



# Terms of Reference for a New Landfill Footprint Consultation Record

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**Interested Persons**

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Concerned Citizens of Tyendinaga Township	15-Apr-10	Email	WS-49
Concerned Citizens of Tyendinaga Township	22-Apr-10	Email	WS-50

**Government Review Team**

<b>MINISTRY/Government Agency</b>	<b>Date</b>	<b>Media Type</b>	<b>Page</b>
Algonquin and Lakeshore Catholic District School Board (ALCDSB)	24-Mar-10	Email	WS-45
Health Canada	29-Apr-10	Email	WP-72
Indian and Northern Affairs Canada	17-Mar-10	Letter	OH1-37
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Limestone District School Board	31-Mar-10	Email	WS-45
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Ontario Ministry of Agriculture, Food and Rural Affairs	05-May-10	Letter	WP-81
Ontario Realty Corporation	12-May-10	Letter	WP-82
Quinte Conservation	22-Mar-10	Letter	OH1-40

**Aboriginal Groups**

<b>Name of Aboriginal Group</b>	<b>Date</b>	<b>Media Type</b>	<b>Page</b>
Mohawks of the Bay of Quinte	13-Apr-10	Letter	OH2-23
Alderville First Nations	08-Mar-10	Email	OH1-31
Alderville First Nations	09-Mar-10	Letter	OH1-32
Chippewas of Rama First Nation	11-Mar-10	Letter	OH1-35
Chippewas of Rama First Nation	29-Apr-10	Letter	OH1-43





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**Municipality**

<b>Name of Municipality</b>	<b>Date</b>	<b>Media Type</b>	<b>Page</b>
County of Lennox & Addington	14-May-10	Letter	WP-84
Township of Tyendinaga	15-Apr-10	Letter	OH3-9





## 1.0 Introduction

This document is Volume 2 of the Terms of Reference (TOR) and presents the Consultation Record for the preparation of the TOR for the proposed new landfill footprint at Waste Management of Canada Corporation's (WM) Beechwood Road site (the Site). The new landfill footprint proposed by WM for this Site is a part of the proposed Beechwood Road Environmental Centre (BREC). The Consultation Record has been prepared in accordance with the Ministry of the Environment (the Ministry) Code of Practice [1, 2].

The submission of TOR documents to the Minister of the Environment (the Minister) consists of three volumes as follows:

- Volume 1: Terms of Reference;
- Volume 2: Consultation Record (this document); and,
- Volume 3: Supporting Documents.

Only Volume 1, the Terms of Reference, is being submitted for the Minister's approval.

This document, Volume 2, is organized into the following sections and appendices:

- **Section 1**, provides an introduction to the Consultation Record and report structure;
- **Section 2**, identifies all persons consulted during the TOR preparation and how they were identified;
- **Section 3**, describes the consultation methods and activities that took place;
- **Section 4**, summarizes the comments made by all interested parties, and how these comments were considered in the TOR (Summary tables are included);



- **Section 5**, provides a summary of consultation with Aboriginal communities and how they were identified. It includes an overview of communications with the Mohawks of the Bay of Quinte (MBQ) prior to the commencement of the environmental assessment (EA), communications with the MBQ during the development of the TOR, communications with other Aboriginal communities in the eastern Ontario regional area during the development of the TOR, and a discussion of input received, how it was incorporated into the TOR, or, if not incorporated, a rationale for why it was not incorporated;
- **Section 6**, summarizes outstanding concerns;
- **Tables**, contain comments and correspondence received from interested persons, GRT members and Aboriginal groups.
  - Table 1: Comments Received from Interested Persons and WM Responses
  - Table 2: Municipality Comment and Response Table
  - Table 3: GRT Comments and Response Table
  - Table 4: Pre-EA Communications with MBQ
  - Table 5: TOR Communications with MBQ
  - Table 6: TOR Communications with Aboriginal Communities
- **Appendices**, contain copies of the consultation materials distributed, written comments and correspondence received.
  - Appendix A: Open House #1 – Consultation Report and Materials;
  - Appendix B: Neighbour's Open House;
  - Appendix C: Workshop – Consultation Report and Materials;
  - Appendix D: Open House #2 – Consultation Report and Materials;
  - Appendix E: EA Work Plans Distribution to Members of the Government Review Team;
  - Appendix F: Open House #3 – Consultation Report and Materials; and,
  - Appendix G: Open House #4 – Consultation Report and Materials.





