

Report to/Rapport au:
Planning and Environment Committee
Comité de l'urbanisme et de l'environnement
and Council / et au Conseil

16 August 2010 / le 16 août 2010

Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice municipale adjointe, Infrastructure Services and Community Sustainability/Services d'infrastructure et Viabilité des collectivités

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City Wide/à l'échelle de la Ville

Ref N°: ACS2010-ICS-ESD-0025

SUBJECT: PROPOSED TERMS OF REFERENCE FOR AN ENVIRONMENTAL ASSESSMENT OF A NEW LANDFILL FOOTPRINT AT THE WEST CARLETON ENVIRONMENTAL CENTRE – CITY COMMENT CONFIRMATION

OBJET: CADRE DE RÉFÉRENCE PROPOSÉES POUR UNE ÉVALUATION ENVIRONNEMENTALE DE LA SUPERFICIE D'UN NOUVEAU SITE D'ENFOUISSEMENT AU CENTRE ENVIRONNEMENTAL DE WEST CARLETON

REPORT RECOMMENDATION

That the Planning and Environment Committee recommend Council confirm its comments on Waste Management of Canada Corporation's Proposed Terms of Reference for an Environmental Assessment of a New Landfill Footprint at the West Carleton Environmental Centre and direct staff to forward the confirmed comments, as set out in Documents 1 and 2, to the Ministry of the Environment.

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme et de l'environnement recommande au Conseil municipal d'avaliser ses commentaires au sujet du cadre de référence proposé par Waste Management of Canada Corporation pour une évaluation environnementale de la superficie d'un nouveau site d'enfouissement au centre environnemental de West Carleton et d'enjoindre le personnel de faire parvenir ces commentaires avalisés, tels que décrits dans les documents 1 et 2, au ministère de l'Environnement.

BACKGROUND

Waste Management of Canada Corporation (WM) proposes to complete an Environmental Assessment (EA) for an expansion of the company's Carp Road facility, including a new landfill footprint at the West Carleton Environmental Centre (WCEC). The new landfill would be one component of the proposed WCEC that will include 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 public consultation that will occur. WM submitted their proposed ToR to the Ministry of the Environment (MOE) on June 18, 2010. The submission of the ToR to the Ministry initiated a 30 day public review and comment period that ended on July 19, 2010.

Staff conducted a thorough review of Waste Management's proposed ToR and provided a series of comments. A report outlining these comments (ACS2010-ICS-ESD-0023) was reviewed and debated by the Planning and Environment Committee on July 13. The Committee provided additional comments on the proposed Terms of Reference. On July 15, Council approved staff's comments on the proposed Terms of Reference and passed a resolution incorporating and modifying the Committee's additional comments.

The Council resolution and staff's comments were submitted to the MOE in advance of the expiration of the public review period. The Ministry provided Waste Management with the City's comments and requested that Waste Management respond to the comments.

Waste Management's responses to the City's comments were forwarded to the City by a Ministry official asking the City to indicate whether these responses satisfy the City's original comments.

The Ministry is not seeking further comment from the City, only whether or not the municipality finds Waste Management's responses satisfactory.

DISCUSSION

Staff has reviewed Waste Management's responses to the City of Ottawa's comments to the Ministry on the proposed Terms of Reference. Waste Management has accepted the majority of the City's suggestions for inclusion in the ToR.

Of note, Waste Management has agreed to amend the Terms of Reference to reflect the City's comments in the following ways:

- To explore alternative methods of treating leachate from the proposed landfill beyond what they had proposed in the draft Terms of Reference;

- To clarify that the proposed new landfill footprint is an expansion of the existing landfill for the purposes of the EA;
- To fund an independent review of the EA and its results and provide regular updates on the review to the Ministry, City and public; and,
- To delete all references in the Terms of Reference to past agreements with the City.

However, Waste Management has chosen not to amend the Terms of Reference to reflect the City's comments in some areas. Of note, these include:

- To conduct a broad EA demonstrating that all alternative disposal techniques are not feasible before a new or expanded landfill is considered;
- To further explain why an EA focused on a new landfill footprint is appropriate;
- To restrict the acceptance of waste and contaminated soil to those originating in Ottawa and the Good Neighbour Zone; and,
- To lower annual tonnage tipped at the proposed new landfill footprint in accordance with rising rates of ICI recycling and diversion.

A full list of the City's comments on Waste Management's proposed Terms of Reference, the company's responses to those comments and draft City replies to Waste Management's responses are include in Document 1 (Council's resolution) and Document 2 (City staff's comments on the proposed Terms of Reference). These documents are attached to this report.

The Council resolution comments from July 15 and staff's comments are included in column one in the attached documents, Waste Management's responses are included in column two, and the draft City answers on whether the company's responses are satisfactory or not are included in column three.

As you will see from these documents, where Waste Management has agreed to amend the terms of reference to accurately reflect the substance of the City's comments, staff recommends informing the Ministry that this is satisfactory.

However, in instances where Waste Management has not agreed to amend the terms of reference to accurately reflect the substance of the City's comment, staff recommends informing the Ministry that these are not satisfactory, and that the City maintains the comments approved by Council on July 15.

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 Proposed Terms of Reference for an Environmental Assessment of a New Landfill Footprint at the West Carleton Environmental 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.

RURAL IMPLICATIONS

Residential, industrial, commercial and institutional waste from both rural and urban areas is accepted at WM's at their located on Carp Road facility, which is the same location of the study area that is subject to the ToR and the eventual EA.

CONSULTATION

WM consulted with a broad range of stakeholders on the content of the ToR, including review agencies, Aboriginal communities, residents near the Carp Road facility and the general public, Federal Ministries and Departments, Provincial Ministries, City of Ottawa, Conservation Authorities, emergency services, school boards and utilities.

On April 13, 2010, WM publicly announced its EA through a Notice of Commencement. 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.

