

**Joint Municipal Co-ordinating Committee
Meeting # 16 – January 16, 2020 at 10:00 a.m. – Zorra Municipal Office
Meeting Minutes**

Present: Peter Pickfield, Garrod Pickfield LLP
Alex Ciccone, Garrod Pickfield LLP
Chris Haussmann, PRT Manager, Haussmann Consulting Inc.
Larry Martin, Warden, County of Oxford
Peter Crockett, Chief Administrative Officer, County of Oxford
Tommasina Conte, Communications Coordinator, County of Oxford
David Mayberry, Mayor, South-West Oxford
Mary Ellen Greb, Chief Administrative Officer, Township of South-West Oxford
Ted Comiskey, Mayor, Town of Ingersoll
William Tigert, Chief Administrative Officer, Town of Ingersoll
Marcus Ryan, Mayor, Township of Zorra
Don MacLeod, Chief Administrative Officer, Township of Zorra
Lisa Teeple, Administrative Assistant, Township of Zorra

1. Call to Order

Mayor Ryan calls the meeting to order at 10:00 a.m.

2. Minutes from April 24, 2019 meeting

Minutes from the last meeting were accepted by email consensus after the last meeting.

3. Review of the process so far

4. Anticipated next steps by Proponent and Province

Mr. Haussmann reports that Darren Fry confirmed that the first draft of the Environmental Assessment (EA) is on track to be released by mid-February. Mr. Pickfield advises that this is an important time to refresh everyone on the process and what we can expect going forward. Mr. Pickfield presented to his firm's memo dated January 16, 2020 which summarizes what has happened in the process so far and what we can expect in the future. This memo is attached to these minutes for reference.

Mr. Crockett notes that we haven't heard if WEG plans to apply for a Zone Change and OP Amendment at the same time as they file the EA. Mr. Pickfield responds that WEG seems to be focusing on EA at this time. Mayor Ryan notes that policies are in place now and whatever the Proponent puts forward needs to be in line with our existing policies.

Mr. Crockett summarizes that the JMCC will complete the technical review and then all affected Councils will be asked to take a position. He notes that Oxford County will ask MOH

to make a recommendation to Council and he envisions JMCC also having a planning report available for discussion at that time.

There will be three opportunities for public comment:

- 1) First, when WEG releases the pre-submission draft EA in coming weeks;
- 2) Second, during a seven-week period after WEG has submitted their revised draft EA to the Ministry of Environment and Climate Change (MOECC) for approval. This version should include any revisions WEG has made based on comments received during the first public review. It will be important to carefully review this version to ensure that our comments on the pre-submission Draft EA were properly addressed in this version.

WEG will receive comments from the Ministry, make any further necessary changes to the EA and submit their final EA documents back to the Ministry for the Minister's review and decision.

- 3) The public will then have a third opportunity to review and comment on the EA during a five-week period before the Minister issues a final decision.

Mr. Pickfield advised that WEG has approached the County to discuss community compensation as part of the EA process. Mr. McLeod confirmed that the Township has also been approached WEG on this issue. Mr Pickfield notes that he was involved when the Township of Warwick was opposing the largest landfill in Ontario. A condition of the EA included a mandatory Host Municipality Agreement. Zorra would have to negotiate their own Host Agreement and WEG may seek to enter into separate agreements with SWOX and Ingersoll as well.

Mr. Tigert asks what exemption clause we have to go back and talk to Council in closed session. Mr. Pickfield notes that matters of potential litigation are legitimately discussed in closed session.

Mr. Tigert questions what mechanism is in place to impose a Host Agreement if the two sides can't agree. Mr. Pickfield advises there is no formal mechanism in place but these are sometimes incorporated as conditions of EA approval or identified in the EA document itself. He will share a couple of Host Agreements with us.

Warden Martin asks if a Host Municipality Agreement is not included in the EA, will the Ministry force WEG to create one? Mr. Crockett notes that it will almost certainly be a requirement of the EA and suggests that we include as a comment that we require agreements with SWOX and Ingersoll as well as Zorra and Oxford County.

Mr. Crockett suggests that we have Mr. Pickfield provide a legal opinion to all Councils to consider in closed session regarding how to proceed with host agreement negotiations for municipalities involved in this process.

Mayor Ryan asks if there is a way to structure the advice so that it could be discussed in open session rather than closed session? Mr. Pickfield agrees that this is a good idea and definitely a portion of the material could be discussed in open session before going into closed session to discuss particulars.

Mr. Hausmann advises he has encouraged the PRT members to do a good, thorough job as expeditiously as possible in order to ensure our comments are received and fully considered before WEG makes its first submission to the Ministry. Mr. Crockett notes that timing will be crucial for the step in the process where municipal councils review the document, in order to get it onto an agenda. Mayor Comiskey feels that fifty days would be more appropriate than thirty days for this section of the review.

5. Next steps required by JMCC in order to be best prepared for item 4 above

Mr. Crockett feels that the Pickfield Memo is a good education piece for Councils and members of the public and would be valuable if posted as part of the JMCC minutes. He feels this document should be posted individually as well on the JMCC website, perhaps even breaking the document into different sections to provide meaningful information for the public. Ms. Conte agrees and notes that it would be useful to create an info-graphic from the information in the document. Mayor Ryan confirms that the information should be posted on the JMCC website, then shared through the various Township websites and social media accounts. Ms. Conte feels a news release would be appropriate as well. Mr. Pickfield confirms this is not controversial information, but is factual. Mrs. Greb suggests removing contact information for the PRT members before making the document public.

Mr. Hausmann notes that, consistent with the Memorandum of Understanding, it would be prudent and courteous to give WEG a few days advance notice before releasing all this information, as it is substantial and includes a media release.

Mr. Crockett summarizes that the pre-submission EA is likely to come out in Mid-February and we need to be ready with information to post on website, media release, etc.