## 2.0 Who Was Consulted During the Terms of Reference?

The consultation program for the TOR was designed to be an open and inclusive process for the community to participate in the early planning stages of the proposed undertaking. Prior to commencing the EA, WM developed lists of interested persons, municipalities, government agencies and Aboriginal communities. As the consultation program progressed, WM continued to update and revise these lists. Further details about the lists of stakeholders developed for the EA are provided below.

### 2.1 Interested Persons

Numerous individuals with potential interest in the development of the TOR were identified and contacted (i.e., with notices, invitations, etc.). The consultation distribution list included neighbours living in the vicinity of the current landfill and proposed new landfill footprint (i.e., within the local study area), residents of neighbouring communities, and individuals who expressed an interest in participating in the EA through one of the consultation activities (e.g., open houses, workshops).

Local Federal and Provincial elected officials were also included on the consultation list.

### 2.2 Municipalities

Municipalities within the local and regional study area were identified and contacted. These included:

- Town of Greater Napanee;
- County of Lennox and Addington;
- County of Hastings;
- Township of Tyendinaga; and,
- Town of Deseronto.



The mayors and councillors of these municipalities received all notices and invitations to significant consultation events. The distribution list also included chief administrative officer (CAO), director of planning, director of development services and township clerks.

### **2.3 Government Review Team**

The Government Review Team (GRT) includes Ministry and non-Ministry staff that will provide advice and will review the TOR and EA documentation. An initial list of GRT members was provided by the Environmental Assessment and Approvals Branch (EAAB) of the Ministry. This list was updated and revised during the consultation process in response to comments received in response to WM mailings (e.g., changes in contact information).

The contact list for the GRT is contained in Appendices A, C, D and E of the Consultation Record, and generally consisted of the following agencies and other organizations:

- Department of Fisheries and Oceans;
- Hydro One Networks Inc.;
- Ministry of Citizenship and Immigration;
- Ministry of Agriculture, Food and Rural Affairs;
- Ministry of Culture;
- Ministry of Energy and Infrastructure;
- Ministry of Health Promotion;
- Ministry of Municipal Affairs and Housing;
- Ministry of Natural Resources;
- Ministry of the Environment;
- Ministry of Tourism;
- Ministry of Transportation;
- Ontario Power Generation;
- Ontario Realty Corporation;
- Quinte Conservation Authority; and,
- Transport Canada.



In addition to receiving copies of email and mailed notices, invitations, etc., members of the GRT also were sent (email and regular mail) copies of the draft EA work plans and assessment criteria for comment.

## 2.4 Aboriginal Communities

The first step in identifying potentially interested Aboriginal communities was to identify all Aboriginal communities within 200 km of the Site. The Algonquins of Ontario were added to the list since their traditional territory extends into the study area. After WM identified potential groups, the names of the Chiefs were obtained from the Chiefs of Ontario website [3]. To validate the contact information, WM visited the website of each FN community.

In accordance with the Ministry Code of Practice [2], federal and provincial government staff were contacted by WM and requested to assist in the identification of potentially interested Aboriginal communities to be contacted.

The following is a list of agencies contacted for information on potentially interested Aboriginal communities:

- Indian and Northern Affairs Canada (INAC);
  - Eastern Litigation Directorate Ontario/Nunavut Team
  - Litigation Management & Resolution Branch;
- Ontario Ministry of Aboriginal Affairs; and,
- Office of the Federal Interlocutor for Métis and non-status Indians.

In addition to the above, staff of the Ministry (EAAB) provided guidance and advice on who should be contacted (one Aboriginal community was added on the advice of the Ministry).





