

Report to/Rapport au :

Environment Committee
Comité de l'environnement

and Council / et au Conseil

October 16, 2012
16 octobre 2012

Submitted by/Soumis par :

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CUMBERLAND (19)

Ref N°: ACS2012-COS-ESD-0024

**SUBJECT: TERMS OF REFERENCE FOR AN ENVIRONMENTAL
ASSESSMENT OF THE PROPOSED CAPITAL REGION
RESOURCE RECOVERY CENTRE**

**OBJET : CADRE DE RÉFÉRENCE D'UNE ÉVALUATION
ENVIRONNEMENTALE DU CENTRE PROPOSÉ DE RÉCUPÉRATION
DES RESSOURCES DE LA RÉGION DE LA CAPITALE**

REPORT RECOMMENDATIONS

That the Environment Committee recommend Council:

- 1. Endorse the comments contained in Document 1 as the City's comments on Taggart Miller Environmental Services Terms of Reference for an Environmental Assessment of the Proposed Capital Region Resource Recovery Centre.**
- 2. Commit up to a maximum of \$50,000, non-renewable, from the Solid Waste Reserve Fund to be distributed to community groups within the city of Ottawa, in the area surrounding the proposed Taggart Miller facility, to help retain experts to assist with technical peer review during the environmental assessment process; and**
- 3. Delegate to the City Treasurer the authority to determine which City of Ottawa groups receive funding and to ensure that the appropriate rules with respect to the distribution and usage of the funds are strictly followed.**

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'environnement recommande au Conseil :

- 1. D'avaliser les commentaires contenus dans le Document 1 en tant que commentaires de la Ville sur le cadre de référence de Taggart Miller Environmental Services pour une évaluation environnementale du Centre proposé de récupération des ressources de la région de la capitale.**
- 2. De s'engager à distribuer un maximum 50 000 \$ non renouvelable du fonds de réserve des déchets solides aux groupes communautaires de la ville d'Ottawa et de la zone qui entoure l'installation proposée de Taggart Miller pour les aider à retenir les services d'experts chargés de participer à l'examen technique par les pairs au cours du processus d'évaluation environnementale;**
- 3. De déléguer au trésorier de la Ville le pouvoir de déterminer quels groupes de la ville d'Ottawa recevront un financement et de s'assurer que les règles appropriées concernant la distribution et l'utilisation des fonds sont strictement respectées.**

EXECUTIVE SUMMARY

Assumptions and Analysis:

Taggart Miller Environmental Services (Taggart Miller), a joint venture of the Taggart group of companies and Miller Waste Systems Inc. (Taggart Miller) are proposing to complete an Environmental Assessment (EA) for an integrated waste management facility, called the Capital Region Resource Recovery Centre (CRRRC). The facility is proposed to service the Industrial, Commercial and Institutional (IC&I) and Construction and Demolition (C&D) sectors in Ottawa and Eastern Ontario.

Two potential sites for the proposed CRRRC have been identified: the North Russell Road site is located in the northwest part of Russell Township, and the Boundary Road Site located east of Boundary Road and south of Highway 417 in the City of Ottawa.

The components of the CRRRC are currently envisaged to include, subject to the results of the EA:

- Materials recovery facility (MRF) for recyclable commercial waste;
- Construction and demolition waste processing;
- Organics processing to produce products such as fuel and a biologically stabilized residual for landfill disposal;
- Hydrocarbon contaminated soil treatment;
- Surplus soil management;
- A drop off area for separated materials or separation of materials;
- Leaf and yard waste composting (if there is enough material available); and
- An engineered landfill for waste materials that are not recycled or otherwise diverted from disposal.

The CRRRC is proposing to accept waste at a rate of approximately 1000 to 1,500 tonnes per day or an equivalent of 300,000 to 450,000 tonnes per year. They expect the landfill to operate for approximately 30 years. Miller Taggart estimates that the corresponding landfill air space is to be in the 8 to 12 million cubic metre range.

The first step in the application for approval to proceed with an undertaking under the Environmental Assessment Act is the approval of a Terms of Reference (ToR) by the Minister of the Environment. The ToR provides the framework for what will be studied in the EA and the public consultation that will occur. Taggart Miller submitted their proposed ToR to the Ministry of the Environment (MOE) on September 14, 2012. Members of the public, review agencies and the City of Ottawa have until October 15, 2012 to submit comments to the Ministry of the Environment (MOE) on the ToR. The MOE has confirmed that the City of Ottawa can submit comments upon approval by Council on October 24, 2012, despite being past the deadline.

City staff have conducted a thorough review of Taggart Miller's ToR. Details of staff comments on the draft ToR are provided in the body of this report and the entirety of the comments are contained in Document 1 of this report.

Funding for Access to Technical Support for Affected Community Members:

The City of Ottawa recognizes the significance and potential impact that the Capital Region Resource Recovery Centre may have on local businesses, residences and communities. To that end, the City desires a full and balanced Environmental Assessment of Taggart Miller's proposed Capital Region Resource Recovery Centre. The City also recognizes that often the public is not able to participate fully in the environmental assessment process due to their lack of technical knowledge and expertise in some of the environmental impacts to be explored in the EA process.