First step – finalize edits to memo & minutes and prepare news release

Second step – forward material to WEG for their information in advance of public release

Third step - advisory to public; put on website with infographic

6. Next Meeting

Mr. Haussmann will be in touch with PRT members once the EA is released and we will call our next meeting as needed.

Meeting adjourns at 12:11 p.m.

Attachment: Garrod Pickfield LLP Memo dated January 16, 2020 RE: Southwestern Landfill
- Environmental Assessment Process

Peter Pickfield and Alex Ciccone
9 Norwich St. W
Guelph, ON N1H 2G8
Telephone: (519) 837-0500
Fax: (519) 763-2204
Emails: pickfield@garrodpickfield.ca
aciccone@garrodpickfield.ca
File No. 11651

January 16, 2020

TO: Joint Municipal Coordinating Committee
FROM: Garrod Pickfield LLP
RE: Southwestern Landfill - Environmental Assessment Process

1. Introduction

Walker Environmental Group has recently advised that it will soon be releasing its draft environmental assessment and associated supporting studies as part of its application under the *Environmental Assessment Act* for the Walker Environmental Group (“WEG”) Southwestern Landfill proposal (the “WEG Landfill Proposal”). This signals commencement of the most important stage in the work of the Oxford Joint Municipal Coordinating Committee (“JMCC”) in its role in overseeing the independent peer review process of the WEG Landfill Proposal.

The purpose of this memorandum is to provide a resource document to assist JMCC members as it resumes its activities. Specifically the memorandum will provide:

- A refresher/briefing on the landfill approval process pursuant to the *Environmental Assessment Act* as well as other approval requirements (**section 2**);
- A summary description and chronology of the environmental assessment process to date for the WEG proposal including the work that has been carried out under the JMCC peer review process in co-ordination with Oxford Public Health, now Southwestern Public Health, (**section 3 and Appendix 1**); and
- A summary of the next steps to be carried out under the JMCC peer review process (**section 4 and Appendix 2**).

A current list of PRT members and their contact information is also provided for the JMCC’s reference (**Appendix 3**).

2. Review of Ontario's Landfill Approval Process

Overview: The Southwestern Landfill proposal cannot proceed without multiple environmental and planning approvals. These includes a critically important “approval in principle” through the extensive study and public consultation process required under the *Environmental Assessment Act*, RSO 1990 c E18 (the “**EA Act**”). This approval decision is made by the Minister of the Environment, Conservation and Parks (the “**Minister**”).

In addition to the approval under the EA Act, approval is required under a number of other statutes including the *Planning Act* and *Environmental Protection Act*. It is important to note that, pursuant to section 12.2(2) of the EA Act, no other required approvals can be issued until approval to proceed under the EA Act is obtained. For this reason, WEG has not yet submitted applications for other required landfill approvals.

Below is a breakdown and summary of the key steps required to obtain landfill approvals in Ontario.

2.1. Environmental Assessment Approval Process

a) Approval Decision under the EAA

The Act establishes a two-part approval process, with both approval decisions made by the Minister:

- 1) Approval of the Terms of Reference for the Environmental Assessment; and
- 2) Approval of the Application which involves a two-part decision by the Minister: (1) approval of a document called an environmental assessment (the “**EA**”), and (2) approval to proceed with the undertaking itself.

Approval of Terms of Reference: The Terms of Reference is a critically important document that sets the parameters of the environmental assessment study process that the proponent must carry out. This document determines the range of alternatives that must be considered during the EA study process as well as the methodology and approach to assessing the impacts, and advantages and disadvantages, of the alternatives and the preferred undertaking. As the JMCC is aware, the Terms of Reference for the WEG Landfill Proposal EA was approved on March 17, 2016. As discussed below, this document will be an important point of reference for both the JMCC peer review and the Minister's decision on the EA.

Approval of the Application: The approval decision on the Application, which, as noted, includes approval of an Environmental Assessment for the proposal and permission to proceed with the undertaking, occurs at the end of the study process for the EA, and following extensive mandatory public consultation and government review. The factors to be considered by the Minister in making this approval decision are discussed below.

b) Preparing and Submitting the EA

As noted above, the Terms of Reference set out the study requirements of the EA, which typically includes a multidisciplinary review of the draft EA and additional public consultation before the draft EA is submitted to the Minister. This is the stage that we are about to enter into with respect to the Southwestern Landfill. This stage comprises many steps, outlined in greater detail in Section 4 and Appendix 2 to this letter. WEG currently anticipates releasing its pre-submission draft EA to the JMCC in the first quarter of 2020.

Once any multidisciplinary review and/or public consultation (if either are required by the Terms of Reference) are completed, a draft EA is prepared considering this review and documenting the comments received and the proponent's responses addressing them. The proponent will then submit its draft EA and must provide public notice¹ that it has submitted the EA to the Ministry of Environment, Conservation and Parks ("MECP") within two weeks.

c) Formal Ministry and Public Review of EA

The MECP is then tasked with coordinating a review of the document. The MECP consults with government experts, indigenous communities and the public. It should be noted that the proponent may amend or withdraw the EA at any time before the deadline for the MECP review of the EA, but only upon such conditions as the Minister may impose on the withdrawal or amendment.²

Public Comment: During this Ministry Review, the public will have 7 weeks to provide comments on the as-submitted EA once public notice has been given that the EA has been submitted.³

Ministry Consideration of Comments: Following the conclusion of this 7 week period, the MECP conducts its own review where it reviews all comments from the public, indigenous communities, and government agencies along with the proponent's responses to these comments (the "**Ministry Review**").⁴ Additionally, the Ministry Review will include discussion on whether the proponent is in compliance with the approved terms of reference and whether it has met the requirements of the EA Act. The MECP has 5 weeks⁵ to draft and publish the Ministry Review from the conclusion of public comments, though the MECP may extend this deadline if there is a compelling reason.⁶