During the development of the ToR, a wide variety of consultation activities were carried out by WM as part of preparing the ToR including the following:

- Public Advisory Committee;
- Open House Meetings in six different locations;
- Workshops in three different locations;
- Question and Answer session;
- Meetings and Presentations with interested stakeholders;
- Project Website;
- Project Email and Toll-free Telephone Number; and,
- Newsletters.

All comments received by WM through their various consultation activities have been summarized and are included in the ToR.

On June 18, 2010, WM formally submitted ToR to the MOE. Notification of this submission was published in local newspapers and provided on the WM 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. WM also notified stakeholders through a notice and news release, mailed letters to review agencies and other interested stakeholders, and posted advertisements in local newspapers. These notices outlined the availability of the ToR for review and how comments could be provided. Copies of the ToR were provided to review agencies, the City of Ottawa and Aboriginal stakeholders and placed at public record locations.

On July 13, 2010 the City of Ottawa hosted a Special Meeting of the Planning and Environment Committee to consider staff comments on the Waste Management Inc.'s proposed Terms of Reference. At that public meeting, many concerned residents took the opportunity to address Committee and to submit their comments on the proposed Terms of Reference. All of the presentations that were received at that Committee meeting were forwarded to the Ministry along with the City's formal response.

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.

COMMENTS BY THE WARD COUNCILLOR

Ward Councillors in the area of Waste Management's existing and proposed Carp Road facilities have been provided with a copy of Waste Management's responses. Sufficient time did not exist to allow incorporation of their comments in this report. It is expected that any additional comments will be received during Committee's consideration of this response.

LEGAL/RISK MANAGEMENT IMPLICATIONS

As previously stated, the role of the City in this process is that of a government providing comments on this application rather than of an approval authority.

CITY STRATEGIC PLAN

There are no implications to the City Strategic Plan.

TECHNICAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

There are no direct financial implications for the City with respect to this report.

SUPPORTING DOCUMENTATION

Document 1 – Ministry of the Environment Table (Council Resolution)

Document 2 – Ministry of the Environment Table (Staff Comment)

DISPOSITION

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

Ministry of the Environment Table (Council Resolution)

	Comment	Response	Status
City of Ottawa – Council Resolution	1. That the City of Ottawa urges the Minister require Waste Management to modify its terms of reference in accordance with the comments contained in the staff report and any amendments or additions to those comments approved by this Council.	1. WM has provided individual responses to each of the comments contained in the Staff report and any amendments or additions to the Staff comments approved by City of Ottawa Council	1. Satisfactory
	2. That a meeting of Ottawa City Council representatives and City of Ottawa staff with the Minister of the Environment and Ministry staff is organized as soon as possible in order for the Ottawa contingent to explain the City's position.	2. Comment acknowledged	2. Satisfactory
	3. That the Ministry put in place programs and policies necessary to move the ICI sector from its current 17-per-cent diversion rate to the Ministry's target of 60-per-cent diversion before considering new or expanded landfills to dispose of residual ICI wastes.	3. Comment acknowledged	3. Satisfactory
	4. That if the proposed terms of reference aren't rejected, the City of Ottawa's comments include the following statements on the proposed terms of reference, and that the City encourages the Minister to include these principles	4. Responses as follows:	4. Satisfactory

	Comment	Response	Status
	<p>as requirements in the finalized terms of reference for the EA:</p> <p>a) Waste Management must conduct a full EA to ensure the examination of all major issues, including demonstrating that all alternative disposal techniques are not feasible before a new or expanded landfill is considered;</p>	<p>a) WM is undertaking an individual Environmental Assessment (EA) as defined is the definition of "individual environmental assessment" I don't recall that definition within the <i>Ontario Environmental Assessment Act</i> (OEAA). WM has prepared the Terms of Reference (ToR) in accordance with Subsection 6(2)(c) of the OEAA, which allows for WM to set out in detail the requirements for the preparation of the environmental assessment. The EA will consist of those items listed in subsection 6.1(2) of the Act as described in the ToR, as permitted by subsection 6.1(3) of the OEAA.</p> <p>WM has followed the OEAA, Subsections 6(2)(c) and 6.1(3), to focus the rationale and alternatives to the undertaking to address their specific circumstances. Further, WM has followed the <i>Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario (October 2009)</i> (Code) outlines the consideration for focussing a ToR.</p>	<p>a) Unsatisfactory. The City maintains its comments.</p>

	Comment	Response	Status
	<p>b) The “Good Neighbour Zone,” as described in the Terms of Reference, is defined as the geographical boundaries of the City of Ottawa and the County of Lanark;</p> <p>c) ICI, residential, and construction waste and contaminated soils can only be accepted at the Carp Road facility if they originated from the City of Ottawa or the Good Neighbour Zone as defined above;</p>	<p>The Code allows a proponent to proceed under subsection 6(2)(c) and 6.1(3) if the proponent is further along in the defined planning process and additional detail that is known regarding their proposal. The Code also outlines the consideration of alternatives to by private proponents like WM. The Code states:</p> <p><i>“...what is reasonable for one proponent to implement may not be reasonable for another when trying to solve a similar problem because the circumstances between proponents may vary widely. A private sector proponent’s inability to expropriate land or implement public programs will influence the range of alternatives it may examine.”</i></p> <p>b) Communities within the area known to WM as the Good Neighbour Zone have included the Town of Smith Falls, and the Townships of Beckwith, Carleton Place, Montague and Mississippi Mills.</p> <p>c) WM has indicated in Supporting Document #1 to the ToR that the Rationale for the Undertaking is based upon a need for residual waste disposal capacity within Eastern Ontario and that this includes IC&I, residential and</p>	<p>b) Unsatisfactory. The City maintains its comments.</p> <p>c) Unsatisfactory. In light of Waste Management’s intent “to retain an Ontario wide service area for the WCEC,” as describe in comments in Document 2,</p>