The following Aboriginal communities were identified and contacted:

- Mohawks of Bay of Quinte;
- Alderville First Nation;
- Algonquins of Pikwakanagan First Nation;
- Chippewas of Mnjikaning (Rama);
- Curve Lake First Nation;
- Mississaugas of Scugog Island; and,
- Wendat-Huron First Nation.

INAC reported that there was no active litigation identified in the vicinity of the Site.

On the advice of the MOE the following additional Aboriginal communities were added to the contact list and were sent copies of the Terms of Reference submission:

- Kawartha Nishnawbe First Nation;
- Métis Nation of Ontario; and,
- Seven Rivers Métis Council.





### 3.0 Consultation Methods and Activities

The approach to consultation used during the development of the TOR was intended to be as open, inclusive and transparent as possible. Consultation activities were designed to accommodate the needs and characteristics of adjacent residents, the public and other stakeholders and Aboriginal communities to facilitate their full participation in the process.

#### 3.1 Objectives

The objectives of WM's consultation plan for development of the TOR were:

- To engage neighbours, residents of surrounding communities, government agencies and other stakeholders of the proposed undertaking from the beginning of the process through the use of a variety of consultation events and activities including open houses and to ensure that there were adequate opportunities to provide input, feedback and comments concerning the EA undertaking and process, and that these comments are considered by the EA team;
- To engage local elected officials in the development of the TOR and to ensure that they were provided with regular and timely information concerning the TOR development process;
- To engage Aboriginal communities as early as possible in the development of the TOR for the EA and to facilitate their involvement in the process in ways that meet their needs;
- To ensure the consultation process was open, transparent and inclusive; and,
- To document all issues and concerns identified by neighbours, surrounding communities, government agencies, politicians, Aboriginal groups and other stakeholders and to demonstrate how these concerns and issues have been considered in the final TOR.





### 3.2 Consultation Methods

A variety of consultation events and activities were used in the preparation of the proposed TOR to achieve the objectives of the Consultation Plan. Care was taken in selecting activities that recognized the needs of the local community and government organizations along with their specific requirements. The following is a summary of the types of activities that took place:

- Informal meetings, telephone calls and discussions with local politicians, business owners, community organizations and neighbours in advance of commencement of the EA and throughout the TOR development;
- Meetings, telephone calls and discussions with the Ministry staff and members of the GRT;
- Letter and email correspondence distributed to the neighbours, surrounding communities, First Nation Communities and GRT;
- Open Houses and Workshops;
- Notices published in local newspapers and on radio;
- Project website (<http://brec.wm.com>);
- Draft TOR material mailed to GRT members; and,
- Newsletter and supporting materials distributed by mail.

### 3.3 Schedule of Events

The following is list of significant consultation events during the development of the TOR:

- Notice of Commencement of EA – March 3, 2010;
- Project Website – March 3, 2010 – ongoing;
- Open House #1 – March 10, 2010;
- Neighbour's Open House – March 23, 2010;
- Workshop – March 25, 2010;
- Open House #2 – April 14, 2010;





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- Distribution of draft work plans to GRT for comment – April 22, 2010;
- Open House #3 – April 28, 2010;
- Meetings with Local Business People – Spring 2010; and,
- Open House #4 - May 20, 2010.





## 4.0 Summary of Consultation Program

### 4.1 Summary of Consultation Events

Following is a brief summary of the major consultation events that occurred during the development of the TOR. More details are contained in the Appendices.

#### 4.1.1 Notice of Commencement of EA – March 3, 2010

On March 3, 2010, WM published a Notice of Commencement of the EA process for a new landfill footprint at Napanee in the local papers (Napanee Beaver and Napanee Guide) and issued a press release to the local radio station (myFM). Copies of consultation materials and notices are contained in Appendix A of the Consultation Record. In addition to the new landfill footprint, WM announced a new proposed integrated waste management facility, known as the BREC, at the same time. It was noted that the new landfill footprint associated with the BREC proposal was the only element of the proposal that required an EA approval and was the only part of the BREC subject to the TOR. Background information on BREC and the EA, including a launch package with fact sheets, a magazine and letters, were provided to the Town of Greater Napanee, surrounding municipalities, neighbours, surrounding community residents, and the Chief and Council of the MBQ. The initial notice and advertisements invited the public to attend the first Open House to introduce the project.