If the MECP notes any deficiencies in the EA, it must notify the proponent of these deficiencies at least 14 days before the deadline for the Ministry Review.⁷ In this event, the proponent would have 7 days to remedy these deficiencies.⁸

¹ EA Act, section 6.3(1)

² EA Act, section 6.2(3)

³ EA Act, section 6.4 and O Reg 616/98, Table Item 3

⁴ EA Act, section 7

⁵ O Reg 616/98: Deadlines, Table Item 4

⁶ EA Act, section 7(3)

⁷ EA Act, section 7(4)

⁸ EA Act, section 7(5)

Note that the proponent or any other interested persons may request that the Minister refer the matter to mediation.⁹ If that request is made, the Minister shall notify prescribed persons of the Minister's decision regarding the request for mediation and provide written reasons for their decision.¹⁰

The MECP must issue a Notice of Completion when the Ministry Review has been completed

d) Final Public Review Period and Request for Hearing

Following the Notice of Completion of the Ministry Review, the public, other government agencies, and indigenous communities have a further 5 weeks to provide additional comments to the MECP on the project, the EA or the Ministry Review.¹¹ During this time anyone can provide written comments to the MECP to identify any outstanding issues and provide suggestions as to how/whether these can be resolved.

Anyone can also request a hearing during this 5 week period - the only period during which a hearing may be requested.¹² If a hearing is requested, the Minister must refer all or part of the application to the Tribunal unless the Minister opines that the request is frivolous, a hearing is unnecessary, or the hearing may cause undue delay.¹³ It should be noted that the Minister has "absolute discretion" over this decision.

e) Decision on the Application

Once this final 5 week period for public comment on the Ministry Review has concluded, the Minister has 13 weeks to decide whether to approve the Application. The Minister's options at this stage are to

- Approve the Application with or without conditions
- refuse the EA;¹⁴
- refer the Application to mediation;¹⁵ or
- refer the decision on the Application, or some part of the Application, to the Environmental Review Tribunal (the "ERT" or "Tribunal") for a hearing on the merits of the Application¹⁶.

⁹ EA Act, section 8(1)

¹⁰ EA Act, section 8(3)

¹¹ EA Act, section 7.2(2) and O Reg 616/98: Deadlines, Table Item 5

¹² EA Act, section 7.2(3)

¹³ EA Act, section 9.3(2)

¹⁴ EA Act, section 9(1)

¹⁵ EA Act, section 8

¹⁶ EA Act, section 9.1

In deciding on the approval of the Application, the Minister, or if referred to a hearing, the Tribunal, must consider the following factors¹⁷:

- The purpose of the Act;
- The approved terms of reference;
- The EA;
- The Ministry review of the EA;
- Comments submitted;
- Mediator's report (if the matter was mediated); and
- Any other matters that the Minister considers to be relevant to the application.

f) Review/Reconsideration of Decision on EA Application

There are no statutory rights of appeal of a decision by the Minister or the Tribunal on an EA Application. There is however the potential for two types of reviews of this decision.

First, if the Minister refers the matter to the Tribunal, the Minister may decide to review and vary any decision of the Tribunal within 28 days of receiving a copy of the decision, which timeframe can be extended by the Minister. Any decision by the Minister to vary a Tribunal decision is subject to the approval of the Lieutenant Governor in Council (Cabinet).¹⁸

Second, like any statutory decision, the decision to approve or reject the project by the Minister or the Tribunal is subject to review by the courts through an application for judicial review, subject to the procedures of the *Judicial Review Procedure Act*, RSO 1990, c J1. Anyone impacted by the decision of an administrative body, which includes a decision on an EA, can make this application to the courts. Depending on the nature of the decision, the standard of review is either correctness or reasonableness. Generally if the Minister's decision is considered to engage primarily with policy or is otherwise afforded discretion by the authorizing statute, the standard of reasonableness will apply.

Also, the Act provides for the "reconsideration" of an EA Approval in the case where "there is a change in circumstances or new information concerning an application and if the Minister considers it appropriate to do so...". The Minister may also engage the Tribunal in undertaking such reconsideration.¹⁹

2.2. Other Required Approvals

In addition to the EA Approval, landfill proposals require a number of other municipal and provincial approvals pursuant to other legislation. Key amongst these are approvals under the *Environmental Protection Act*, the *Planning Act*, and the *Ontario Water Resources Act*. Each of these approvals can establish further restrictions and conditions on landfill operations. Each of these three critical approvals carries potential opportunities for further hearings regarding the proposal.

¹⁷ EA Act, section 9(3)

¹⁸ EA Act, section 11.2

¹⁹ EA Act, section 11.4

In particular, under the *Planning Act*, there are broad public rights of appeal for decisions to approve or refuse the official plan amendment and zoning by-law amendments that will be required before the landfill can proceed.

Each of these approvals can establish further restrictions and conditions on landfill operations. For example the Waste Site environmental compliance approval will establish a lengthy catalogue of operational requirements including compliance with monitoring and impact standards. These combined with the requirements in the approved EA and the conditions of EA Approval establish the working rules that would govern the landfill.

2.3. Community Impact Management and Compensation Requirement

Landfills of this scale and magnitude typically require proponents to develop and obtain host municipality agreements, community commitment agreements and other impact management programs such as property value protection for neighbouring property owners. These requirements are typically incorporated into the approved EA and the conditions of EA approval.

Host municipality agreements can impose a range of financial and other obligations on landfill operators including: payment of royalties and other benefits to impacted municipalities, commitments to community building and local economic development and employment of local businesses, establishment of a permanent multi-disciplinary peer review team to independently audit and make recommendations on the environmental performance of the landfill.

3. Summary of Environmental Assessment Process to Date

Overview: Below is a summary of the key events that have taken place over the past seven years since the announcement by WEG of the commencement of the EA process for the proposed Southwestern Landfill. JMCC Members are also encouraged to review **Appendix 1** to this letter which provides a chronology of key events in tabular form.