	Comment	Response	Status
	<p>d) Waste Management must develop a program to assure there will be no future ground water impact by conducting an in-depth study to identify and develop an comprehensive ground water protection and monitoring program;</p> <p>e) Waste Management must conduct an in-depth study to identify and develop a program to immediately report any evidence of ground water contamination to the City of Ottawa and the public in a timely manner;</p> <p>f) Waste Management must conduct an in-depth study to identify and develop a</p>	<p>contaminated soils for the proposed undertaking.</p> <p>d) WM has indicated that groundwater protection and monitoring will be undertaken in accordance with applicable Provincial regulations, including the <i>Ontario Water Resources Act</i> (OWRA).</p> <p>e) WM has indicated that groundwater protection and monitoring will be undertaken in accordance with applicable provincial regulations, including the <i>Ontario Water Resources Act</i> (OWRA). WM has also indicated in Appendix 5 of the ToR (Community Commitments) that communication with the City of Ottawa would occur regarding compliance with the applicable Provincial regulations.</p> <p>f) WM has indicated in Appendix 5 of the ToR (Community Commitments) that it</p>	<p>the City confirms its comment that the terms of reference should be amended to reflect acceptance of waste and contaminated soils at WCEC that originate from the geographic boundaries of the City of Ottawa and Lanark County.</p> <p>d) Satisfactory.</p> <p>e) Satisfactory.</p> <p>f) Satisfactory.</p>

	Comment	Response	Status
	<p>fulsome program to address and compensate for all property value impacts within a one-kilometre radius of Management's Carp Road lands;</p> <p>g) The terms of reference must include, and the EA must assume, a requirement that as ICI diversion percentage rates increase in the Ottawa area and Good Neighbour zone, the total allowable tonnage accepted at the landfill, if approved, would decrease at the same percentage rate from a start total of 400,000 tonnes per year;</p> <p>h) Waste Management must develop a program to provide an annual report to the City of Ottawa on all requirements of any certification of approval provided by the Ministry should approval be granted;</p>	<p>will develop a property value protection plan in consultation with the public in the Environmental Assessment.</p> <p>g) WM has indicated in Supporting Document # 1 to the ToR that the rationale for the undertaking is based upon a need for residual waste disposal capacity within Eastern Ontario and that this includes ICI, residential and contaminated soils for the proposed undertaking.</p> <p>WM has also indicated in Supporting Document #1 to the ToR that a need for residual waste disposal capacity will increase along with population growth as other available capacity diminishes, even with continued growth in waste diversion rates in the ICI sector in Ottawa and the surrounding area.</p> <p>h) WM has indicated that annual reports on ongoing compliance with the applicable Certificates of Approval for the proposed undertaking and other proposed WCEC facilities will be provided to the City of Ottawa as the same are provided to the Ministry of the Environment.</p>	<p>g) Unsatisfactory. The City maintains its comments.</p> <p>h) Satisfactory.</p>

	Comment	Response	Status
	<p>i) Waste Management must conduct an in-depth study to identify and develop a fulsome program to report all odour and litter complaints to the City of Ottawa and the public, including time and location of the complaint, nature of the complaint, when the complaint was responded to, how the problem was, or will be, addressed, and when the problem was addressed;</p> <p>j) Waste Management must conduct an in-depth study during the EA to forecast all potential economic impacts of any potential expansion of its operations on Carp Road businesses and identify and develop a comprehensive program to mitigate the impacts, and/or compensate area business owners if mitigation attempts fail;</p> <p>k) Waste Management must facilitate a broad public consultation process during all stages of the EA involving a broad representation of interested parties, including, but not limited to, community associations, environmental and public health organizations, the City, conservation authorities, and any other party that expresses an interest in participating;</p>	<p>i) WM has indicated in Appendix 5 of the ToR (Community Commitments) that it will develop an odour complaint resolution process in consultation with the public in the Environmental Assessment.</p> <p>j) WM has indicated in Appendix #4 of the ToR (Work Plans) that it will undertake an assessment of potential economic impacts in consultation with the City, agencies and the public within the Environmental Assessment process.</p> <p>k) WM has provided within the ToR a description of the proposed consultation plan for the Environmental Assessment, including proposed consultation and communication with government review agencies and the public.</p>	<p>i) Unsatisfactory. The City maintains its comments.</p> <p>j) Unsatisfactory. The City maintains its comments.</p> <p>k) Satisfactory.</p>

	Comment	Response	Status
	<p>l) Waste Management must, as part of the broad public consultation, establish a stakeholder liaison committee consisting of representatives from the local community and the City of Ottawa to facilitate the flow of information during the EA process, including regular meetings for Waste Management to provide updates on progress and issues related to the EA, including, but not limited to, any evidence that affects any of the assumptions or conclusions contained in the terms of reference;</p> <p>m) Waste Management must conduct broad public consultation on work plans for all specific impacts assessment studies in the EA before the studies start;</p> <p>n) Waste Management must conduct further public consultation, and the City</p>	<p>l) WM has stated in the ToR that a Project Advisory Committee (PAC) has been established for the purposes of facilitating the flow of information between WM and the City and public during the Environmental Assessment process.</p> <p>m) WM has provided within the ToR a description of the proposed consultation plan for the Environmental Assessment, including proposed consultation and communication with government review agencies and the public. WM has also indicated in Appendix #4 of the ToR that work plans will be finalized with input of government agencies prior to the commencement of all specific impact assessment studies and that consultation and communication with the public on the final work plans will be undertaken.</p> <p>n) WM has provided within the ToR a description of the proposed consultation</p>	<p>l) Unsatisfactory. The City maintains its comments.</p> <p>m) Unsatisfactory. The City maintains its comments.</p> <p>n) Satisfactory.</p>

