

Report to/Rapport au :

**Environment Committee
Comité de l'environnement**

and Council / et au Conseil

16 October 2012 / Le 16 octobre 2012

Submitted by/Soumis par :

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Kanata North/Kanata-Nord (4), West Carleton- Ref N°: ACS2012-COS-ESD-0013
March (5), Stittsville (6), Rideau-Goulbourn (21),
Kanata South/Kanata-Sud (23)

**SUBJECT: ENVIRONMENTAL ASSESSMENT OF A NEW LANDFILL FOOTPRINT
AT THE WEST CARLETON ENVIRONMENTAL CENTRE**

**OBJET : ÉVALUATION ENVIRONNEMENTALE DE LA SUPERFICIE D'UN NOUVEAU
SITE D'ENFOUISSEMENT AU CENTRE ENVIRONNEMENTAL DE WEST
CARLETON**

REPORT RECOMMENDATION

That the Environment Committee recommend Council endorse the comments contained in Document 3 as the City's comments on Waste Management of Canada Corporation's *Environmental Assessment for a New Landfill Footprint at the West Carleton Environmental Centre (September 2012)*, and direct staff to forward the approved comments to the Ministry of the Environment and Waste Management of Canada Corporation.

RECOMMANDATION DU RAPPORT

Que le Comité de l'environnement recommande au Conseil d'appuyer les commentaires énoncés dans le document 3 et qu'il se les approprie en tant que commentaires de la Ville sur l'*Évaluation environnementale de la superficie d'un*

nouveau site d'enfouissement au centre environnemental de West Carleton (septembre 2012) de Waste Management of Canada Corporation (September 2012), et qu'il demande au personnel de transmettre les commentaires approuvés au ministère de l'Environnement et à Waste Management of Canada Corporation.

BACKGROUND

Waste Management of Canada Corporation (WM) publicly announced it was initiating an Environmental Assessment (EA) for an expansion of their existing Ottawa Waste Management Facility on April 13, 2010. The proposal included a new landfill footprint at the West Carleton Environmental Centre (WCEC), as well as recycling and composting facilities.

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 consultations that will occur. WM submitted their proposed ToR to the Ministry of the Environment (MOE) on June 18, 2010, and the City provided comments on the document to the MOE. Refer to Document 1 for a complete listing of City comments on the ToR that were submitted to the MOE. The City maintains that comments that were not addressed to the City's satisfaction at the ToR stage still apply to the Environmental Assessment.

WM received MOE approval to proceed with its Environmental Assessment (EA) on November 25, 2010. The EA study was initiated in January 2011, and a draft EA was released on March 2, 2012. Under the ToR, WM was required to study all of the potential issues identified in the ToR and identify mitigation measures in the EA process. WM submitted the final EA to the MOE on September 14, 2012.

Members of the public, agencies and the City of Ottawa have until November 2, 2012 to submit comments to the MOE on the final EA.

The MOE then has five weeks to review the EA and make a decision about whether the project should be approved. The MOE then publishes the results of its review and interested parties have five weeks to provide comments on review to the MOE. During this time, anyone, including WM may:

- Make a written request to the MOE identifying any outstanding issues with suggestions for how they might be resolved; or
- Request a hearing at the Environmental Review Tribunal (ERT) to address significant outstanding environmental issues.