3.1. Commencement of EA Application Process

In 2013, Niagara Waste Systems Ltd, now WEG, announced that it was commencing an environmental assessment study process to obtain approval pursuant to the EA Act from the Minister for the “Southwestern Landfill”, a proposed landfill facility to be located at the Carmeuse Beachville Quarry.

3.2. Municipal Coordination Efforts – Independent Peer Review

The municipalities that would be potentially impacted by this proposed landfill, the Township of Zora, Town of Ingersoll, Township of Southwest Oxford and the County of Oxford (collectively the “**Municipalities**”) sought to conduct an independent peer review of the Terms of Reference and the EA. In 2013 the Municipalities and WEG entered into a memorandum of understanding that established the JMCC which would accomplish this peer review.

Under the memorandum of understanding, WEG agreed to fund a multidisciplinary team of experts (the “**Peer Review Team**” or “**PRT**”) which is overseen by the JMCC. The JMCC is comprised of a maximum of two representatives from each of the Municipalities, presently composed of the chief administrative officer and mayor of each of the four participating municipalities. The Peer Review Team’s role is to review and provide independent comment on the Terms of Reference and the EA and to report its findings, conclusions and recommendations to the JMCC. The JMCC then reviews these reports and releases them to both the Municipalities and WEG.

The PRT is comprised of experts in distinct fields who peer review documents produced throughout the EA process. A list of all PRT experts and their area of expertise is provided in Appendix 3 to this document.

In addition to the JMCC/PRT review, Oxford Public Health has also independently reviewed and provided comments on the Terms of Reference and the EA process from the perspective of the potential impacts on community public health issues within its mandate. Given that Oxford Public Health has now been amalgamated to become part of Southwestern Public Health, these review responsibilities fall to Southwestern Public Health.

3.3. JMCC Involvement in Terms of Reference Approval Process

The draft Terms of Reference (“**TOR**”) was released May 9, 2013. The draft TOR was extensively reviewed by the JMCC through the PRT, and considered by each of the Councils for the Townships of Zorra and South-West Oxford, the Town of Ingersoll and the County of Oxford.

This review resulted in numerous comments which can be summarized as requesting more detail from WEG and requesting that WEG consider additional studies. One of the most significant missing studies was a Health Impact Assessment, which WEG eventually agreed to include in the TOR.

Before the Ministry could make a decision on the TOR, WEG applied for a suspension of the decision-making timeline in order to allow WEG to amend its draft TOR further. Following this hiatus, WEG agreed to some of the PRT’s previous recommendations regarding additional studies, consultation and transparency.

On March 17, 2016, the Minister issued the Notice of Approval to WEG for the Terms of Reference, with amendments. The amended Terms of Reference set the parameters for the EA Study process.

3.4. JMCC Review of Draft Study Work Plans/EA Methodology Documents

In accordance with the amended Terms of Reference, WEG prepared more detailed draft work plans for each discipline. The work plans provide for 12 technical studies aimed at identifying any potential impacts.

The JMCC/PRT peer reviewed the work plans and provided recommendations to WEG in May 2017. The JMCC also requested that WEG set up meetings with the PRT to resolve outstanding issues raised by the PRT review. Through this process, WEG agreed to fund an expanded scope of review which would include review of the alternative methods report, stating that the baseline conditions would be an integral part of the draft EA document.

In 2017 and 2018, the JMCC/ PRT provided four other sets of comments related to drafts of key WEG documents that were to govern the EA Study process:

- Alternative Methods Evaluation: In March 2017, the PRT provided comments and recommended changes to a draft report entitled *Alternative Methods Interim Report* (WEG, January 3, 2017) which set out WEG's proposed approach to assessing alternative methods of carrying out landfilling as required under the ToR. WEG accepted some but not all of the PRT's recommended changes to this document.
- Human Health Risk Assessment: In the fall of 2017, as required under the amendments made by the Minister in approving the ToR, WEG consulted the JMCC/PRT, the Oxford Acting Medical Officer of Health and others regarding the WEG-proposed work plans for the Human Health Risk Assessment and supplementary Health Review required by the Minister's ToR approval. Again, this process led to WEG making some but not all of the recommended changes to these workplans proposed by the PRT and Acting Medical Officer of Health.
- Land Use Planning Forecasts: In February, 2018, the JMCC/PRT provided to WEG peer review comments on the WEG draft *Land Use Planning Forecast* (WEG, October 2017), a key document to be used during the EA study process as the basis for the study of land use impacts of the landfill proposal and its alternatives. WEG provided responses to these comments. In December 2018 the PRT peer reviewer then provided a summary response indicating areas where WEG had not addressed PRT comments or concerns. Over all it appears that WEG chose to agree to some but not all of the PRT comments and recommendations provided with respect to this document.
- Areas of Discrepancy in Final WEG Workplans: In March/April 2018, the PRT carried out a brief review of the final technical work plans to confirm that all PRT recommended changes that had been agreed to by WEG were made. This review identified some specific discrepancies between agreed upon commitments and the final workplans in three areas: archeology, economic impact, and visual impacts. A satisfactory response to PRT comments on the Archaeology Workplan was received. The PRT comments on the Economics and Visual workplans were limited and will be addressed in the Draft EA review.

In summary, extensive comments were provided by the JMCC and the PRT on draft workplans and methodology documents prepared by WEG to govern the study process. While some changes were made to these draft documents by WEG, WEG did not accept a number of key comments and recommendations.

3.5. JMCC and Municipal Involvement during EA Study Process

Overview: The JMCC and its municipal members have had some limited input during the EA study process in two areas as described below.

a. WEG Interview Requests

In January of 2019, WEG sent a series of letters to the Municipalities to request interviews with municipal staff and elected officials as part of its public consultation. The municipal representatives of the JMCC discussed the best approach to responding to these interview requests.