	Comment	Response	Status
	<p>and the public must be given time to make submissions to the Ministry on any amended terms of reference Waste Management may file in the future; and</p> <p>o) Waste Management must fund an independent review by independent experts, chosen by the City in conjunction with the stakeholder group, on all aspects of the EA and the results of the EA, updates on this review must be filed with the Ministry and given to the City of Ottawa and the stakeholder liaison committee members regularly, and the final review report must be filed with the Ministry and given to the City of Ottawa and the stakeholder liaison committee members in a timely manner.</p> <p>5. That the City of Ottawa's comments on the proposed terms of reference include that Waste Management must delete all references to the past agreement in its terms of reference.</p> <p>6. That if Waste Management refuses to delete all references to the past agreement in its proposed terms of reference, the City of Ottawa urges the Ministry of the Environment to order them deleted and put no weight on them during any part of the EA process</p>	<p>plan for the Environmental Assessment, including proposed consultation and communication with government review agencies and the public.</p> <p>o) Comment acknowledged – ToR has been amended accordingly</p> <p>5. Comment acknowledged – ToR has been amended accordingly</p> <p>6. Comment acknowledged</p>	<p>o) Satisfactory.</p> <p>5. Satisfactory.</p> <p>6. Satisfactory.</p>

	Comment	Response	Status
	<p>including finalization of the terms of reference.</p> <p>7. That, in order to provide a level playing field for the affected communities, the City of Ottawa commit up to \$75,000 from the Solid Waste reserve fund to be distributed to community groups in the area surrounding the Carp Road facility to help the groups retain experts to assist them during the EA process; and</p> <p>8. That Staff be delegated the authority to determine which groups receive money and ensure that appropriate rules with respect to the distribution and usage of the funds are followed.</p>	<p>7. Comment noted</p> <p>8. Comment noted</p>	<p>7. Satisfactory.</p> <p>8. Satisfactory.</p>

Ministry of the Environment Table (Staff Comment)

Commenter	Comments	Proponent's Response	Status
<p>City of Ottawa Dixon Weir</p>	<p>Introduction, Page 1</p> <ul style="list-style-type: none"> The first paragraph indicates that the new landfill footprint will be within the existing Ottawa Waste Management Facility (WMF) boundary. It is noted per Figure 1 that the existing Ottawa WMF is part of the overall project study area boundary. The first paragraph also states that the new landfill footprint will be one component of the proposed West Carleton Environmental Centre (WCEC), which will include several integrated waste management facilities as identified in bullets one through five. If the new landfill footprint is to be located within the existing Ottawa WMF, however, this necessarily implies an expansion of the existing landfill as opposed to establishment of a new landfill footprint, and therefore precludes the assessment of potential candidate new landfill footprint locations elsewhere in the project study area. Thus, based on the first sentence of the ToR, the undertaking ought to be an expansion of the 	<ul style="list-style-type: none"> WM have characterized this as a “new landfill footprint” as the existing footprint will be capped and closed in 2011. This was done to provide clarity for stakeholders on WM’s proposed plans. WM have made a series of commitments in Section 10.1 and Appendix D which relate to the additional elements of the WCEC. Although it is a new landfill footprint, in accordance with O.Reg. 232/98, it is considered an expansion by the Ministry of the Environment. This is because of the proximity of the new landfill footprint to the existing landfill. 	<ul style="list-style-type: none"> Satisfactory.