For this reason, we are recommending that funding be provided to community groups within the city of Ottawa, in the area surrounding the proposed Taggart Miller facility, to help retain experts to assist with technical peer review during the environmental assessment process. The funding will enable community members to retain experts such as hydrogeologists, engineers or lawyers to assist them during the environmental assessment process.

The technical experts would help community members fully evaluate the information provided by Taggart Miller in its draft terms of reference, as well as other information that will be made available during the environmental assessment process.

This funding will only be required and distributed if the Ministry of the Environment approves the Terms of Reference and that future investigations determine that the Boundary Road Site is the preferred location for the proposed landfill site.

Financial Implications:

It is recommended that the City commit up to a maximum of \$50,000, non-renewable, from the Solid Waste Reserve Fund to be distributed to community groups within the city of Ottawa, in the area surrounding the proposed Taggart Miller facility, to help retain experts to assist with technical peer review during the environmental assessment process. In addition, the City anticipates future review work during the EA process will consume staff time and external consulting services.

Public Consultation / Input:

Taggart Miller carried out public consultation, primarily with stakeholders affected by the proposed North Boundary Road Site located in the Township of Russell, prior to the ToR being submitted to the MOE.

The ToR proposes a public and agency consultation program to be carried out during the EA. Public Consultation by City staff was not conducted in the writing of this report.

In order to provide access to technical expertise for affected community members, it is recommended that staff administer the funding to ensure the necessary controls are in place.

BACKGROUND

Provincial Direction on Waste Management and Environmental Assessment (EA) Policy

Recognizing a looming waste management problem, Ontario governments in the late 1980's and early 1990's introduced a variety of policies, regulations and funding programs to introduce, develop and enhance waste diversion, including the *Waste Diversion Act*, 2002. In June 2004, the Ministry of the Environment (MOE) released a Discussion Paper and conducted public consultation sessions on how to achieve the Provincial-wide goal of 60% waste diversion in both municipal and industrial, commercial and institutional (IC&I) sectors with extensive discussions on several key topics such as:

- Accelerating centralized composting for residential waste;
- The feasibility of phasing-in a ban on disposal of key organics and recyclable materials;
- Renewing commitment on IC&I waste diversion;
- Reducing packaging and increasing the recycled content in products and packaging;
- Finding new waste diversion technologies; and
- Initiating a Province-wide monitoring system for waste.

However, since that time, the Province has not taken any substantive action directing the IC&I sector to meet the 60% diversion goal, nor has it progressed beyond guidelines for diversion relating to municipal solid waste.

In 2009, the Province again initiated a public consultation program associated with possible changes to the *Waste Diversion Act*. Broad sector consultation occurred in late 2009, including a consultation session hosted at the City of Ottawa City Hall. The City submitted comments on the proposed changes to this Act by way of Council endorsed position (Report No. ACS2010-ICS- ESD-0008). Unfortunately, the Act has not progressed further than the consultation phase.

The EA to be completed for Taggart Miller's CRRRC will proceed within the current Provincial waste diversion policy regime and under the current EA process discussed below.

Environmental Assessment Process

The *Environmental Assessment Act* provides for the protection, conservation and wise management of Ontario's environment by creating an accountable, logical and clear process of provincial decision-making with significant opportunity for public review and input. The Act promotes environmental planning by requiring the proponent of an undertaking, such as a landfill expansion proposal, to obtain approval of that undertaking by the Minister of Environment prior to implementation of any significant works.

In developing the EA process, the Province has determined the various steps of the process, including opportunities for public input and comment and the Minister's decision-making requirements. It is important to remember that a proponent, such as Taggart Miller, embarks on the EA process with the ultimate approval authority being the Minister of Environment. As such, a municipality in which a proposed landfill is situated is one key stakeholder amongst a variety of other stakeholders and provides its comments on the EA process to both Taggart Miller and the Minister of Environment.

Further, the MOE allows proponents to "focus" EAs. The following is excerpted from the MOE *Code of Practice, Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario*:

Defining that the environmental assessment is to be prepared in accordance with 6(2)(c) and 6.1(3) of the *Environmental Assessment Act* (that is, including more or less of the generic requirements outlined in subsection 6.1(2)) is commonly known as "focussing" though the term is not used in the legislation. The elements of the environmental assessment that is prepared under subsection 6.1(3) should not differ drastically from the generic elements outlined in subsection 6.1(2), and the proponent must be clear in the terms of reference about what will be different. Justification for following subsection 6(2)(c) must be provided in the proposed terms of reference and is subject to the Minister's approval.