**Project Website:** WM launched a project website on March 3, 2010 and operated it throughout the TOR development process. The website, (<http://brec.wm.com>) contained information about the BREC project and the EA of the new landfill footprint. Notices, open houses, display boards and other consultation materials were available for download from the website. Visitors to the website were able to provide comments or answer questions through an online comment form on the website.

#### 4.1.2 Open House #1 – March 10, 2010

The first Open House was held on Wednesday March 10, 2010 at The Smiling Wilderness Family Restaurant & Palace Village, 824 Palace Road, Napanee, Ontario between 2:00 p.m. and 9:00 p.m. The consultation report for this event as well as notices, display materials, and handouts are





contained in Appendix A. Approximately 50 people attended the Open House, including neighbours, local business owners, municipal politicians (local area and beyond), and residents of Napanee and nearby communities. A reporter from the Napanee Beaver and representatives from myFM radio station also attended the event.

#### **4.1.3 Neighbour's Open House – March 23, 2010**

A Neighbour's Open House was held at the current landfill site (1271 Beechwood Road) for neighbours living adjacent to the Site. Approximately 150 notices for the Open House were hand delivered on March 18, 2010 to neighbours living on Beechwood Road, Johnsons Side Road, Selby Road, Deseronto Road, Kennelley Side Road, Tucker's Lane, and Callaghan Road. Approximately 30 people attended the Open House including neighbours living in close proximity to the proposed new landfill footprint area. The consultation report and material for this event is included in Appendix B.

#### **4.1.4 Workshop – March 25, 2010**

A workshop (Workshop #1) was held at the Smiling Wilderness Family Restaurant and Palace Village located at 824 Palace Road, Napanee, Ontario from 6:00 p.m. to 9:30 p.m. The purpose of the workshop was to discuss the need for a new landfill footprint and alternatives to a new landfill footprint; alternative methods or ways of developing a new landfill footprint; and proposed criteria that would be used in the EA to compare alternatives and identify a preferred alternative for the new landfill footprint. A total of 21 people (excluding WM and consultants) participated in the workshop. The consultation report for this event is included in Appendix C.

#### **4.1.5 Open House #2 – April 14, 2010**

Open House # 2 was held at the Smiling Wilderness Family Restaurant in Napanee from 2 p.m. to 9 p.m. Approximately 20 people attended. Most of these had not attended previous consultation events. The main objective of Open House #2 was to provide an update on the status of the project, to present a summary of comments and input received from the public during previous





consultation events, and to provide another opportunity for the public to discuss the project and provide input on evaluation criteria and any other topic. The consultation report and material for this event is in Appendix D.

#### **4.1.6 Draft EA Work Plan – April 22, 2010**

WM distributed a draft document describing the proposed work plan to conduct the EA studies as well as draft work plans for individual environmental component studies to members of the GRT, who were asked to provide comments. The draft work plan package distributed to the GRT members and the distribution list is included in Appendix E. Discipline leaders (consultants) for the individual environmental component studies attempted to contact members of the GRT and engage in a discussion of the work plans. There were some comments received from members of the GRT, which are documented in Table 3.

#### **4.1.7 Open House #3 – April 28, 2010**

Open House # 3 was held at Darren Green Sandblasting and Darren Green Construction located at 51 Billy Brews Rd., Tyendinaga Mohawk Territory from 2 p.m. to 8 p.m. Approximately 34 people (excluding WM staff and consultants) attended the event. The purpose of Open House #3 was to explain the project and the TOR development process, invite input and discussion on the proposed studies to be conducted during the EA, assessment of the need for the project, alternatives to the project evaluation criteria and opportunities to get involved in the EA process. The consultation report for this event is included in Appendix F.

#### **4.1.8 Open House #4 - May 20, 2010**

The fourth and final Open House during the TOR development was held at the Smiling Wilderness Family Restaurant in Napanee on May 20, 2010 from 4 p.m. to 8 p.m. Approximately 11 people attended. The purpose of Open House #4 was to present an overview of the TOR, the existing environmental conditions and the proposed work plans for the EA studies. The consultation report for this event is included in Appendix G.