	<p>existing landfill at the Ottawa WMF as opposed to establishment of a new landfill footprint, and the ToR should not use the term “new landfill footprint” as there is no intent to search for such a new landfill footprint elsewhere in the project study area. Further, the WCEC is a contingent facility that currently does not exist and may not exist pending approval of the “new landfill footprint”, and as such use of this term in the ToR should be carefully reconsidered as it is misleading in terms of actual commitment (refer to Section 5.1 – Alternative 1 – Do Nothing) and applied commitment (refer to Section 10.1 – ToR and EA Commitments)</p> <ul style="list-style-type: none"> • Fifth bullet – “...disposal of residual waste materials” should be “...disposal of post-diversion municipal solid waste.” This is an important distinction and the change should be made globally in the ToR. 	<ul style="list-style-type: none"> • The Rationale for the Undertaking is based on residential, C&D and IC&I waste. We understand that O.Reg 347 defines municipal waste to be any non hazardous waste whether or not it is controlled or managed by a municipality. During consultation on development of the ToR, stakeholders were confused by the use of the word municipal assuming it referred to the residential waste stream. As a result WM has chosen to be specific in describing the waste streams it 	<ul style="list-style-type: none"> • Unsatisfactory. The City maintains its comments. The City wants to ensure that WM’s undertaking emphasizes waste diversion and that all efforts be made to divert prior to disposal.
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	<p>1.1 Background, Page 3</p> <ul style="list-style-type: none"> • Third sentence – “WM is preparing to undertake an EA to develop a new landfill footprint to provide waste disposal capacity at the WCEC.” WM has indicated previously in Section 1.0 of the ToR that “residual waste”(i.e. post-diversion municipal solid waste) is intended to be disposed of in the new landfill footprint as a component of the WCEC. However, use of the expression “waste disposal capacity” without a clear definition of what the waste will consist of is misleading. This comment applies to a number of different areas of the ToR (e.g. second paragraph of Section 2.2, first sentence of Section 2.4). <p>1.2 The Proponent, Page 3</p> <ul style="list-style-type: none"> • Second paragraph gives the impression WM has handled 50% of the residential stream and 7,500 IC&I customers. This is misleading. “Historically” should be defined prior to 2007. 	<p>proposes to manage through the undertaking. So it would not be accurate to make the suggested global change.</p> <ul style="list-style-type: none"> • While a definition has not been provided for ‘residual’ waste, the Rationale provides an appropriate description. • The statement indicates that WM has provided disposal capacity for over 50% of the wastes generated in Ottawa annually, including residential and IC&I wastes. This was the case up until 2007. Due to the lack of approved disposal capacity remaining at the site, WM has not been receiving residential waste from the City. While WM 	<ul style="list-style-type: none"> • Unsatisfactory. The City maintains its comments. The City wants to ensure that WM’s undertaking emphasizes waste diversion and that all efforts be made to divert prior to disposal. • Unsatisfactory. The City maintains its comments.
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	<p>1.3 Overview of Ontario EA Requirements, Page 4-5</p> <ul style="list-style-type: none"> • The third sentence in the first paragraph on p.4 containing the phrase "...in order to address its specific circumstances..." needs to be clarified. What is meant by this? • Should clearly state that clause 6(2)(c) of the Ontario Environmental Assessment Act, under which the ToR have been prepared, provides for a focused or scoped EA, by requiring the proposed ToR to "set out in detail the requirements for the preparation of the environmental assessment." • WM has chosen a scoped EA for the purpose of rationale/need (business decision) and alternatives but is voluntarily including a broader technical analysis for the EA. • Item a)., p.4 - should be re-worded to read "A detailed description..." • Add new item, p.4 - i). a description of net effects that may remain after application of mitigation measures – re-letter the ensuing items. • Second bullet, top of p.5 – this needs 	<p>continues to manage wastes on behalf of a significant number of local businesses, the majority of these wastes are disposed elsewhere due to the lack of disposal capacity.</p> <ul style="list-style-type: none"> • The circumstances are those that allow WM to undertake a 'focused' EA. • Detail on a 'focused' EA is provided in Section 1.4 . The ToR also states 'WM intends to follow subsections 6(2)(c) and 6.1(3) to focus the rationale and alternatives...' • No comment required • Comment acknowledged –ToR has been amended accordingly • Comment acknowledged –ToR has been amended accordingly • The cumulative effects assessment will 	<ul style="list-style-type: none"> • Satisfactory. • Unsatisfactory. The City maintains its comments in order to provide additional clarity. • Satisfactory. • Satisfactory. • Satisfactory. • Satisfactory.
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	<p>to be clarified as to how the assessment will address "...other non-WCEC projects/activities existing, planned and approved or reasonably foreseeable." Consider ending sentence after "components."</p> <ul style="list-style-type: none"> • Last paragraph on p.5 – reference date of document entitled Code of Practice for Consultation in Ontario’s Environmental Assessment Process is incorrect. Should be June 2007. <p>1.4 Justification for Submitting a Focused ToR, Page 5-6</p> <ul style="list-style-type: none"> • First and second sentences on p.6 – “WM’s decision to proceed with the proposed project is in the interest of the public” and “SD#1 describes the general lack of waste disposal capacity in Ottawa, which is predicted to increase with time”. Is the interest of the public served by increasing “waste disposal capacity” or “post-diversion municipal solid waste disposal capacity”? The basis of public interest is therefore unclear, and it is important to distinguish between the two. If one of the purposes of the undertaking per the fifth bullet of Section 1.0 of the ToR is to establish “a new landfill footprint for disposal of residual waste materials”, would it not follow that 	<p>assess all projects that are reasonably foreseeable and may interact with one another. The cumulative effects assessment methodology is provided in Section 2.5</p> <ul style="list-style-type: none"> • Comment acknowledged –ToR has been amended accordingly • The public interest is served by creating additional needed residual waste disposal capacity as well as the proposed diversion facilities, which will assist the City to reach its goals for IC&I diversion. 	<ul style="list-style-type: none"> • Satisfactory. • Unsatisfactory. The City maintains its position.