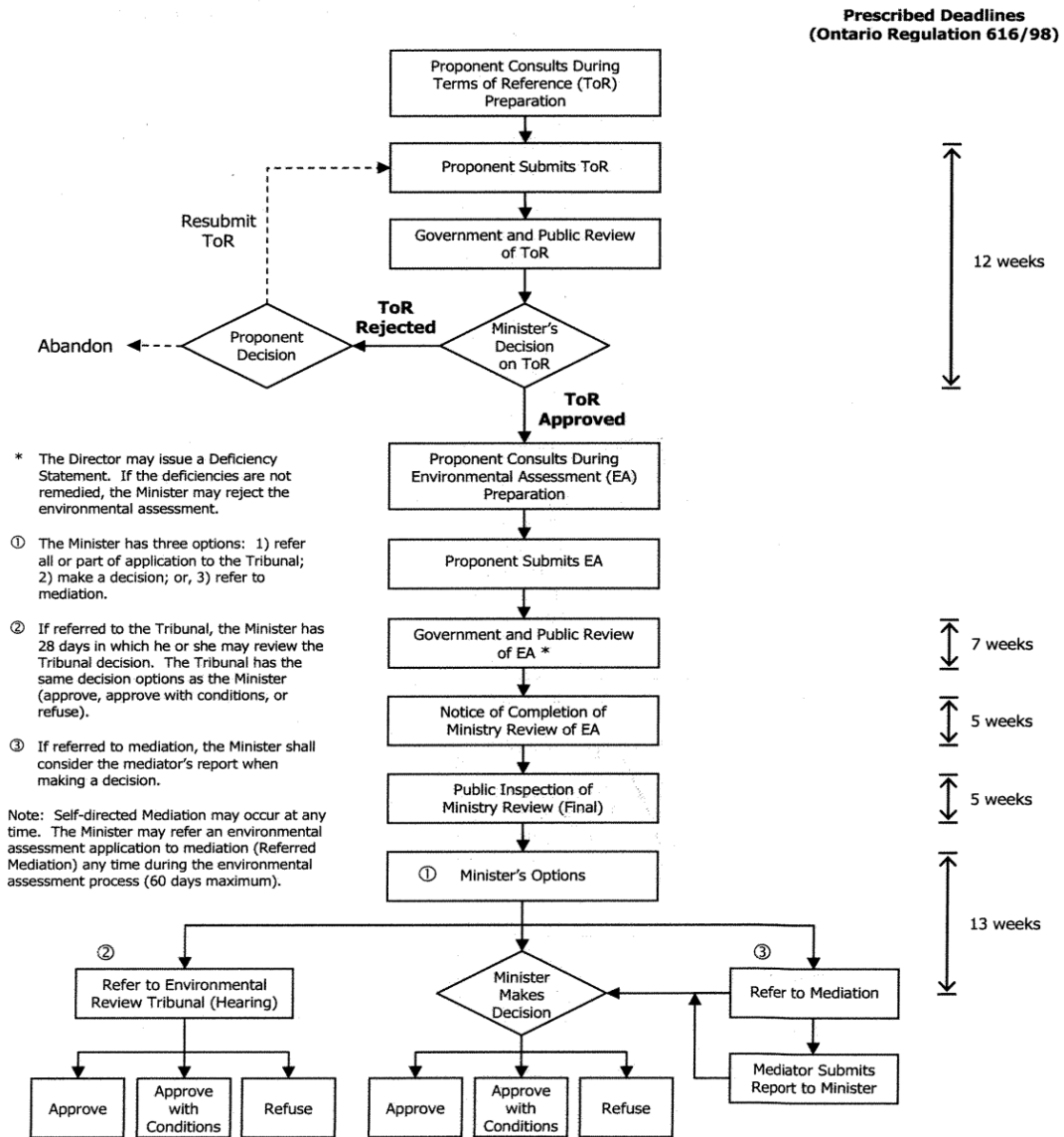
The Code of Practice goes on to say:

The content of each terms of reference will differ based on the proposed undertaking, or the problem or opportunity. The content and amount of detail

identified in a terms of reference will also differ based on how far in the planning process the environmental assessment process was initiated.

The EA process and timelines are graphically summarized in the following flow chart.

Appendix A Environmental Assessment Process Timelines



Terms of Reference Content

In general, a ToR identifies the purpose of a proposal, provides a general description of both the proposal and the environment that may be potentially affected by the proposed undertaking, outlines alternatives that will be considered in the EA and identifies the broad issues that need to be assessed. The ToR is not intended to examine or develop any or all mitigation requirements. Rather, the EA process is intended to examine and assess all aspects of the undertaking identified in the approved ToR.

The ToR also includes a description of the public consultation that will take place during the preparation of the EA.

Environmental Assessment Terms of Reference Review Process

Taggart Miller published a Notice of Commencement on November 10, 2010 indicating their intention to build and operate a waste management facility at the location on North Russell Road. Following public opposition, Taggart Miller announced on June 6, 2012, that it had identified an alternative site on Boundary Road, within the boundaries of the City of Ottawa.