In response to these letters, the Municipalities wrote back to WEG to:

- Request a written list of questions that WEG proposed to ask municipal staff or elected officials,
- State that staff would put together written responses to these questions in order to effectively answer them,
- Suggest that WEG review these responses to determine whether they sufficiently answer WEG's questions or whether WEG still wishes to conduct interviews, and
- Indicate they think it is improper to coordinate interview requests with elected officials. The Municipalities suggested that if WEG wanted to interview elected officials it should contact those individuals directly.

Following receipt of these letters, WEG provided the Municipalities with a list of written questions. This written list included questions directed to elected officials.

The Municipalities provided responses to the majority of these specific questions by WEG. These responses referenced public documents already in existence, as many of the questions posed by WEG could be addressed by referring to these public documents.

The Municipalities were unable to respond to some questions posed by WEG as a meaningful response could not be provided until the municipality has had an opportunity to review the draft EA and associated supporting studies as well as the JMCC peer review of the Draft EA.

In response to WEG's questions directed to elected officials, given that municipal councils speak only through resolutions and by-laws, the Municipalities again indicated that it would be inappropriate for staff to facilitate meetings aimed at soliciting the individual views of Council members, and that WEG may wish to contact elected official directly if it wishes to solicit their opinion.

b. JMCC Proposal for Peer Review and Comments on draft EA

In anticipation of the commencement of the JMCC peer review of the draft EA and its supporting studies, the JMCC directed the PRT to prepare a step-by-step process description and timeline for the JMCC review of the draft EA. This was provided to WEG in April of 2019.

WEG responded by generally agreeing with the process for review, but proposed significantly shorter timelines for review of the draft EA. The JMCC responded by indicating that the timeframes outlined in its letter of April 25 remain best estimates and that the JMCC has no reason to accept shorter timeframes for review. We have received no further response from WEG on this issue.

Appendix 2 to this memorandum is a table summarizing the key activities and timeline for the JMCC Peer Review Process.

4. Next Steps: JMCC Peer Review Process

WEG is currently completing its interdisciplinary studies on the landfill proposal and drafting the EA. According to WEG, it expects to release a draft EA in the first quarter of 2020 for public review. Following release of this document, the PRT and JMCC will undertake a peer review of the draft EA. Southwestern Public Health will also have an opportunity to review the draft EA and provide comments. The timeframe for completion of the JMCC review is anticipated to be three to four months.

In summary, here are the key anticipated steps:

- Once the draft EA is provided to the JMCC, the JMCC will work with the PRT to prepare a budget for WEG's approval.
- Following approval of this budget, the PRT will prepare a draft report on the EA. As part of this process, PRT members will consult with Southwestern Public Health in order to coordinate and synchronize findings.
- The PRT will then present the report to the JMCC and be available to address questions and comments.
- Following input from the JMCC, the PRT will amend and submit a final PRT report (the "**final PRT report**") to the JMCC. The JMCC will approve the final PRT report and release this report to WEG, the public and the JMCC municipal councils.
- Once the final PRT report has been submitted to WEG, the PRT will present the report to Southwestern Public Health for its final review and response.

- The PRT will then present the final PRT report to JMCC municipal councils. The municipal councils will receive, review and respond to the final PRT report along with any comments received on the report.

Here are the key anticipated steps following completion of the JMCC's pre-submission peer review process for the draft EA:

- WEG will revise the EA document based on comments received and submit its Final EA to the MECP for approval.
- The MECP will commence the Ministry and public review process for the EA as described in section 2 of this memo above, starting with a 7 week window for public comment on the EA, before the Ministry conducts its own review of the EA.

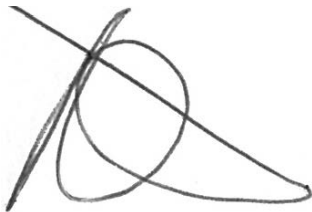
For a detailed summary of the steps required by the JMCC prior to WEG's submission of its draft EA to the MECP and the timeline for these steps, please see **Appendix 3** to this letter.

We will be in attendance at the JMCC meeting scheduled for January 16, 2020 in order to present this memorandum, and answer any questions that the JMCC may have. If you have any further questions regarding the EA process or the JMCC's role in advance of the release of the pre-submission draft EA, please do not hesitate to contact us.

Yours Truly,

Garrod Pickfield LLP

Per:



Peter C. Pickfield

Cc: Peter Crockett, Chief Administrative Officer, County of Oxford
Don MacLeod, Chief Administrative Officer, Township of Zorra
Dr. Joyce Lock, Medical Officer of Health, Southwestern Public Health
Chris Haussmann, PRT Manager, Haussmann Consulting Inc.

Appendix 1 –Chronology – Southwest Landfill EA Process

This chronology lists the date, title and description of key documents, along with any key comments provided by the Medical Officer of Health (“MOH”) at the time, Dr. Douglas Neal and comments by the JMCC or PRT.

January 9, 2013	MOU between Municipalities and WEG
Description	This memorandum of understanding formed the basis of the JMCC. It stipulates that the JMCC will be funded by WEG. The purpose of the JMCC is to implement an independent multidisciplinary peer review of the EA process through the PRT. The JMCC will also report its findings, conclusions and recommendations to the Municipalities and to WEG. The JMCC has the power to enter onto the subject lands with notice to WEG.