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	<p>disposal of residual waste (post-diversion municipal solid waste) is what is in the interest of the public, not waste in general?</p> <ul style="list-style-type: none"> • Fourth sentence on p.6 – Should the 60 percent IC&I diversion target not be both the Province’s and the City’s goal? Should it also not be WM’s goal? • The justification for the “focused” approach to this EA seems limited. Should be more comprehensive. <p>1.6 Purpose and Organization of this ToR, Page 6-8</p> <ul style="list-style-type: none"> • First paragraph on p. 6 - amend to read - “...a framework for the preparation and review of the EA and these proposed ToR have been prepared....” 	<ul style="list-style-type: none"> • 60% IC&I diversion should be the goal of the Province and the City. It is an objective of WM’s to assist the Province/City in meeting their target and facilitate diversion. The Province, through revisions to the Waste Diversion Act is looking at a number of different facets of diversion – companies incented or directed to divert, how material is processed, etc. and subject companies like ours getting into the business. We understand that the Act is in the process of being reviewed and amended. • Comment noted. Details on a ‘focused’ EA is provided in Section 1.4 of the ToR and Supporting Document #1 and 2. WM believes that this section is worded appropriately. • WM believes that this section of the ToR is worded is acceptable. 	<ul style="list-style-type: none"> • Unsatisfactory. The City maintains its comments. • Unsatisfactory. The City maintains its comments. • Unsatisfactory. The City maintains its comments.
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	<p>1.7 CEAA, Page 8</p> <ul style="list-style-type: none"> The CEAA may apply if a Federal authority determines that it applies, depending on the types of activities/work related to the proponent's undertaking. The ToR state that it is unlikely that a Federal EA will be required but it is possible. If a Federal Screening EA is required, the need for the project (i.e. the activities subject to the Federal EA) may be a required factor to be considered if so determined by the responsible authority. <p>2. Development of the WCEC Proposal, Page 9</p> <p>2.1 Previous Studies and ToR Submitted, Page 9-10</p> <ul style="list-style-type: none"> First paragraph, p. 9, seems superfluous. Second bullet on p.10 – Does the Community Liaison Committee have a role in EA consultation? The CLC is not clearly defined in SD#3 Appendix B. <p>2.2 Developing a New Proposal, Page 10-11</p> <ul style="list-style-type: none"> Second paragraph on p.10 – should be “minimize” not “minimized.” 	<ul style="list-style-type: none"> Comment noted. <ul style="list-style-type: none"> Comment noted The CLC was formed to engage interested stakeholders during the operational phase of the existing landfill. The Project Advisory Committee (PAC) was formed for the current ToR and will be carried through to the EA phase. Section 9.3.2 speaks to the PAC. <ul style="list-style-type: none"> Comment acknowledged –ToR has been amended accordingly 	<ul style="list-style-type: none"> Satisfactory. <ul style="list-style-type: none"> Satisfactory. Satisfactory. <ul style="list-style-type: none"> Satisfactory.
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	<p>2.3 Overview of the WCEC, Page 11-13</p> <ul style="list-style-type: none"> • Question – does this EA have a Designation Order or Voluntary Agreement? Should explain. • Second paragraph p.12 – define “diverting as much waste as is feasible.” Organics Processing Facility not required as there is substantial organics processing capacity in Ottawa. <p>2.4 Proposed New Landfill Footprint, Page 13-14</p> <ul style="list-style-type: none"> • This section speaks to a leachate collection and monitoring system; however, there is no mention of treatment or disposal of this material. The disposal of leachate to the City’s sewage works is prohibited unless done so under a Leachate Agreement. Note that the City is under no obligation to negotiate such an agreement. Should they choose to do so, the leachate must meet the discharge limits prescribed in the City of Ottawa Sewer Use by-law and the discharge may be subject to volumetric limits based on sewer capacity. 	<ul style="list-style-type: none"> • This EA is following Regulation 101/07 which designates specific waste management undertakings under the EA Act, including the undertaking proposed by WM. Consequently there is no need for a designation order or voluntary agreement for this project. • The level of diversion achieved will be dependent on a number of factors including, the development of infrastructure and commodity markets, costs, and regulations. • Comment acknowledged. This will be addressed as part of the EPA approvals process. 	<ul style="list-style-type: none"> • Satisfactory. • Unsatisfactory. The City maintains its comments. • Satisfactory.
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	<p>2.5 Key Differences from Previous Proposal, Page 14-16</p> <ul style="list-style-type: none"> • Table 1 should be re-titled “ Key Differences Between 2007 ToR and 2010 ToR.” • Within Table 1: • Item 1 – revise Comments/Action to read “...revise the total proposed new/additional landfill volume...” Also, revise Item 1 to read Reduction in Landfill Capacity. • Item 2 – What does “stand alone” mean? If the thermal option has already been dismissed on the basis of SD#2 as a potential “Alternative To”, why as per Section 1.3 of the ToR does WM commit to preparing and submitting an EA for review and approval that contains “d) The alternatives to the undertaking, as described in Section 5 of these ToR”? This implies that all “Alternatives To” will receive full treatment during the EA process. • Item 2 – “The thermal option does not represent a viable alternative...” This is confusing. Is the thermal option under consideration or not? • Item 3 – suggest revise to read 	<ul style="list-style-type: none"> • Comment acknowledged –ToR has been amended accordingly • Comment acknowledged –ToR has been amended accordingly • Supporting Document #2 describes the thermal option in greater detail, the ToR is a summary of the identification and evaluation of each of the Alternatives To. An extensive 	<ul style="list-style-type: none"> • Satisfactory. • Satisfactory/ • Unsatisfactory. (No response.) The City maintains its comments. • Unsatisfactory. The City maintains its comments.
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	<p>“...confirmed and will be adjusted, as warranted....”</p> <p>3. Purpose of the Proposed Undertaking, Page 17</p> <ul style="list-style-type: none"> • First sentence – “The purpose of the proposed undertaking is to provide additional disposal capacity for solid non hazardous waste at the WCEC in the form of a new landfill footprint, in order to allow WM to continue to manage its current commercial operations and support the continuation of its business operations”. This differs from previous descriptions of the proposed undertaking (i.e. Sections 1.0, 1.1). The purpose of the undertaking needs to be consistently expressed throughout these ToR in order to eliminate any confusion or uncertainty as to what is being proposed. • The bullet list provided (p. 17) should coincide with the bullet list provided in Section 1.0, p. 1. 	<p>discussion on thermal technologies is provided in Supporting Document #2. As part of focusing the ToR, WM considered a reasonable range of “alternatives to” in Supporting Document #2. The screening analysis of the “alternatives to” lead to a preferred alternative and as such WM will carry forward this preferred alternative to in the EA.</p> <ul style="list-style-type: none"> • The undertaking refers to the proposal which is subject to approvals under the <i>Ontario Environmental Assessment Act</i>. • Comment acknowledged – the wording in the ToR is appropriate and states the same items as Section 1.0, but goes 	<ul style="list-style-type: none"> • Unsatisfactory. The City maintains its comments. • Satisfactory.