Taggart Miller formally submitted its proposed ToR for an Environmental Assessment of the Proposed Capital Region Resource Recovery Centre on September 14, 2012. Notification of the submission was published in local newspapers and provided on the project website and through email distribution to stakeholders.

Once the proposed ToR is formally submitted to the MOE, the Minister must make a decision about the proposed ToR within twelve (12) weeks of the commencement of regulated timelines. The Minister's decision is valid even if it is made after the applicable deadline. There are provisions within the *Environmental Assessment Act* and the deadline regulation to adjust the deadlines in the event of an amendment to the proposed ToR by the proponent, or if any matter is referred to mediation. The Director of the MOE's Environmental Assessment and Approvals Branch (EAAB) may also choose to extend the approval deadlines, if extraordinary circumstances exist to justify the extension.

The Minister has three options regarding ToR approval. The Minister may approve the ToR, approve the ToR with Ministerial modifications, or refuse the ToR. The Minister will only approve the ToR "if the Minister is satisfied that an EA prepared in accordance with them will be consistent with the purpose of this Act and with the public interest." Should there remain significant issues, the Minister may decide to refer them to mediation throughout the ToR preparation and evaluation process.

An approved ToR will represent an agreement between Taggart Miller and the Minister regarding the work that is required during the EA to determine the potential impacts of a landfill expansion and waste processing facility proposal on the environment and mitigation measures. Although the ToR document is intended to be comprehensive, in some cases the results of the work undertaken may indicate that additional work is required to fully assess the applicant's proposal.

The approved ToR will play a significant role in the Minister's decision on the approval or rejection of the EA. If an EA document does not meet the commitments made in the approved ToR, the Minister may choose to deny the application to proceed.

Environmental Assessment Phase

Following approval of the ToR, Taggart Miller will carry out the actual EA. This step will involve conducting various studies and assessments identified as necessary in the EA ToR. This step of the EA is the longest in duration as it involves the preparation of many studies and may involve consultation at the discretion of Taggart Miller. This step does not have any prescribed timelines and will likely take one to two years to complete. There is the possibility that issues not previously identified in the ToR may require investigation in the EA to allow for flexibility. Taggart Miller's ToR suggests modifications to the ToR, such as minor changes in methodology or the level of detail in studies, or modifications to the proposed public consultation program, could be accommodated within the proposed ToR framework without requiring approval for an amendment to the ToR.

The proponent may create various teams, such as a government review team (GRT), public advisory groups, and technical advisory committees, among others, to help ensure that potential issues are identified and resolved.

Submission of the EA Document

Once all of the work outlined in the ToR is completed, the proponent, Taggart Miller, must submit the now comprehensive Environmental Assessment report to the MOE. Taggart Miller is required to give public notice of their formal submission of its EA document. Once this notice has been given, the public has a minimum of thirty (30) days to make a written submission to the MOE regarding the proposal, the EA and the MOE review. During this time, anyone, including Taggart Miller, may make a written request to the Minister suggesting:

- What issues are outstanding;
- How these might be resolved through specific conditions of approval; and
- Whether a hearing should be held by the Environmental Review Tribunal (ERT).

Provincial Review and Decision Making Process

The EAAB coordinates a review of the document soliciting comments from various participating committee members, First Nations and the public. The MOE reviews the EA, identifies any shortcomings and assesses whether the requirements of the *Environmental Assessment Act* have been addressed. As well, the MOE review will also identify whether the preparation of the EA document has been carried out in accordance with the approved ToR.

Ultimately, the Minister will decide whether to:

- Refer all or part of the matter to the ERT for a hearing, or for a decision;
- Refer the EA or a particular issue to mediation; or
- Approve the proposed undertaking and stipulate any conditions of the approval.

If a hearing is not required, the Minister may give or deny approval. Cabinet must ratify the Minister's decision. If the Minister refers all or a portion of an application for a hearing, the ERT must schedule and provide notification of the hearing to the public. The ERT may approve or refuse approval of the proposal. A decision by the ERT comes into effect twenty-eight (28) days after it is issued, unless the Minister, with Cabinet approval, varies the decision or requires the ERT to hold a new hearing.

The Deadlines Regulation provides for the Minister to make a decision on an EA submission within thirty (30) weeks of submission to the MOE. A current full EA process from start to finish, including preparation and submission of a ToR and EA documentation for a proposed waste management facility – assuming no major public opposition – usually proceeds over a three to four year timeframe.

Opportunities for Public Input

Consultation is key to the EA planning framework outlined by the *Environmental Assessment Act*. The Act requires public notice of the ToR, notice to the Clerk of a municipality, notice to other persons, public inspection, approval, and mediation among other consultation initiatives. This obligation is interpreted in detail in the document *Code of Practice: Consultation in Ontario's Environmental Assessment Process* (MOE, June 2007).

In addition to these requirements, due to recent case law, the MOE has implemented a requirement for more comprehensive consultations with First Nations in the EA process. The provincial Crown (in this case, the MOE) will carry out its own verification and confirmation of any First Nations consultation work completed by Taggart Miller as part of the EA review process, and may conduct additional consultation with First Nations as it sees fit.

