

Ministry of the Environment
and Climate Change

Ministère de l'Environnement et de
l'Action en matière de changement
climatique



Deputy Minister

Sous-ministre

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MAR 17 2016

Her Worship Margaret Lupton
Mayor, Township of Zorra
Chair, Joint Municipal Coordinating Committee
274620 27th Line, PO Box 306
Ingersoll ON N5C 3K5

Dear Mayor Lupton:

I am writing to you as Mayor of Zorra and the Chair of the Joint Municipal Coordinating Committee, regarding Walker Industries' (Walker) proposed Terms of Reference for the Southwestern Landfill. I understand that your community, as well as the members of the Joint Municipal Coordinating Committee, has been involved in the environmental assessment process for this project, and I would like to thank you for your participation.

I wish to inform you that after undertaking a comprehensive analysis of the Terms of Reference and carefully considering comments received, including those from your community, I have approved the Terms of Reference with a number of amendments that I consider necessary. I am satisfied that an environmental assessment prepared in accordance with the amended Terms of Reference will be consistent with the purpose of the Environmental Assessment Act and the public interest. The attached Notice of Approval sets out the amendments in detail, for your information.

In making a decision on this Terms of Reference, I carefully considered the issues that were raised by the Joint Municipal Coordinating Committee, the public, stakeholders groups, Aboriginal communities, government reviewers, along with a detailed technical review by ministry staff. The Joint Municipal Coordinating Committee raised numerous concerns, including:

- The finalization of the technical work plans;
- The 'time out' process Walker took as part of its Terms of Reference;
- The design of study areas, data collection and monitoring programs;
- The environmental assessment criteria and associated indicators;
- The methodology for conducting the cumulative effects assessment;
- The health impact assessment; and,

- Many detailed concerns on air quality, groundwater and surface water impacts, noise, traffic, the economy, tourism, and culture.

Given the breadth of comments received, this list only very briefly summarizes the concerns that have been raised by the Joint Municipal Coordinating Committee. I assure you that the ministry has taken careful consideration of all of the comments received in making its determination.

Detailed technical studies will be required before Walker will be able to demonstrate whether or not it can address the concerns raised. Given the importance of these issues, they must be addressed to an appropriate level of detail, and the contents of the Terms of Reference must provide adequate direction in this regard.

In consideration of this, I have amended the Terms of Reference to require Walker to provide additional clarity around the ministry's expectations on the manner in which air quality, groundwater and surface water studies are conducted. Additionally, amendments have been incorporated into the Terms of Reference to ensure that there is sufficient early consultation with the Joint Municipal Coordinating Committee as well as ministry technical reviewers to inform the finalization of the technical work plans to ensure that Walker can adequately characterize the potential impacts of the proposed project. In particular, Walker will be required to consult with the Joint Municipal Coordinating Committee on the development of the human health assessment to ensure that your concerns are addressed through the environmental assessment process. While an In-Depth Human Impact Assessment is not be required, the ministry is confident that the flexibility inherent in the environmental assessment process, along with the steps to provide for mitigation, monitoring and reporting can include the assessments found in a Human Impact Assessment. The ministry encourages you to continue to work with Walker to provide further detail on your expectations and concerns with respect to a human health assessment such that it can be incorporated as part of the on-going environmental assessment process.

This will ensure a balanced approach is taken, which requires Walker to weight any economic benefits of the project against potential impacts to the natural environment and human health. This will require Walker to undertake further analysis to address the concerns raised regarding the suitability of the proposed site for the landfill, the proximity of sensitive features, potential contamination and impacts to human health.

This Terms of Reference provides Walker with a work plan that it must follow to complete its detailed environmental studies, and it will be required to identify any potential environmental impacts, in consultation with your community and before I make a decision on the proposed undertaking. At this stage, there is no guarantee that its proposal to establish a landfill will be approved.

Mayor Lupton
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The ministry received one request for mediation to address a number of concerns with Walker's proposed Terms of Reference. I carefully reviewed the concerns brought up in the request. The amended Terms of Reference with the amendments described above, addresses the concerns raised in the request; therefore, I will not be referring Walker's Terms of Reference for mediation.

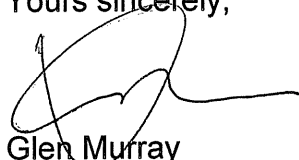
The Terms of Reference has been amended to make it clear that Walker must be able to show that the proposed site and all potential environmental impacts of the proposed undertaking are clearly understood. This information will be required before the ministry will be able to make a determination about whether the proposed undertaking would be consistent with the purpose of the Environmental Assessment act, in particular the protection, conservation and wise management of the environment.

The approval of the amended Terms of Reference does not amount to an approval of the project. With the amended Terms of Reference now approved, the purpose of the next step in the environmental assessment process is to allow Walker the opportunity to evaluate the environmental risks of its proposal and confirm if the project is feasible. Walker will be responsible for demonstrating that it can clearly understand any potential impacts, and it must complete sufficient studies to show this. I will ensure that any decision on the final environmental assessment supports the betterment of the people of Ontario through the conservation, protection and wise management of the environment.

Your community, and the Joint Municipal Coordinating Committee, will be afforded ample opportunity to review and comment on the results of any detailed technical studies conducted as part of the environmental assessment. I encourage you to consider taking advantage of any opportunities to participate in the process.

My ministry will also consult with your community and the Joint Municipal Coordinating Committee directly during the environmental assessment process to ensure that your concerns are given full consideration, and that there remains a continued dialogue with your community. I can assure you that your concerns will be taken very seriously by my ministry.

Yours sincerely,



Glen Murray
Minister of the Environment and Climate Change

Attachment(s)

c: Members of the JMCC, Darren Fry, Director of Strategic Growth, Walker

