able to require local municipalities to take their waste to ED-19. It is a risk that the Counties is not currently prepared to take, especially based on current infrastructure funding needs for roads and bridges. The private sector already deals with municipalities, in both collection and disposal, thereby reducing their risks. Furthermore, the private sector waste companies have qualified staff and experts that deal with ensuring compliance with all legislative and policy requirements.

11. What will the Counties do if the land and water are contaminated by the proposed waste disposal site?

As per Question #4, new landfill sites are assessed to ensure that unacceptable impacts to land, air and water do not occur. Monitoring, reporting and mitigation measures are put in place to help ensure this. Should unforeseen unacceptable impacts occur, the County would be required to enact contingency measures for the site. The design for ED-19 landfill with an engineered liner and leachate collection system will help to prevent contamination of the land and water.

12. What measures are in place to ensure a private company is compliant with the approval?

The same measures that apply to municipal waste management operations apply to private companies. The only real difference is the Province requires financial assurances from the private sector whereas it does not for municipalities. The MOECC will evaluate compliance with environmental legislation and conditions of the environment approval through routine site inspections and review of the annual monitoring program reports. Various abatement and enforcement tools are available to achieve compliance, including notice of violation, abatement plans, orders, tickets and prosecutions.

13. Have Ministry representatives attended the site since the initial approval was granted?

The Counties is not in a position to respond on behalf of Ministry representatives with respect to this question.

14. What will the Ministry require from a private developer of the site as a form of protection in the case of contamination or nuisance (i.e. odour, traffic)?

A private developer for the site will be subject to the same Conditions in the Environmental Compliance Approval as the County is subject to in order to prevent unacceptable impacts to the environment and neighbouring property owners. The MOECC will also require financial assurances from a private owner to ensure funds are available for the ministry to address environmental concerns should the private owner default on site operations. As noted in the response to Question #6 above, the site must be designed and operated according to the approved Design and Operations Plan. The Ministry also has the ability to assess and enforce such requirements through inspections, orders, tickets and/or prosecutions.

15. Will a new approval process be undertaken to include any Species at Risk issues?

The Species at Risk Act is a Provincial law that applies throughout all of Ontario. In order to develop ED-19, a Species at Risk assessment and study shall be required. The legislation outlines the ability or inability to mitigate any species at risk findings.

16. Would property value protection be put in place?

The ED-19 site is an approved use pursuant to the Township's Zoning by-law and Official Plan. Municipal governments cannot put any property value protection in place. In order to minimize any value loss, the site has been planned with significant buffering and the Zoning/Official Plans do not permit new development within 500 meters of the site.

17. What can be done to stop the sale and development of the site by a private firm?

The lands are owned by the United Counties of Leeds and Grenville. Any decision to sell Counties properties rests with Counties Council.