Related Information

Ottawa's Waste Plan

The City of Ottawa is currently developing a 30-year Waste Master Plan. Phase 1 of the Master Plan outlines the goals, objectives and targets of the plan and was approved by Council on November 23, 2011 (ACS2011-ICS-ESD-0036). In summary, the goals and objectives state:

- Follow the waste hierarchy;
- Minimize waste generation;
- Maximize waste diversion;
- Reserve municipal landfill capacity for residential residual waste; and

- The City leads by example.

Feedback from consultations with the public indicated that the majority of respondents felt it important to find local waste management solutions. During the same consultations, residents indicated that the Industrial, Commercial and Institutional (IC&I) and Construction and Demolition (C&D) sectors should retain primary responsibility for their waste management, but that the City should play a greater role in order to increase diversion and reduce waste disposal.

Plasco Waste to Energy Project

The City is committed to investigating alternative technologies to landfill disposal. In accordance with this strategy, the City has partnered with Plasco Energy Ottawa Inc. to demonstrate gasification technology on residential waste. The demonstration facility, located adjacent to the City's Trail Waste Facility, has been accepting up to 85 tonnes per day of residential waste since January 2008. The City continues to negotiate with representatives from Plasco on the Long-Term Waste Conversion Agreement in accordance with Council's approval of December 14, 2011 (ACS2011-ICS-ESD-0039).

Plasco continues a campaign based operation of its demonstration facility on Trail Road and is providing data to the MOE. Based on this data, the MOE will make a determination on the acceptability of environmental performance of Plasco's technology.

Industrial, Commercial and Institutional Sector (including C&D)

Ottawa's Waste Plan has identified the goal of supporting waste diversion by local businesses and institutions, and the Plan contains aggressive waste diversion targets for both residential and non-residential materials, including specific waste diversion targets for C&D materials. A realistic and sustainable approach to manage non-residential waste must focus on those portions of the system that are within the City's direct control and on areas where the City can have some influence. Moving forward, the City's approach is to educate the IC&I sector about existing programs, lobby for legislative change, assist in market development and lead by example by implementing waste diversion programs in City facilities and public spaces.

DISCUSSION

Taggart Miller Environmental Services, a joint venture of the Taggart group of companies and Miller Waste Systems Inc. (Taggart Miller) proposes to complete an Environmental Assessment (EA) for an integrated waste management facility, to be known as the Capital Region Resource Recovery Centre (CRRRC). The facility would service Industrial, Commercial and Institutional (IC&I) and Construction and Demolition (C&D) sectors in Ottawa and Eastern Ontario.

Two potential sites for the proposed CRRRC have been identified: one site is located in the northwest part of Russell Township and a second site is located in the City of Ottawa, east of Boundary Road and south of Highway 417.

Taggart Miller state that the proposed facility will accept waste at a rate of approximately 1,000 to 1,500 tonnes per day, which is equivalent to the order of 300,000 to 450,000 tonnes per year¹. The facility has an anticipated 30 year operating period, and Taggart Miller have identified that they would like the site to be operational in 2016.

The components of the CRRRC are currently envisaged by Taggart Miller to include, subject to the results of the EA:

- Materials recovery facility (MRF) for recyclable commercial waste;
- Construction and demolition waste processing facility;
- Organics processing to produce products such as fuel and a biologically stabilized residual for landfill disposal;
- Hydrocarbon contaminated soil treatment;
- Surplus soil management;
- A drop off area for separated materials or separation of materials;
- Leaf and yard waste composting (if there is enough material available); and
- An engineered landfill for waste materials that are not recycled or otherwise diverted from disposal.

Taggart Miller submitted their proposed Terms of Reference (ToR) for the Environmental Assessment (EA) of a proposed integrated waste management project, to be known as the Capital Region Resource Recovery Centre (CRRRC), for approval to the Ontario Minister of the Environment on September 14, 2012.

Members of the public, agencies and the City of Ottawa have until October 15, 2012 to submit comments on the ToR. However, the MOE has confirmed that the City of Ottawa can submit comments upon approval by Council on October 24, 2012, despite being past the deadline.

Taggart Miller has identified five potential undertakings for consideration, including:

- *Alternative 1* – Do nothing;
- *Alternative 2* – Establish diversion facilities on a Taggart Miller Site and transfer residuals to other disposal sites in Ottawa, in eastern Ontario or in New York State;
- *Alternative 3* – Establish diversion facilities on a Taggart Miller Site and manage residuals disposal by means of a new landfill on the same Site;
- *Alternative 4* – Establish diversion facilities on one of the Taggart Miller Sites and manage residual disposal by means of a landfill located off-Site the other Taggart Miller Site; and
- *Alternative 5* – Establish diversion facilities on one of the Taggart Miller Sites and manage residuals disposal by means of a thermal conversion facility on the same Site.