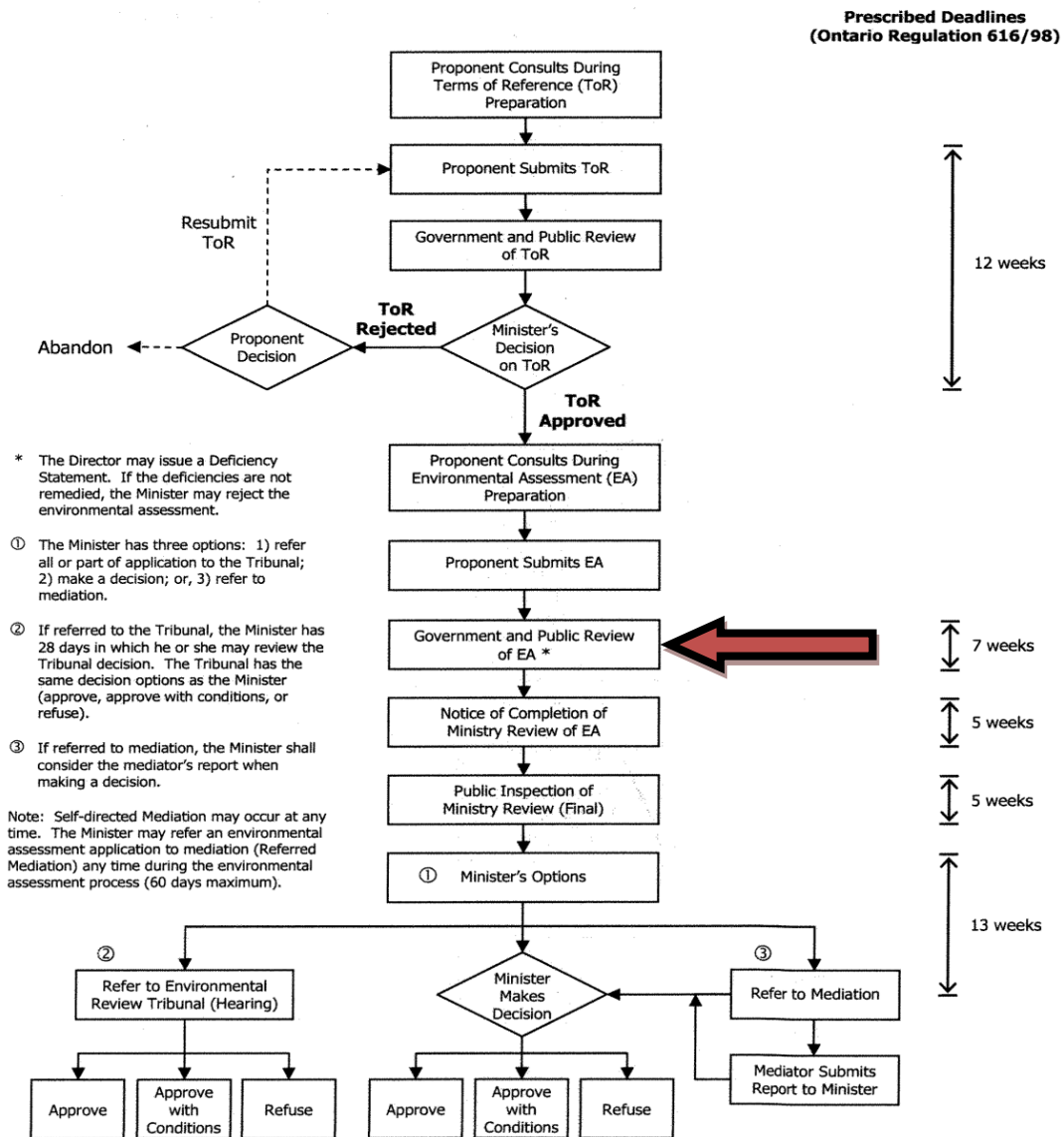
All projects that go through this type of EA process require approval from the Minister and Cabinet. After the five-week comment period on the MOE review ends, the Minister has 13 weeks to make a decision on the proposal to either:

- Refer it to mediation;

- Refer it to the Environmental Review Tribunal for a hearing; or
- Make a decision to approve, approve with conditions or refuse the EA

Appendix A outlines the EA process and indicates where the proposed WM project currently is in the process.

Appendix A Environmental Assessment Process Timelines



DISCUSSION

WM has released the *West Carleton Environmental Centre: Environmental Assessment for a New Landfill Footprint at the West Carleton Environmental Centre, September, 2012* for public and agency review. The Environmental Assessment (EA) is a third-party undertaking put forward by WM. The Ontario Ministry of the Environment (MOE) is the approval authority for the Environmental Assessment.

The proposed undertaking includes a new landfill footprint adjacent to the Ottawa Waste Management Facility located near the intersection of Carp Road and Highway 417, which reached capacity and ceased receiving waste in September 2011. The proposed landfill footprint is intended to provide disposal capacity for solid non-hazardous waste originating from the City of Ottawa and surrounding municipalities. WM also proposes to include a material recycling facility, construction and demolition material facility, residential diversion facility, organics processing facility and electronic waste handling facility.