## 4.2 Summary of Issues Raised During Consultation

### 4.2.1 Interested Persons

Input and comment from the public and other stakeholders was received mainly through four Open Houses, one Workshop and questionnaires and workbook available at these events. The Project Website was used primarily as a method for disseminating information about the project. For example, people mostly used the website for downloading presentation materials and the workbook for providing comments.

Table 1 provides a listing of comments received from the public. The table shows how the comment or input was used in the TOR, where it is contained in TOR and, if not included, the rationale for why it was not included.

Following is a general summary of the most commonly heard comments/input received grouped by issue category.

- There is general support for BREC and the proposed new landfill footprint

There were numerous comments and responses generally in support of BREC and the new proposal. Many people commented positively in regards to new job creation and economic benefits for the community. Clearly there was concern over the safety of the current landfill and the inadequacy of the past process. However, many stated that they were satisfied that those outstanding technical considerations had been addressed and that the current proposal was much improved. The sentiment expressed by one resident - “I expected that WM would get it right this time” – was a comment heard often at the first two Open Houses. Some people said that they hoped that the process would be assessed and evaluated based upon science and facts, not on speculation.



- There are opponents to BREC and the proposed new landfill footprint

Some members of the public, many of whom had been involved in opposing the previous proposal, continued to express their opposition to a new landfill footprint. Many of their comments and concerns were about the current landfill site and the previous EA proposal. Some felt that there was no need for WM to continue “to flog this dead horse” and that this was an unsafe site for developing a landfill. Concerns about groundwater, surface water and transportation were heard. WM responded to these concerns at the various consultation events. See Table 1 for more detailed listing of comments and responses.
- There was general satisfaction with the consultation process and events

At each consultation event, attendees were invited to provide feedback on the consultation process and offer suggestions for improvement. In general, there were many positive comments about the consultation events, display materials, and presentation materials. Some requested more detailed information and this was provided by WM staff at the consultation events. There were no comments that the process was overly rushed. People said that they were impressed with the ideas being put forward and satisfied with the process. Some attendees at the Workshop noted that there was a lot of information to understand within a short period of time.
- There was general support for the proposed evaluation criteria

Attendees at open houses and the workshop were given many opportunities to provide input on the evaluation criteria that are proposed for the EA. Everyone agreed that the proposed evaluation criteria were important. No additional criteria were identified. People were asked to identify the criteria that were most important to them. Air quality, groundwater quality, odour and surface water quality were identified as most important criteria to the majority of people providing input. Noise, displacement of agricultural land, recreational facilities, archaeology, visual impact, effects on air, operations and land use were generally identified as less important to people.





- There is a need for waste disposal capacity

There was widespread, general agreement that there was a need for waste disposal capacity for the community. Many comments were received at the consultation events that waste had to go somewhere, and that we produce it so we should take proper care of the disposal. At the same time, there was general agreement that wastes should not just be sent to a landfill. There should be a concerted effort to divert as much waste away from landfill disposal as possible. The need for landfill disposal of wastes was recognized. Even with 60% diversion of waste (the Province's goal) there is still a need for waste disposal.

- Protection of groundwater and surface water is very important

This comment was heard frequently at the first Open House. Many people talked about the previous proposal and about the uncertainties in regards to protecting the environment. There were many discussions about how this proposal was different than the previous one, about the past technical studies to address outstanding technical uncertainties, and the safeguards that would be put in place for the new landfill footprint. Some people said that they were against the previous proposal but would support the current project as long as it was environmentally safe.

- Odour was an issue with the current site

There was a lot of discussion surrounding odour and past issues. People were clearly concerned that future odour issues need to be dealt with properly. WM had discussions with attendees about remediation activities that had effectively dealt with past issues and complaints. Some people asked about composting facilities for the future BREC and whether these could be located away from the neighbours. WM stated that these alternatives would be dealt with in the EA and that the public would be involved in the assessment of alternatives.