¹ Based on 300 days of operation per year.

Through the supporting documentation contained within the ToR, Taggart Miller has identified Alternative 3 as the preferred alternative.

As the first step following approval of the ToR, Taggart Miller is proposing to undertake a comparative evaluation of the two alternative sites and identify the preferred site based on assessment criteria put forth in the ToR related to:

- Atmosphere;
- Geology, Hydrogeology and Geotechnical;
- Surface Water;
- Biology;
- Land Use and Socio-Economic;
- Cultural and Heritage Resources;
- Agriculture;
- (Facility) Design and Operations; and
- Traffic.

In addition, if the North Russell Road site is selected as the preferred site, initial geology, hydrogeology and geotechnical work will be conducted to demonstrate the proposed CRRRC landfill is capable of meeting the landfill standards regulation (O. Reg. 232/98).

Taggart Miller's ToR has provided detailed work plans for each of the categories above to be carried out for the preferred site. A more detailed description of the scope of work for each of these potentially impacted areas is contained within Appendix C of the ToR.

Comments on Taggart Miller's ToR

Staff conducted a thorough assessment of the ToR document released by Taggart Miller on September 14, 2012. This assessment is a critical component in the City's review of the environmental soundness of the proposal. The review included comments received from Environmental Services, Legal Services, Planning and Growth Management and Public Health. The assessment has been conducted from a technical and objective perspective to ensure that the application addresses the full spectrum of issues ranging from environmental impact, social and economic sensitivity, and community partnerships to legislative and regulatory requirements.

Many recent landfill proposals conducted in Ontario have proceeded as focused or scoped EA's. Taggart Miller has stated that its intent is to conduct a focused EA. The MOE needs to closely assess Taggart Miller's rationale for a focused EA in its review of the ToR.

In developing the rationale for the undertaking within the ToR, Taggart Miller has identified the following:

“a clear opportunity and need for IC&I and C&D waste management services in the Capital Region and eastern Ontario over the 2016-2046 planning period.”

Taggart Miller suggests the quantity of IC&I and C&D waste material requiring diversion or disposal increases from 1,000,000 tonnes per year to 1,500,000 tonnes per year between 2016 and 2046. The rationale for the proposed project is put forth under two possible scenarios: approval of the proposed Waste Management West Carleton Environmental Centre (WCEC) landfill expansion or rejection of this proposal.

Taggart Miller suggests that approval of the proposed WCEC landfill expansion, combined with the capacity of other existing landfills within eastern Ontario, “would be expected to satisfy a good portion of the projected annual need for IC&I and C&D waste management through 2025”. Without approval of the WCEC landfill expansion, Taggart Miller estimates “the total annual disposal capacity available between 2012 and 2017 is approximately 550,000 tonnes”.

Taggart Miller goes on to propose that disposal capacity will continue to shrink within eastern Ontario as other landfills serving for the disposal of IC&I and C&D reach approved capacity and close.

Staff’s detailed comments on Taggart Miller’s ToR for Committee consideration and Council approval are provided in Document 1.

In general, concerns raised by staff with respect to the ToR include:

- There is no relationship between the proposed waste diversion facilities at the site and the proposed landfill capacity. Clarification is required on the tonnage of waste anticipated to enter the CRRRC, the capacity of each of the diversion facilities at the site, the anticipated diversion rate away from landfill and the ultimate tonnage of residuals to be landfilled or beneficially used at the landfill. Clear diversion targets should be established by Taggart Miller. Landfill capacity should be determined based on these established diversion targets only.
- Staff wish to make sure that there is appropriate public consultation on identification of the preferred site and on configuration of the facility on the preferred site.
- The City has concerns over how projected waste tonnages were calculated in the ToR.

The comments in Document 1 are grouped by subject. Based on the current document, the City’s assessment is that Taggart Miller has generally met the requirements of the EA guidelines. However, there are several areas of the ToR where clarification, further detail, and more robust analysis is required in order to ensure all potential impacts of Taggart Miller’s proposal are identified and mitigated and sufficient opportunity is provided for public consultation and feedback.

As a key stakeholder in the process and as the host community for one of the alternative sites being considered for the undertaking, the City’s comments and concerns will be given serious weight and consideration by the EAAB of the MOE. However, the ultimate decision making authority for all steps in the EA process rests with Minister of Environment.

Future Steps & EA Timeline

Next Steps – City of Ottawa

Following formal consideration and approval of the attached City's comments at the October 24, 2012 Council meeting, including any amendments, the City's comments will be forwarded to the MOE for consideration for inclusion in the finalized ToR.

Staff will continue to follow Taggart Miller's progress through the EA process. Should the Boundary Road Site be selected as the preferred alternative, it is anticipated that City staff will bring forward future reports on any other comments through the various stages of the EA.

Next Steps – Taggart Miller

The ToR, as required, has been posted on the Provincial Government's Environmental Registry to start the mandatory 12 week review period. The public and technical review agencies can submit their comments to the MOE for their consideration in assessing the completeness of the ToR application.