As the proposed undertaking is located within the City of Ottawa, the City is providing comment to the MOE on the final EA report. Staff have reviewed the above noted report and found that on the whole, it is well written and comprehensive. A third-party was retained by City staff to assess whether the final EA fulfilled the commitments as set out in the ToR, and which was approved by the MOE. City staff also sought a third-party to provide an opinion regarding the assessment of atmospheric impacts and hydrogeological/geological impacts.

See Document 2 for the memo outlining this review. A full list of the City's comments on the EA are included in Document 3.

The following items are of specific concern to the City (in random order):

- ***Odour control at the site*** – the City does not accept the approach taken by WM and their consultants to exclude process upset conditions from the odour impact assessment studies. The City considers “upset conditions”, examples of which include temporary inoperability of the landfill gas collection system, cracks or fissures in the landfill cover, or the installation of additional landfill gas collection infrastructure, to have significant potential for generating odours which may have an impact to areas surrounding the landfill. The detailed impact assessment for odour also excluded odours arising from on-site daily cover contaminated soil stockpiles and the use of compost “anticipated to generate odour similar to the background odour from agriculture farming” to be used to promote vegetative growth on top of the clay cover.

While upset conditions and compost use are anticipated by WM to be infrequent and short in duration, they are considered to be the most likely cause of odour

events related to the site. Excluding evaluation of these types of occurrences results in an underestimation of the potential impact the proposed facility may have on the surrounding community.

The City also has concerns that, excluding the conditions described above, the combined odour impact from site-wide operations is predicted to exceed the 1 Odour Unit / cubic metre (OU/m³) detection threshold and the 3 OU/m³ recommended “annoyance threshold” near the facility property line from time to time.

The existing Ottawa Waste Management Facility has had historical odour issues leading to the MOE issuing a Provincial Officer’s Order in 2007 requiring WM to implement an Odour Contingency Plan. The City has previously requested that WM use historical odour compliant data to determine the extent of potential odour impact at the site resulting from upset conditions.

As part of the approved ToR, WM committed to developing an Odour Enforcement Mechanism. This was not articulated in the EA, but rather WM committed to developing an Odour Best Management Plan during the EPA permitting process, following approval of the EA. The City supports the Ministry of the Environment in ceasing operations if persistent and on-going odour issues occur at the site until such time the odour issues are resolved.

The City recommends that WM be required to better define the potential for community impacts related to odour as a result of process upset conditions and to provide a more prescriptive definition for odour impact such as “noticeable odour at any property that lasts for 10 minutes or longer”. The City also recommends that WM be required to articulate proposed odour mitigation and compensation strategies to be distributed for comment by the affected communities, including the City, as part of the EA.

- **Property value protection** – the EA does not identify which properties will be eligible for property value protection. WM must provide a clearly defined zone to provide effected residents with certainty that they will be compensated for any loss in property value. The City recommends that WM establish a Property Value Protection Plan which includes all residences within a five (5) kilometer radius of the new landfill footprint.

The City also requests that WM provide indemnification to the City such that WM is fully prepared to provide any and all compensation, where applicable, with no cost or responsibility attributed to the City due to expansion of the landfill and the resulting impacts to surrounding properties.

- **Prioritization of waste diversion activities** – the EA defines the undertaking as being... “a new landfill footprint that will provide residual waste disposal capacity of approximately 6.5 million cubic meters”. The term “residual waste” is not defined in the ToR or EA glossaries. However, WM defined the term “residual waste” in the approved ToR as residual material remaining following waste

diversion (i.e. to recycling). The use of this term in the EA does not draw the same clear distinction.

The City is supportive of WM's waste diversion efforts and believes that landfill disposal should be of secondary importance.

- ***Proposed process for project amendment*** – the final EA includes a proposed process to be followed to make “major” or “minor” amendments to the project to allow WM to respond to unforeseen changes in conditions. In the case where WM considers the change to be minor, it is proposed that the categorization be discussed with the MOE Environmental Assessment and Approvals Branch (EAAB) (in Toronto) and an amendment review document be prepared and submitted to affected stakeholders for review and comment. The minor change would then be implemented, subject to MOE EAAB approval.