■ Traffic is a potential issue with BREC

Many comments were heard that the components of BREC, in association with the new landfill footprint, could result in increased traffic levels in and around the Site. There were many discussions at the consultation events about how this would be studied. WM noted that it would commit to undertaking an assessment of cumulative effects to assess, for example, the impacts of increased traffic from the landfill and BREC components.

■ Will WM provide funding to participate in the TOR development?

The Canadian Environmental Law Association requested funding to enable his unidentified client to participate in review of the TOR. WM responded in a letter that it would not be providing participant funding because the Ministry was the accepted authority for review of the TOR and technical matters. Similar requests and responses occurred with respect to Tyendinaga Township and the Mohawks of the Bay of Quinte.

■ Why doesn't WM do an EA of the entire BREC project?

During the consultation process for the TOR, WM received comments and concerns about potential effects of other components of the BREC and suggestions that these facility components should be assessed in the EA and that WM should undertake an EA of the entire BREC project. WM responded that the EA will be completed on Alternative Methods to determine the preferred landfill footprint. The other components of BREC would then be superimposed on the landfill, and a detailed impact assessment of all the components then completed. Also, WM committed to undertaking additional assessments, such as an assessment of cumulative effects, which are not normally part of an Ontario EA in order to address this question. This cumulative effects assessment would include other known existing and planned projects in the area of the site.

■ Is this a 'scoped EA'?

Some people asked whether this would be a scoped or focused EA. WM stated that it would be and that the needs assessment and assessment of 'alternatives to' were conducted by WM prior to commencement of the EA. People at the workshop generally agreed with WM's approach in determining need and the way it would provide its services to meet the need and agreed that it was appropriate for these analyses to be part of WM's business decisions, and not part of







an EA. They agreed that as a private company WM was justified in 'focusing' these assessments out of the EA.

■ Several people asked about Property Value Protection

This issue came up at the Open Houses and also the Neighbours Open House. Some people felt that this was a very important question and should be addressed. WM acknowledged that PVP is important to people and committed to work towards a Property Value Protection Plan during the EA.

#### **4.2.2 Municipalities**

Of the five municipalities circulated during the TOR consultation process, the only municipalities to provide written comments were the Township of Tyendinaga and the County of Lennox and Addington. The Township inquired whether WM would commit to providing participant funding. In a written response, WM responded that funding will not be provided. The Ministry has the primary responsibility to conduct the review of the TOR. The Ministry, as well as WM, are available to discuss concerns and issues with the Township.

The Township's letter and WM's response are listed in Table 2.

The County of Lennox and Addington provided comments on the transportation and land use work plan and suggested conducting additional assessments to address their concerns. They also inquired about financial compensation from the WM for any costs incurred for external peer review consultation services.

#### **4.2.3 Government Review Team**

Several members of the GRT provided written responses to WM's consultation event, notices and letters. These are listed in Table 3. Several responses simply provided corrections or changes to the contact information. Others, such as the Quinte Conservation Authority, provided detailed comments in regards to their broad interests and concerns that they recommend in the EA process. The draft work plans circulated to GRT members are contained in Appendix E of the TOR.





The Quinte Conservation Authority (Appendix A.2.2, p. OH1-41 of the Consultation Record)<sup>1</sup> outlined concerns in regards to watercourses and wetlands in the study area, increases in post-development flows, environmental impacts associated with landfill development, alteration of the terrestrial landscape and potential threats to protection of municipal water supplies and general water quality conditions.

The Ministry of Transportation indicated their concerns (Appendix E.2, p. WP-80) of the Consultation Record) regarding the proximity and traffic impacts of the commercial land uses to the nearby interchange with Highway 401. The Ministry of Transportation requested that a traffic impact study be part of the EA and provided a reference for guidance on how these studies should be undertaken. The Ministry of Tourism and Culture indicated their interest in archaeological resources, built heritage resources and cultural heritage landscapes (Appendix C.2.1, p. WS-48 of the Consultation Record). The Ontario Realty Corporation (ORC) indicated their interest in lands managed by Hydro One on behalf of ORC (Appendix E.2, p. WP-83 of the Consultation Record). The Ministry of Agriculture, Food and Rural Affairs stated that they have no concerns with the proposed TOR (Appendix E.2, p. WP-81 of the Consultation Record).