If the tentative timeframe is followed, the Minister's decision on the ToR will be forthcoming in early December. At that point, the Minister's decision may be to either approve the ToR, approve with modifications or refuse the ToR. If refused, the ToR may be revised and re-submitted. If approved, Taggart Miller will commence work on the preparation of the EA within the context of the approved ToR. Taggart Miller will conduct public consultation on the EA and the Ministry will also accept comments on the EA and the Ministry's review of the EA.

Following submission of the City's comments on the ToR, there are two more statutory-mandated opportunities to provide comments to the MOE (once on the Ministry Review of the EA document) and Taggart Miller (once on the EA) in the EA process.

Funding for Access to Technical Support for Affected Community Members

The City of Ottawa recognizes the significance and potential impact that the Capital Region Resource Recovery Centre may have on local businesses, residences and communities. To that end, the City desires a full and balanced Environmental Assessment of Taggart Miller's proposed Capital Region Resource Recovery Centre. The City also recognizes that often the public is not able to participate fully in the environmental assessment process due to their lack of technical knowledge and expertise in some of the environmental impacts to be explored in the EA process.

For this reason, we are recommending that funding be provided to community groups within the city of Ottawa, in the area surrounding the proposed Taggart Miller facility, to

help retain experts to assist with technical peer review during the environmental assessment process. . The funding will enable community members to retain experts such as hydrogeologists, engineers or lawyers to assist them during the environmental assessment process.

The technical experts would help community members fully evaluate the information provided by Taggart Miller in its draft terms of reference, as well as other information that will be made available during the environmental assessment process.

This funding will only be required and distributed if the Ministry of the Environment approves the Terms of Reference and that future investigations determine that the Boundary Road Site is the preferred location for the proposed landfill site.

RURAL IMPLICATIONS

Taggart Miller is proposing that IC&I and C&D waste from both rural and urban areas, including the City of Ottawa and seven counties in eastern Ontario be accepted at the proposed CRRRC facility

Two alternative sites are being considered, one of which is located east of Boundary Road within the boundaries of the City of Ottawa, in a rural area.

CONSULTATION

On November 10, 2010, Taggart Miller publicly announced its EA through a Notice of Commencement. In conjunction with the Notice, Taggart Miller notified neighbours and the community of the proposed undertaking through hand delivered letters to neighbouring residents, an email to stakeholders, notification on the project website and advertisements in the local newspapers. Review agencies, Aboriginal communities, federal ministries and departments, Provincial ministries and conservation authorities were also notified of the project. Comments received from the Government Review Team (GRT) were reviewed by Taggart Miller and responded to.

Taggart Miller consulted with a broad range of stakeholders on the development of the ToR, largely from the Township of Russell, prior to consideration of the Boundary Road Site. Those stakeholders listed above were also consulted. Ottawa Public Health and Ottawa Fire Services were the only City of Ottawa departments approached regarding the development of the ToR once the Boundary Road site was identified. Environmental Services staff were advised of the addition of the second site on Boundary Road by Taggart Miller's consultant after it had been announced publicly.

Consultation with Russell residents led to the identification of a number of concerns about the merits of the proposed North Russell Road Site, specifically that Taggart Miller should be considering a site closer to major transportation routes and with fewer immediate neighbours. There was also concern about the Township of Russell accepting waste, the majority of which was generated within Ottawa.

These concerns led Taggart Miller to secure the Boundary Road within the boundaries of the City of Ottawa. Consideration of the Boundary Road site as the location for the CRRRC was made public on June 6, 2012. Subsequently, two other Open Houses were held on June 20 and June 25, 2012, which presented the additional site located within the City of Ottawa. Comments were received from the public during these open houses.

A full record of Taggart Miller's consultation program for the development of the ToR is included in Volume 2 of the ToR.

During the development of the ToR, the following consultation activities were carried out by Taggart Miller:

- Notice of Commencement of the EA – November 10, 2010;
- Open House #1 (Township of Russell site only) – November 25, 2010;
- Release of Frequently Asked Questions – posted on the EA website December 6-8, 2010 with periodic updates;
- Workshop #1 (Hydrogeology) – April 9, 2011;
- Miller Facilities Tour – April 30, 2011;
- Release of Draft Key Documents for Comment – December – January, 2012;
- Notification of Second Site (Boundary Road, City of Ottawa) – May 29, 2012; and,
- Open House #2 (included Boundary Road site) – June 20 and 25, 2012.

Comments received by Taggart Miller through their various consultation activities have been summarized and are included in the ToR.

Taggart Miller prepared a draft version of the proposed ToR and provided it to the MOE at the end of July 2012. The MOE provided comment to Taggart Miller on the draft ToR. On September 14, 2012, Taggart Miller formally submitted ToR to the MOE. Notification of this submission was published in local newspapers and provided on the Taggart Miller project website, through e-mail distribution and letters to neighbours and stakeholders. Following preparation of the ToR, the ToR was also submitted to review agencies, Aboriginal communities and the public for review and comment.