The City disagrees with the proposed self-categorization of amendments, especially in cases where proposed project changes may affect municipal infrastructure, bylaws or property values. Affected stakeholders, including City staff, should be consulted, as “minor” amendments, (e.g. what, where and how project facilities are built) may result in significant environmental effects for impacted stakeholders. This consultation should take place in well in advance of any postings on the MOE's Environmental Bill of Rights Website.

- ***Service area*** – the proposed service area for the waste diversion facilities and landfill should be restricted to exclusively the municipal boundary of the City of Ottawa and Lanark County. Contaminated soils brought to the site should also be restricted to those generated within the City limits and Lanark County. The service area for all waste diversion facilities at the site should be restricted to the City of Ottawa and Lanark County so as to prevent materials from other communities being brought into the landfill through these recycling facilities.
- ***Site Plan Control Approval*** – the EA notes that the landfill expansion is not subject to Site Plan Control Approval. Legal opinion has been sought on this matter and indicates that the City does have the authority to require Site Plan Control Approval to amend the current site plan to reflect new development, including the acquisition of additional lands. The proposed project includes the addition of a number of ‘facilities’ listed as part of the expanded operation of the Ottawa Waste Management Facility, including what the City and the MOE refer to as ‘waste processing and transfer facilities’ (WP&TF putrescible and WP&TF non-putrescible). These buildings will require both Site Plan Control Approval Environmental Compliance Approvals from the MOE.
- ***Traffic*** – Traffic around the Carp Landfill is a large concern to the City and local residents. The City is requesting that WM provide a merge lane for traffic exiting the Carp Road facility. The City requires that WM participate in any future discussions on the widening of Carp Road.

- **Reporting** – WM must develop a comprehensive program to ensure that there are no future groundwater and surface water impacts on and around the site. All MOE and Sewer Use order's and issues of non-compliance identified should be reported to the Mayor, West-end Councillors (West Carleton-March, Kanata North, Kanata South, Stittsville and Rideau-Goulbourn) and the General Manager of Environmental Services within 24 hours of identification. An annual report should be provided to the Mayor, five West-end Councillors and the General Manager of Environmental Services that ensure there are no environmental impacts resulting from the operations at the facility. In addition, WM should report all odor, litter, noise and traffic complaints received by WM or forwarded to WM by other parties to the General Manager of Environmental Services and the five West-end Councillors within 24 hours of receipt. The report should include how and when the problem was addressed. A summary of all complaints and how they were resolved must be prepared and issued with the agenda for the Public Liaison Committee meeting.
- **Public Liaison Committee** – WM must have a public liaison committee that invites members of the public, local businesses, local Councillors and City Staff that meets at a minimum on a quarterly basis. Issues that should be reviewed are complaints received, environmental compliance operational changes and other issues that may be brought forward of concern to the local community.

Leachate Agreement – The City requires that WM take steps to minimize the generation of leachate and that leachate be properly treated at WM's cost. A new Leachate Agreement with the City will be required to address changes to the property description and better define leachate quantity and quality parameters.

- **Waste Diversion** – The City supports waste diversion away from landfill. Significant improvements will need to be made to the ICI and C&D waste diversion rate to achieve the Province's goal of 60%. The City is requesting that the Province set established waste diversion targets for ICI and C&D waste diversion for the service area of the landfill and that the total allowable annual tonnage accepted at the Carp Landfill, if approved, decrease at the same percentage rate from the first year annual tonnage of 400,000 tonnes. Contaminated soils that are landfilled must be counted towards the site's annual capacity, even if they are used as daily, interim or final cover.
- **Site Capacity** – The City requests that the overall approved capacity of the landfill site should be reduced from the requested 6.5M cubic meters to 5M cubic meters which would reflect WM's commitment to waste diversion from landfilling.
- **Final Expansion** – The City is requesting a guarantee from WM and the province that this be the last time that WM be allowed to request an expansion of the Carp Landfill Site.

RURAL IMPLICATIONS

Residential, industrial, commercial and institutional waste from both rural and urban areas was accepted at WM's Ottawa Waste Management Facility, prior to its closure in September 2011, which is the same location of the study area that is subject to the EA.

CONSULTATION

WM consulted with a broad range of stakeholders throughout the EA process to date, including review agencies, Aboriginal communities, residents near the Ottawa Waste Management Facility, the general public, Federal Ministries and Departments, Provincial Ministries, City of Ottawa, Conservation Authorities, emergency services, school boards and utilities.