The Algonquin and Lakeshore Catholic District School Board (ALCDSB) sent an email stating that they had been approached by a group seeking the Board's voice in halting this project but the Board is not prepared to become politically involved. They asked to be kept informed of study progress (Appendix C.2.1, p. WS-47 of the Consultation Record).

The Ministry of the Environment provided comments on draft portions of the TOR during the TOR consultation process. Their comments and WM's responses are in Table 3.

<sup>1</sup> Correspondence has been filled according to the consultation event during which it occurred or was related to.







## **5.0 Summary of Consultation with Aboriginal Communities**

### **5.1 Pre-Environmental Assessment Communications with the Mohawks of the Bay of Quinte**

Since the Minister's refusal letter of 2006, WM has attempted to engage the MBQ on numerous occasions to hear their concerns, raise awareness and understanding, develop partnerships on the Territory, and create dialogue with the Chief and Council. Table 4 lists pre-EA communications with the MBQ.

Communications with the MBQ during the TOR is listed in Table 5 and summarized in section 5.2 below.

### **5.2 Communications with MBQ during the TOR Development**

- The Chief and Council of the MBQ were sent the Notice of Commencement, launch letter, follow-up letter inviting them to the Workshop, Open House #2 invitation letter, and letters from WM. Notices for the first, third and fourth Open Houses are contained in Appendices A.2.2, p. OH1-20, F.2, p. OH3-7 and G.2, p. OH4-6 respectively of the Consultation Record. Launch letters, the follow-up letter inviting them to the Workshop, letters from WM and correspondence letters are contained in Appendices A.2.2, p. OH1-18, D.2.2, p. OH2-13, C.2.1, p. WS-28, A.2.2, p. OH1-65, F.2, p. OH3-8, and, D.2.2, p. OH2-23 and D.2.2, p. OH2-25 respectively, of the Consultation Record.
- The Chief and Council did not attend any of the consultation events hosted by WM; however, they did respond to a letter from WM dated April 6, 2010 inviting residents directly to an information session. In the MBQ letter they discussed the role of Tyendingaga Mohawk Council to ensure the protection of their lands and people would be free from any potential threats occurring on adjacent lands. They stated that WM's proposed information session does not satisfy Ontario's duty to consult and obtain informed consent from the MBQ. They also stated that they require qualified professional opinions to ensure public health and safety of their members are addressed during the EA process.





- Due to circumstances beyond WM's control the venue for the information centre became unavailable. Alternate arrangements were made and the Open House took place on the Territory on April 14th, 2010 (see workshop summary and materials in Appendix C). WM replied to the Chief's letter on May 5th, 2010. WM provided an update on the TOR development process and the recent Open House held on the Territory. WM also stated that they would welcome dialogue with the MBQ about how they wish to be consulted and what would be necessary to enable that consultation to occur. WM went on to state that the Ministry was the designated authority with primary responsibility to conduct review of the EA. WM recognized the special interests of the MBQ in regards to potential impacts of a new landfill footprint on groundwater and surface water.

### **5.3 Communications with other Aboriginal Communities during the Terms of Reference Development**

In addition to WM's efforts to consult with the MBQ, the six Aboriginal Communities listed in Section 2.4 were also contacted. These communities were sent the same general materials as the MBQ including the Notice of Commencement and invitation to first Open House, follow-up letter with an invitation to the workshop and a final follow-up letter with an invitation to Open House #2. The Alderville First Nation and the Chippewas of Rama responded with letters (Appendix A.2.2, p. OH1-33, and Appendix A.2.2, pgs. OH1-36 and OH1-44 respectively, of the Consultation Record).

The Alderville First Nation thanked WM for recognizing the importance of First Nation consultation and conforming to the requirements within the Duty to Consult Process. They requested to be kept informed during the EA. The Chippewas of Rama First Nation confirmed that they wanted to be involved in the EA process and to provide input.

Table 6 lists the correspondence with all the Aboriginal communities.