May 9, 2013	Draft Terms of Reference
Description	The draft Terms of Reference receive comments from stakeholders before being submitted to the Ministry of the Environment for review and approval.
PRT Comments	<p>The PRT provided a report on the draft TOR on July 5, 2013 with the following key findings and recommendations:</p> <ol style="list-style-type: none"> 1. The draft TOR contained insufficient information to support this site. WEG should provide more detailed information regarding alternative sites for the landfill and how this site was chosen and should identify ancillary facilities that may be associated with the landfill so that their impacts can be considered 2. WEG should provide detailed, discipline specific work plans, a baseline report, and a more detailed description of the undertaking for all disciplines. 3. WEG should provide further details regarding the relationship between WEG and Carmeuse Lime for impacts assessments. 4. WEG should consider groundwater and surface water treatment alternatives in the alternative methods assessment. 5. WEG should correct incorrect criteria references. 6. The TOR should reflect a more interdisciplinary approach. 7. WEG should fully incorporate public comments into the assessment criteria. 8. TOR should consider cumulative effects. 9. TOR should require reporting of monitoring results. 10. TOR should include a health impact risk assessment. 11. TOR should include a detailed consultation plan.
MOH Comments	- In a May 24, 2013 letter, requested that WEG include a Health Impact Assessment as part of the TOR to ensure a study of the cumulative impacts to human health.

May 24, 2013	Letter from MOH to WEG
Description	This letter requested that WEG “include a Health Impact Assessment as part of the Southwestern Landfill Environmental Assessment Terms of Reference”.

Aug 29, 2013	Revised Draft Terms of Reference
Description	WEG revised its TOR and submitted these TOR to the Ministry of Environment after integrating most of the JMCC’s recommendations. The public and the JMCC had 60 days to review these revised TOR and provide further comments on the revised TOR.
PRT Comments	<p>The PRT provided a report on October 8, 2013 with five key findings and associated recommendations:</p> <ol style="list-style-type: none"> 1. WEG should provide for technical consultations in advance of alternative methods evaluation in order to address: the appropriate level of detail in this evaluation; databases and monitoring programs used for this assessment; criteria used to evaluate air quality, odour, noise and vibration and how these metrics will be measured considering the Carmeuse quarry operations; how to integrate net effects for aquatic, terrestrial, surface and groundwater into the ecological effects assessment; how to integrate net effects related to socioeconomic effects assessment; and methodology for human health risk assessment. 2. Include reference to basic ancillary facilities such as recycling and composting. 3. WEG should address net impacts on gross economic output, vibration of trucks on haul routes, and visual impacts from construction, operation and landfill gas activities. 4. Key recommendations from the report regarding: the agricultural work plan; haul routes; health care facilities costs, the terrestrial ecology work plan; concerns about litter, vermin, traffic, water contamination should be cross referenced between multiple work plans; cultural heritage resource assessment and collecting baseline data for the human health risk assessment work plan. 5. Overall that WEG review and address specific recommendations in the PRT report
MOH Comments	- Notably, WEG added a Human Health Risk Assessment expert to its technical team and edited its work plan in consultation with the MOH.

January 2014	Decision Suspension
Description	In January, WEG applied to the MOECC to ask the Minister to suspend a decision on the TOR to allow WEG to make amendments to the TOR.

	<p>The JMCC expressed concerns with this request outlined in a letter dated January 28, 2014, requesting clearer communication from WEG and increased transparency.</p> <p>The Ministry granted the request to suspend the decision-making timeline for the TOR.</p>
--	--

May 2, 2014	Letter from Haussmann Consulting to JMCC
Description	<p>This letter addressed an amendment issued April 2, 2014 to the draft terms of reference by WEG. In this amendment WEG agreed to a number of changes suggested by the JMCC including:</p> <ul style="list-style-type: none"> • Consulting PRT on evaluation methodology for alternative methods; • Consulting PRT in developing workplans; • Providing for PRT observation of field work; • Increased groundwater and surface water assessment; • Addressing requirements of Aggregate Resources Act and Endangered Species Act; • Working with MTO to assess transportation; • Conducting a screening level review of the socio-economic effects assessment; and • Document and support the carcinogenic and non-carcinogenic toxicological reference values used in the Health Risk Assessment. <p>In response, the PRT recommended a cumulative impact assessment and recommended specific areas in which the PRT would like to be consulted with respect to the development of the work plans.</p>

March 17, 2016	Approval of Terms of Reference
Description	<p>MOECC (as it then was) accepted the TOR, allowing WEG to conduct the EA. This involves WEG undertaking studies and completing technical work plans to draft an EA and to determine if the proposed landfill can be constructed and operated safely.</p>

March 18, 2016	Letter from JMCC to WEG re TOR
Description	<p>The day following MOECC's approval of the TOR, Margaret Lupton, chair of the JMCC and Mayor of Zorra Township issued a formal statement expressing disappointment with the MOECC's decision to approve the TOR.</p>

April 19, 2016	Meeting between WEG and the JMCC
Description	<p>WEG met with the JMCC to review and discuss the Minister's decision to</p>

	approve its TOR and WEG's intent to proceed to the EA phase. WEG committed to providing the JMCC with milestones at which the JMCC would have opportunities to review the EA work products.
--	---

May 23, 2016	Letter from JMCC to WEG
Description	The PRT peer reviewed WEG's Draft Environmental Assessment Updated Work Plans. The JMCC requested that WEG address the recommendations in the PRT report and specifically set up technical meetings with the PRT, MOECC and other stakeholders to resolve Air and Noise work plan issues; groundwater and surface water work plan issues; and a meeting with the MOH to address health risks and effects from the socio-economic effects assessment.

August 2, 2016	JMCC Letter to WEG re Approach to PRT Review
Description	The JMCC requested a more comprehensive review of the following documents, with the ability to prepare budgets based on its best judgment: <ul style="list-style-type: none"> • The preferred alternative methods report; • The draft technical work plans prior to commencement of studies; • The draft baseline conditions reports; and • The draft EA.
WEG Response	WEG responded on August 24, 2016 indicating that it agreed to fund an expanded scope of review to address the concerns raised by the JMCC.

Jan 3, 2017	Alternative Methods Interim Report
Description	The Alternative Methods Interim Report was produced by WEG pursuant to the TOR.
PRT Comments	Provided comments on March 10, 2017 <ul style="list-style-type: none"> - WEG should adequately compare the impacts on groundwater serving as a municipal water supply in two scenarios: first, where the landfill proceeds and second, where the landfill does not proceed and the quarrying continues.