The ToR proposes a public consultation plan for the EA phase of the undertaking. This consultation plan will be reviewed by the MOE during their review of the ToR.

To provide access to technical expertise for affected community members, it is recommended that staff administer the funding to ensure the necessary controls are in place. A three step process is proposed. First, community members would submit a brief proposal that describes the purpose and the amount of funding that is requested. Second, the Finance Department would review the proposals to ensure they are consistent with Council direction and in particular are to be directed to the retention of technical or legal expertise only. These funds are not to be directed towards other purposes. Third, community members would proceed according to the approved proposal. Invoices would be submitted first to the community group for confirmation of

that the services have been provided and then submit the invoice for direct payment by the City to the retained technical or legal consultant.

COMMENTS BY THE WARD COUNCILLOR(S)

I support staff's view on the necessary changes to the TOR to ensure fulsome consultation with the public as well as proper analysis of environmental impact and capacity needs within the City of Ottawa. I further agree that thermal treatments must be considered during the environmental assessment process.

A proper transportation study will be needed as I agree that the assumption that most traffic will come from 417 may not be valid.

It is important to note that this site was studied more than 20 years ago as a potential site for a new regional landfill. As we know, a landfill does not currently find itself on this site, nor is it zoned appropriately or designated in any official planning documents. Given this previous evaluation, one needs to wonder why.

To date, consultation with Ottawa residents in Carlsbad Springs, Edwards, Ramsayville and Vars has been completely inadequate: the proponent held only one public open house in Ottawa. This meeting took place 18.2 km away from the proposed location and the impact residents when a City owned community centre is available for use within 4 km of the subject site – within the community most directly impacted by a future facility.

The inconvenience imposed on residents by this decision demonstrates a lack of sensitivity to the concerns of local residents.

Additionally, not all documents relating to the TOR have been provided to residents in both official languages. Given the significant Francophone population of Carlsbad Springs, Vars and the surrounding areas, this is completely unacceptable.

Residents have a right to read information pertaining to such an important and potentially community-altering project, such as the proposed CRRRC, in the official language that is most comfortable to them.

Once again, this oversight demonstrates a lack of sensitivity to the concerns and needs of local residents.

The aggressive nature of the proponent's timelines and expectations are in my view unrealistic. If met, these timelines would almost certainly mean proper public consultation and evaluation of environmental and social impacts will have been overlooked.

In conclusion, I am urging the Minister to reject the TOR or, at the very least, to recommend significant change to ensure due process, public consultation and a more fulsome analysis of need and environmental impact can be conducted.

I support the provision of intervenor funding and the rigorous controls recommended to ensure the funds are spent on technical review.

LEGAL IMPLICATIONS

The process under the *Environmental Assessment Act* for the consideration of the Terms of Reference and, if approved, the Environmental Assessment itself are set out above. The City does not have an approval role in this process.

As stated in Document 1, should the Environmental Assessment recommend the site within the City of Ottawa for the location of the diversion activities and the landfill site, and should that recommendation be approved by the Minister of the Environment, then an official plan amendment, zoning by-law amendment and site plan approval will be required. For these the City is of course the approval authority.

RISK MANAGEMENT IMPLICATIONS

The risk management process for such a proposal is covered by an environmental assessment, and is set out in this report under the heading Environmental Assessment Process. The role of the City in this process is that of a government providing comments on this application rather than of an approval authority.

FINANCIAL IMPLICATIONS

It is recommended that the City commit up to a maximum of \$50,000, non-renewable, from the Solid Waste Reserve Fund to be distributed to community groups within the city of Ottawa, in the area surrounding the proposed Taggart Miller facility, to help retain experts to assist with technical peer review during the environmental assessment process. In addition, the City anticipates future review work during the EA process will consume staff time and external consulting services.

ACCESSIBILITY IMPACTS

The EA is a third-party undertaking put forward by Taggart Miller. There are no accessibility impacts to the City of Ottawa arising from recommendations in this report.

ENVIRONMENTAL IMPLICATIONS

The *Environmental Assessment Act* sets forth a broad planning framework to allow the implementation of major proposals, such as the one pertaining to Taggart Miller's Terms of Reference for an Environmental Assessment of the Proposed Capital Region Resource Recovery Centre. Through the requirements of the EAA, it is expected that an objective, reproducible, transparent and thorough process will be followed in consideration of the proposal at hand.

TECHNOLOGY IMPLICATIONS

There are no direct technical implications associated with this report.

TERM OF COUNCIL PRIORITIES

There are no implications to the Term of Council Priorities.

SUPPORTING DOCUMENTATION

Document 1 – Staff Comments on Terms of Reference for an Environmental Assessment of the Proposed Capital Region Resource Recovery Centre – October 2012 (immediately follows the report)

DISPOSITION

Environmental Services to submit approved comments to the Ministry of the Environment for consideration.