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	<p>4. Description of and Rationale for the Undertaking, Page 18</p> <p>4.1 Overview of the Rationale, Page 18</p> <p>4.2 Problem and Opportunity Assessment, Page 18-22</p> <ul style="list-style-type: none"> • First sentence – “...we limited the waste disposal needs assessment to the Ottawa area.” This should read “...the post-diversion municipal solid waste disposal needs assessment was limited to the Ottawa area.” • First sentence, second paragraph p.19 – “WM is also aware of the need to provide increased diversion facility capacity in Ontario, in particular to accommodate the desired and anticipated increase in diversion from the IC&I sector”. What is the intended service area for waste that is intended to be managed by diversion facilities to be established at the WCEC? • If, as per the first two sentences of the third full paragraph on p.20, the existing five disposal sites in the Ottawa area will provide all of the disposal capacity for waste generated 	<p>beyond a general description.</p> <ul style="list-style-type: none"> • WM avoided use of the term municipal solid waste to avoid confusion, as suggested by stakeholders. The analysis undertaken looked at different waste streams, including residential, IC&I and C&D. This statement is therefore accurate. • The intended service area is first the Ottawa area and then the Good Neighbour Zone (GNZ) • The first sentence goes on to state the following: “<i>In order to allow WM to continue to manage its current commercial operations and support the continuation of its business</i> 	<ul style="list-style-type: none"> • Unsatisfactory. The City maintains its comments. The City wants to ensure that WM’s undertaking emphasizes waste diversion and that all efforts be made to divert prior to disposal. • Unsatisfactory in light of the comment “WM intends to retain an Ontario wide service area for the WCEC” two bullets down. The City maintains its comments. • Unsatisfactory. The City maintains its comments.
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	<p>within the City of Ottawa during the planning period (i.e. 10 years), how does WM rationalize the purpose of the undertaking as expressed in the first sentence of Section 3.0 (Purpose of the Proposed Undertaking)?</p> <ul style="list-style-type: none"> • What service area will actually be requested if the needs assessment is limited to the Ottawa area? The City diverts 42% of the residential waste stream, not 38%. This number is expected to increase as participation in the Green Bin program grows. Define Good Neighbour Zone. <p>Waste Generation, Diversion and Disposal in Ottawa, Page 18-19</p> <ul style="list-style-type: none"> • The last paragraph of Section 4.2 (“Based on the projections.....were disposed.”) is confusing and should be clarified. <p>Role of the WM Ottawa WMF, Page 19-20</p> <ul style="list-style-type: none"> • Last sentence – “...there is a need to develop additional waste disposal capacity”. This should read “...there is a need to develop additional post-diversion municipal solid waste disposal capacity.” In any event, WM 	<p><i>operations”</i></p> <ul style="list-style-type: none"> • WM intends to retain an Ontario wide service area for the WCEC. As described in the ToR, WM proposes to reserve capacity at the WCEC consistent with its current agreement with the City of Ottawa. Communities within the area known to WM as the Good Neighbour Zone have included the Town of Smith Falls, and the Townships of Beckwith, Carleton Place, Montague and Mississippi Mills. • Supporting Document #1 provides a more fulsome discussion on waste projections utilized for the Rationale and need. • The Rationale for the Undertaking is based on MSW, C&D and IC&I waste. Further, WM is proposing to handle C&D and IC&I waste at the site, so it would not be accurate to make the suggested change. WM did not use the 	<ul style="list-style-type: none"> • Unsatisfactory. The City maintains its comments. • Satisfactory. • Unsatisfactory. The City wants to ensure that WM’s undertaking emphasizes waste diversion and that all efforts be made to divert
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	<p>has not proven that there is a need for additional post-diversion municipal solid waste disposal capacity vis a vis ongoing landfill diversion improvements in the Ottawa area.</p> <p>The Opportunity, Page 20-22</p> <p>5. Consideration of Alternatives to the Undertaking, Page 23</p> <p>5.1 Step 1, Page 23-24</p> <ul style="list-style-type: none"> • WM is not currently licensed as a transfer station. This needs to be clarified in the ToR. A Certificate of Approval is required if a transfer station is to be established. • Section 5.0 of the ToR discuss “Alternatives To” the undertaking and provides reasons for selecting the one alternative that would be the subject of the EA. Consideration of “Alternatives To” is only in the ToR as background information and will not form part of the EA. <p>Alternative 1 – Do Nothing, Page 24</p> <ul style="list-style-type: none"> • Last sentence in first paragraph under Alternative 1 – Do Nothing – if the WCEC is contingent upon approval of a new landfill footprint, the first sentence of Section 3.0 (Purpose of the Proposed Undertaking) is 	<p>term municipal solid waste specifically to avoid confusion with the public that this term applied only to residential waste.</p> <ul style="list-style-type: none"> • Comment acknowledged • Comment acknowledged • The landfill is one component of the proposed WCEC. There are numerous elements of the WCEC, which have been committed to (i.e. diversion elements) by WM in Appendix D. 	<p>prior to disposal.</p> <ul style="list-style-type: none"> • Satisfactory. • Satisfactory. • Unsatisfactory.
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	<p>misleading in that it suggests that the purpose of the undertaking is directly related to the WCEC, which will be evaluated as part of the EA.</p> <p>Alternative 5 – Export Waste to Other Facilities, Page 25-26</p> <ul style="list-style-type: none"> • Last sentence of continued paragraph top of p.26 re: “The availability of potential locations in Ottawa and eastern Ontario is very limited”. This section is written as if “waste disposal capacity” per se is limited whereas the ToR as previously discussed is intended to address residual waste disposal (i.e. post-diversion municipal solid waste). As such, the accuracy of the comment needs to be verified on this basis. <p>Summary of Selection of Preferred Alternative, Page 30-31</p> <p>6. Description of and Rationale for “Alt Methods” of Carrying out the Undertaking, Page 32-33</p> <ul style="list-style-type: none"> • Top of p.33 second sentence – “A detailed comparative evaluation of alternative landfill footprints will be conducted a detailed impact assessment on the preferred landfill footprint will be carried out”. Explain what the comparative evaluation and 	<ul style="list-style-type: none"> • Supporting Document #1 provides a more fulsome discussion on waste projections utilized for the Rationale and need. • Section 8.1 of the ToR describes the comparative evaluation methodology for the Alternative Methods. 	<ul style="list-style-type: none"> • Satisfactory. • Satisfactory.