February and March, 2017	Review of Updated Work Plans
Description	WEG issued updated work plans to the PRT for review in February and March of 2017. Upon receipt, the PRT reviewed the work plans and provided recommendations to WEG for amendments.

March 2017	Human Health Risk Assessment (“HHRA”) and Supplementary Health Review Work Plan
Description	In March of 2017 WEG provided the JMCC with a HHRA and Supplementary Health Review Work Plan. This document was prepared to address the human health risk assessment component of the EA.
PRT Comments	<p>Comments provided via a report done by NovaTox May 2, 2017. In general, NovaTox found the HHRA Work Plan to be sufficient.</p> <ul style="list-style-type: none"> - Majority of comments and recommendations for the original 2015 HHRA Work Plan have been accepted and agreed upon by WEG but are not yet in this document as of March 2017. - Chemicals of potential concern should be included in the HHRA workplan. - Reference should also be made to future conditions and chemicals of potential concern. - Should include summary of how the chemicals of potential concern for air and groundwater and surface water quality will be selected for inclusion within the HHRA. - Operational and post-closure conditions should be considered assuming leakage. - Suggested alternative wordings to increase clarity - Provincial policy should be given priority over federal policy. Other jurisdictions should only be considered if there is a gap in provincial or federal policy.
MOH Comments	There is potential for health-related effects extending beyond those addressed through the HHRA such as indirect health impacts stemming from the social and economic impacts of the proposed landfill and a supplementary health review was requested.

March 20, 2017	Letter from JMCC to WEG re Alternative Methods Interim Report
Description	The JMCC sent a letter to WEG outlining that the PRT review of the Alternative Methods Interim Report identified significant deficiencies, and failed to analyze a number of important disciplines. The JMCC indicated disappointment that WEG refused to fund a full multidisciplinary review of its assessment of alternative methods. WEG accepted some but not all of the PRT’s recommended changes to this document.

May 23, 2017	JMCC Letter to WEG re Outstanding Issues
Description	<p>The JMCC requested a meeting with WEG to address four outstanding issues relating to funding shortfalls:</p> <ol style="list-style-type: none"> 1. WEG has not agreed to fund a comprehensive peer review of the alternative methods report. 2. WEG should fund a peer review of the baseline conditions reports. 3. WEG should fund the peer review of the draft land use forecast

	<p>released by WEG in April 2017.</p> <p>4. How to address future legal fees.</p>
--	---

September, 2017	Letter from MOH/JMCC to WEG
Description	The JMCC sent a letter to WEG attaching a letter from the MOH.
MOH Letter	<ul style="list-style-type: none"> - Requests a meeting between the JMCC, WEG and Public Health to review the Work Plans. - Questions to be addressed include: - Evidence of long-term effectiveness, durability and mitigation in case of failure of the liner system - How to address leachate disposal - Concerns regarding air quality and gases produced by the landfill - Socio-psychological effects of imposing a landfill on a community that does not want it and will derive little benefit from it - Cumulative Effects Assessment was conducted with insufficient interdisciplinary analysis - Impacts on air, noise, water and traffic are relevant to human health and should be included in the Supplementary Health Review Work Plan.
JMCC Letter	<ul style="list-style-type: none"> - JMCC endorses MOH's request for a meeting with WEG to discuss concerns with the HHRA work plan.

Nov 28, 2017	HHRA Final Work Plan Meeting Notes
Description	This meeting was intended to discuss the content of the HHRA Work Plan with stakeholders including consultants, the JMCC, the Ministry of Environment and Climate Change and Oxford County MOH. This process resulted in WEG making some but not all of the recommended changes to these workplans proposed by the PRT and MOH.
PRT Comments	<ul style="list-style-type: none"> - Climate change brings more water and greater variability in weather, which may impact the landfill engineering. - It would be helpful to have a description of what upset conditions (as opposed to normal operating conditions) are anticipated and what contingency plans would be in place (at a high level). - Questioned whether the most stringent standard will be used if there are multiple. WEG answered that it depends on recommendations from their toxicologists who will provide a rationale.
MOH Comments	<ul style="list-style-type: none"> - The community is sensitive to water-related topics. Expressed concern that the landfill liner might fail - Expressed concern that hydrogeological models may not be able to account for contingencies in a vulnerable quarry setting - WEG should consider the impacts of the changing climate on its landfill

February, 2018	Land Use Planning Forecast
Description	JMCC/PRT provided peer review comments on the WEG draft Land Use Planning Forecast (WEG, October 2017), a key document to be used during the EA study process as the basis for the study of land use impacts of the landfill proposal and its alternatives. WEG provided responses to these comments. The PRT peer reviewer then provided a summary response indicating areas where WEG had not addressed PRT comments or concerns in December 2018. WEG chose to agree to some but not all of the PRT comments and recommendations provided with respect to this document.

April 13, 2018	Chris Haussmann Email to WEG re Work Plans
Description	<p>Chris Haussmann emailed WEG regarding the final EA technical work plans with the following key comments:</p> <ul style="list-style-type: none"> • The PRT's comments regarding the archaeology work plan were not given proper consideration, including: stating that stage 3 assessments must be done prior to construction if recommended by stages 1 or 2 assessments; draft development plans should be given to the archaeological consultant prior to stage 1 assessment; insufficient engagement with indigenous communities; and the need for a follow-up archaeological Risk Management Plan. • Inconsistencies in the economics work plan. • Inconsistencies in what is included in the study area for the visual work plan.

May 2, 2018	ARA Memo forwarded to PRT by WEG
Description	Memorandum from WEG Archaeological consultant responds satisfactorily to PRT comments on archaeology workplan.