As detailed above, WM publicly announced its EA through a Notice of Commencement on April 13, 2010. In conjunction with the Notice, WM notified neighbours and the community of the proposed undertaking through a news release, hand delivered letters, a newsletter, notification on the project website and advertisements in the local newspapers. Comments received from the public, community organizations, the City of Ottawa and agencies were reviewed by WM and responded to.

WM carried out a public and agency consultation program throughout the EA process. Consultation activities included:

- Project Advisory Committee (12 meetings);
- Government Review Team, which included representation from key City departments (4 meetings);
- Open House meetings (5 separate sessions, 16 events in total);
- Workshops (3 separate sessions, 5 events in total);
- Public Information Centres;
- Stakeholder Roundtable discussions (1 event);
- Technical sessions (3 events);
- Newsletter;
- Project Website; and
- Project Office.

In accordance with the approved ToR, WM undertook a pre-submission review of the draft EA report to obtain comments on the draft documentation prior to finalizing it. The pre-submission review period lasted seven weeks, beginning the week of March 5, 2012 and ending on April 27, 2012.

All comments received by WM through their various consultation activities to date have been summarized and are included in the EA document.

On September 14, 2012 WM formally submitted the final EA report to the MOE. Notification of this submission was published in local daily and weekly newspapers and provided on the WM project website, and through e-mail distribution and letters to neighbours and stakeholders. These notices outlined the availability of the EA report for

review and how comments could be provided. Copies of the EA were provided to review agencies, the City of Ottawa and Aboriginal stakeholders and placed at public record locations.

Written submissions to the MOE regarding must be received by November 2nd, 2012.

COMMENTS BY THE WARD COUNCILLOR(S)

Councillor Marianne Wilkinson

The landfill has to be limited to no more than 10 years as an interim step towards using technology to deal with waste. The City should say that the EA is inadequate in dealing with alternative methods; that it speaks about recycling and reuse but there are no obligations to do so, and that a landfill so close to thousands of homes should not be located at this site.

If one is approved the province should include a plan to reach the minimum of 60% recycling on site and the volume approved reduced to the amount needed for remnant waste over 10 years. The timeline has been removed from the application and needs to be a firm end time with a reduced size that makes recycling happen.

The area served must not be all of Ontario but only to serve local needs.

The owner must be required to not only provide turn lanes into the site (including a right turn speed up lane) but also provide funds for a future widening (based on ownership frontage which occurs on both sides of the road).

My preference is to have this proposal refused based on the previous problems on the first landfill that have caused great concern and reduced quality of life for nearby residents. This is not a location suitable for a landfill today.

Councillors Eli El-Chantiry, Allan Hubley, Scott Moffatt

The elements of the report reflect the feedback from Councillors E. El-Chantiry, A. Hubley and S. Moffatt.

Councillor Shad Qadri

The Stittsville-Kanata West Councillor was made aware of the report.

LEGAL IMPLICATIONS

There are no impediments to Committee and Council considering this report.

That said, as outlined above in this report, the legislative framework for the individual environmental assessment of an expansion to a landfill is that

under the *Environmental Assessment Act*. Under this legislation, it is the Minister who is the approval authority with the City's role as a key stakeholder being to provide comments.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with the approval of the recommendations in this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

The EA is a third-party undertaking put forward by WM. 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 WM's Environmental Assessment of a New Landfill Footprint at the West Carleton Environmental Centre. Through the requirements of this Act, it is expected that an objective, reproducible, transparent and thorough process has been followed in consideration of the proposal at hand.

City of Ottawa staff have prepared comments on the EA to be submitted to the MOE for consideration, however the Minister of Environment has sole discretion regarding the approval of this project.

TECHNOLOGY IMPLICATIONS

There are no technical implications associated with this report.

TERM OF COUNCIL PRIORITIES

There are no implications to the Term of Council Priorities.

SUPPORTING DOCUMENTATION

Document 1 – City comments on Waste Management's Terms of Reference

Document 2 – Conestoga-Rovers and Associates memo - Final Environmental Assessment West Carleton Environmental Centre Landfill Footprint Expansion – October, 2012

Document 3 – Staff Comments on Final EA of a New Landfill Footprint at the West Carleton Environmental Centre – October, 2012

DISPOSITION

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