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	<p>impact assessment will consist of and how they will be conducted.</p> <p>6.4 Perimeter Buffer Zones, Page 35</p> <ul style="list-style-type: none"> • 100 meter buffer is insufficient. MOE best practice suggests a 500 meter minimum <p>7. Existing Environmental Conditions, Page 37</p> <p>7.1 Study Areas, Page 37</p> <ul style="list-style-type: none"> • Should list what environmental components will be addressed in each of the three study areas, or state that each component will be addressed within the context of each study area. <p>7.2 Environmental Components, Page 38</p> <ul style="list-style-type: none"> • Add new environmental component bullet: “Design and Operations Considerations” (i.e. conceptual 	<ul style="list-style-type: none"> • The buffer distance proposed has historically been used with the Ottawa WMF as well as other similar facilities in Ontario. The buffer distance will be finalized during the EA in accordance with O.Reg. 232/98 which suggests 100m. This is also consistent with Ontario Guideline D-4 which suggests that land use within 500 m of a waste fill area be assessed. As described in the ToR, the proposed study areas will assess effects within the site vicinity (i.e. 500 m) and regionally (approx. 3 to 5 km). • Each of the environmental components listed in Appendix C will determine if the study areas should be modified during the EA • Comment acknowledged. Design and Operations has been included as an environmental component in Appendix 	<ul style="list-style-type: none"> • Unsatisfactory. The City maintains its comments. • Satisfactory. • Satisfactory.
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	<p>design).</p> <ul style="list-style-type: none"> The groundwater referred to in the groundwater remediation and management strategy is currently discharged to the City sewer system as part of the leachate agreement between WM and the City of Ottawa for the landfill that is scheduled to close. This Agreement may have to be renegotiated and may be subject to quantity limitations based on sewer capacity. <p>7.3 Existing Environmental Conditions, Page 38</p> <ul style="list-style-type: none"> To reflect Section 7.2 and Appendix B of the ToR, add text to describe “Design and Operations Considerations” (i.e. conceptual design). <p>8.1 Evaluation of “Alternative Methods”, Page 42</p> <ul style="list-style-type: none"> Delete first sentence and the four bullets. Start the section with “The comparative evaluation methodology....” Add new Item 3 re: mitigation measures. Re-number ensuing items. 	<p>C. It was not included in the ToR as an oversight.</p> <ul style="list-style-type: none"> Comment acknowledged. This will be reviewed as part of the EPA approvals. Design and Operations relates to the proposed facility and not to existing conditions Comment noted – however, there is no need to delete the preamble to this section. Item 3 clearly refers to mitigation measures, therefore, no need to modify this section 	<ul style="list-style-type: none"> Satisfactory. Satisfactory. Satisfactory. Unsatisfactory. The City maintains its comments.
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	<ul style="list-style-type: none"> • Following MOE regulations for conducting EAs and running the AERMOD dispersion model is satisfactory. The fact WM will be working closely with MOE for the EA gives the City a level of comfort needed for this project. What is not clear from the report is what WM monitors currently: VOCs, CH4, NOx, PM10 or PM2.5? WM offers to do on-site monitoring but does not identify what will be monitored nor how. • The following parameters should be included when measuring the economic impacts of this project: <ul style="list-style-type: none"> ○ Direct jobs created as a result of the one-time capital investment ○ Number of new jobs created as a result of expansion ○ Indirect and induced jobs created from annual operational spending ○ Identify potential spin-off investment that may be realized. • What are the linkages/benefits with existing businesses, if any, along the Carp Road corridor? <p>8.2 Detailed Assessment of the Undertaking, Page 43</p> <ul style="list-style-type: none"> • The methodology of how the 	<ul style="list-style-type: none"> • Appendix C, Attachment 2 – Atmospheric Work Plan addresses these items. These are preliminary work plans that will be reviewed and finalized in the EA with GRT input. • Comment noted. The Socio-Economic Work Plan in Appendix C will be finalized during the EA and will consider the City’s comments. • WM feels that sufficient detail on the 	<ul style="list-style-type: none"> • Satisfactory. • Satisfactory. • Unsatisfactory. The City
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	<p>“Alternative Methods” will be evaluated – e.g. qualitative and quantitative assessments should be described in greater detail in this section</p> <p>9. Consultation Plan, Page 44</p> <ul style="list-style-type: none"> • Suggest referencing the EA Code of Practice and Consultation Code of Practice. <p>9.1.1 Stakeholders, Page 44</p> <ul style="list-style-type: none"> • Last bullet p. 44 - delete “Métis National Council” and add “Ottawa Métis Council” <p>9.3 Consultation Plan for the EA, Page 46</p> <ul style="list-style-type: none"> • Under sub-section “Aboriginal Communities (p. 47) delete “Métis National Council” and add “Ottawa Métis Council” <p>9.3.2 Proposed Consultation Activities, Page 48</p> <ul style="list-style-type: none"> • The WM members on the PAC should be ex officio • Does the PAC have Terms of Reference governing its structure, mandate and operation? Provide in a SD. • Add a sub-section providing for an 	<p>methodology for the evaluation of Alternative Methods has been provided in the ToR.</p> <ul style="list-style-type: none"> • Comment acknowledged –ToR has been amended accordingly • WM contacted the Métis Nation of Ontario Land Development office in Toronto as per the Métis consultation protocol. • Comment noted • The formation of the PAC and their role is described in Supporting Document #3 • As per the Council resolution, there 	<p>maintains its comments.</p> <ul style="list-style-type: none"> • Satisfactory. • Satisfactory. • Satisfactory. • Satisfactory. • Satisfactory.
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	<p>EA Technical Advisory Committee.</p> <p>10.1 ToR and EA Commitments, Page 51</p> <ul style="list-style-type: none"> Section 10.1 refers to “WCEC EA”. This is confusing as the term has not been used elsewhere in the ToR and gives the impression that, regardless of approval of landfill expansion or a new landfill footprint, the other integrated waste management facilities described under the WCEC will be assessed as part of the EA. However, as noted in Section 5.1 of the ToR, it is understood that the other integrated facilities may not be implemented if a new landfill footprint is not approved. Further, the first sentence of Section 1.0 of the ToR indicates the “WM proposes to complete an EA for a proposed undertaking consisting of the provision of a new landfill footprint at the existing Ottawa WMF”. What is the subject of this EA? The WCEC or a new landfill footprint? <p>12. Other Approvals, Page 54</p> <ul style="list-style-type: none"> Add Aggregate Resources Act to list. <p>Figure 2 – Alternative Methods Constraints</p>	<p>will be an EA review panel, not an advisory committee. The ToR has been amended accordingly.</p> <ul style="list-style-type: none"> The landfill is one component of the proposed WCEC. There are numerous elements of the WCEC, which have been committed to (i.e. diversion elements) by WM in Appendix D. Comment acknowledged –ToR has been amended accordingly 	<ul style="list-style-type: none"> Unsatisfactory. The City maintains its comments. Satisfactory.
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	<ul style="list-style-type: none">• Why is the landfill buffer area shown on the parcel west of William Mooney Drive?	<ul style="list-style-type: none">• This area has been identified as a possible Alternative Method (i.e. footprint)	<ul style="list-style-type: none">• Satisfactory.
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