January 2019	WEG Interview Requests
Description	<p>WEG sent a series of letters to the Municipalities to request interviews with staff and elected officials. The Municipalities responded by asking for a written list of questions, which WEG provided.</p> <p>The Municipalities provided responses to the written questions, but noted that they would not direct questions to elected officials, who only speak through resolutions and by-laws.</p>

April 25, 2019	JMCC Letter to WEG re PRT Process
Description	The JMCC provided WEG with a detailed table of its review process of the draft EA and associate timeline for this review. A modified version is attached to this memo as Appendix 2.

August 21, 2019	WEG Letter to JMCC re PRT Process
Description	<p>WEG generally agreed to the timeline for reviewing the pre-submission draft EA but proposed the following reduced timelines:</p> <ul style="list-style-type: none"> • PRT budget preparation from 30 to 15 days; • Draft EA Review from 90 to 45-60 days; and, • JMCC finalization of final PRT report from 90 days to 30 days. <p>While the PRT estimated 210 days for total review, WEG is proposing 105 days.</p> <p>In addition, WEG opined that the MOH review should not form a part of the PRT process as per its interpretation of the TOR.</p>

September 13, 2019	JMCC Letter to WEG re PRT Process
Description	The JMCC responded to WEG's letter to indicate that the time estimates provided April 25, 2019 remain the best estimates and that the JMCC has no basis for agreeing to a shorter timeframe.
MOH	The MOH also responded to this letter on September 18, 2019 to confirm the timeframe proposed by the JMCC and to indicate that it would be working with Public Health Ontario and the PRT to review the draft EA.

Appendix 2 – JMCC Peer Review Process – Key Activities and Timeframe

<u>Activity</u>	<u>Timing</u>
<p>1. Receipt of WEG Pre-submission Draft EA Documents and PRT Budget Approval</p> <p>1.1. PRT reviews pre-submission draft EA documents, identifies any additional information needs and prepares budget estimates</p> <p>1.2. WEG Approval of Budget</p>	<p>Estimated 30 Days</p>
<p>2. Preparation of Draft PRT Report</p> <p>2.1. PRT Information/Clarifications Request to WEG</p> <p>2.2. PRT Consultation with pre-submission draft EA report authors</p> <p>2.3. PRT consultation with municipal representatives, Southwestern Public Health (“SWPH”) as required</p> <p>2.4. PRT members prepare and circulate draft review comments</p> <p>2.5. Coordination and synchronization of preliminary findings</p> <p>2.5.1. Coordination of surface water, groundwater and ecology reviews</p> <p>2.5.2. Team input to Social Impact and Health Impact reviews</p> <p>2.5.3. Coordination with/input from SWPH staff</p> <p>2.6. PRT members finalize review comments</p> <p>2.7. PRT Manager prepares overview report with disciplinary comments as appendices (“Draft PRT Report”)</p> <p>2.8. PRT members review Draft PRT Report</p> <p>2.9. PRT Manager finalizes Draft PRT Report and circulates to JMCC</p>	<p>Estimated 90 days</p>
<p>3. JMCC Approval of Draft PRT Report</p> <p>3.1. Presentation of Draft PRT Report to JMCC</p> <p>3.2. PRT receives and addresses comments/questions from JMCC on draft report</p> <p>3.3. PRT submits final PRT report to JMCC</p> <p>3.4. JMCC Approves final PRT report for release to WEG, public and JMCC municipal councils</p>	<p>Estimated 30 days</p>

<p>4. SWPH and Municipal Council Reviews</p> <p>4.1. PRT presentation of final PRT report to SWPH</p> <p>4.2. SWPH receives, reviews and responds to final PRT report</p> <p>4.3. PRT presentation of final PRT report to JMCC Municipal Councils</p> <p>4.4. Municipal Councils receive, review and respond to final PRT report and SWPH comments, if any</p>	<p>Estimated</p> <p>60 days</p>
---	---------------------------------

WEG Submits draft EA to the MECP

The PRT, the public and all interested parties will have 7 weeks to provide comments from the date that public notice has been given by WEG that the EA has been submitted.

Note: With the exception of the PRT Manager and possibly a few key team members, the PRT will complete its work in 150 days.

Appendix 3 - Peer Review Team Members

Contact	Discipline	Firm
Chris Haussmann	Peer Review Manager and Public Consultation and Interdisciplinary Coordination	Haussmann Consulting Inc.
Barbara O'Connor	Economic/Municipal Finance	Watson & Associates Economists Ltd.
Dave Hardy	Social Impacts	Hardy Stevenson and Associates Limited
Allan Ramsay	Land Use Planning	Allan Ramsay Planning Associates
Mark Schollen	Visual Impacts	Schollen & Company Inc.
Tony van der Vooren	Air Quality and Air Emissions	Vooren Air Quality Management Service Inc.
John Coulter	Noise and Vibration Assessment	JE Coulter and Associates
Chuck Smith	Landfill Design, Geotechnical Issues, Surface Water Management, Landfill Gas and Proposed Gas Utilization	Jacobs Engineering Group Inc.
Paul Bowen	Landfill Design, Geotechnical Issues, Surface Water Management, Landfill Gas and Proposed Gas Utilization	
Jason Balsdon,	Groundwater Impact Issues	ResEnv Consulting
Mirek Sharp	Ecosystems and Terrestrial	North-South Environmental Inc.
Brian Fraser	Aquatic	EcoMetrix Incorporated
John Hemingway	Traffic	Hatch Mott MacDonald
David Hodgson	Agriculture	DBH Soil Services Inc.
Mark Chappel	Human Health Risk Assessment	NovaTox Inc.
Christienne Uchiyama	Cultural Heritage	LHC Letourneau Heritage Consulting Inc.
Dr. Shaun Austin	Archaeology	Wood Group PLC
Mike Bricks	EA Process	Morrison Hershfield
Peter Pickfield	Legal	Garrod Pickfield LLP