## 6.0 Summary of Outstanding Concerns

In general the vast majority of comments, concerns and issues raised during the consultation process for developing the Terms of Reference have been resolved or addressed. Following are unresolved issues/concerns:

- During the consultation process for the TOR, WM received comments and concerns about potential effects of other components of the BREC and suggestions that these facility components should be assessed in the EA and that WM should undertake an EA of the entire BREC project.
- The Ministry of the Environment has received requests to designate the entire BREC project under the EAA to address concerns of project splitting and regarding the assessment of all components of the BREC in an EA. WM has received the designation request and has provided a response to the Ministry. WM has modified the proposed EA process to include a detailed assessment of all parts of the BREC in a net effects analysis following the determination of the preferred new landfill footprint. WM also intends to conduct further assessments, such as cumulative effect assessments, which are not normally part of a Provincial EA, in order to address this question. A cumulative effects assessment would include other known existing and planned projects in the immediate area surrounding the Site. It is understood that the designation request and the TOR submission will be dealt with separately.
- WM also received a few requests to provide funding for review and participation in EA and TOR development. WM has decided to not provide funds for this purpose because the Ministry's role is to provide expert opinion on the EA/TOR process and related technical matters (in cooperation with other GRT members). WM is committed to meeting, discussing and providing additional information to assist any interested party in understanding and/or providing input during the EA process.





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- One comment was received that WM should limit the service area to only Napanee. WM is seeking to maintain the same service area as the current Richmond Landfill for the new landfill footprint. The vast majority of wastes will be collected from the eastern Ontario region from approximately Durham to the Quebec border.





## 7.0 References

- [1] Ministry of the Environment (the Ministry). (2007). *Code of Practice: Consultation in Ontario's Environmental Assessment Process*. June 2007.
- [2] Ministry of the Environment (the Ministry). (2009). *Code of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario*. October 2009.
- [3] Chiefs of Ontario. (2010). *First Nations Directory*. Retrieved on May 5, 2010 from <http://www.chiefs-of-ontario.org/>.







## Volume 2 – Consultation Record Tables









Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
<b>Open House #1</b>				
<b>Q1: Please provide any general comments regarding this evening's Open House.</b>				
1	I am impressed with the ideas put forth regarding changes at the LF. Lots of forward thinking involved.	Comment acknowledged.	Section 2.4 of the TOR presents an overview of the BREC proposal.	
2	Sodium in water effective [could affect] cattle	Protection of groundwater and surface waters, which may be used as a source of drinking water by livestock, is of paramount importance. Groundwater and surface water are environmental components that will be characterized during the EA. The potential effects of the new landfill footprint alternatives on these environmental components will be assessed.	Work plans for conducting the EA including work plans for groundwater and surface water are contained in Appendix C of the TOR.	





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Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
3	PVP big issue	WM acknowledges that PVP is important to people and will work towards a Property Value Protection Plan during the EA and would implement an agreed to plan after all approvals for the new landfill footprint are in place.	This commitment is documented in Volume 2 of the TOR - Consultation Record. (i.e., in this document)	
4	It laid the foundation .. gave me a good understanding of this new starting point	Comment acknowledged.		
5	Good layout of posters	Comment acknowledged.		
6	Needs more posters on criteria/impacts on community (as for your possible assessment criteria)	Criteria and potential impacts of the new landfill footprint alternatives on the community were addressed in a workshop. Additional posters, worksheets and information on criteria were provided at subsequent consultation events.	Proposed assessment criteria are presented in Appendix B of the TOR.	
7	Lots of info	Comment acknowledged.		
8	Well laid out	Comment acknowledged.		



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Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
9	Way better plan than before	Comment acknowledged.		
10	Very informative	Comment acknowledged.		
11	Perfect	Comment acknowledged.		
12	Adequate over-all preview, disappointing lack of specifics, and few clear answers regarding WM financial decisions/exposure/risk aversion	WM's business analysis that led to the determination that there was a need for waste disposal services in eastern Ontario and the alternative to providing that service are summarized in the TOR and documented in Supporting Documents.	The needs assessment is documented in Supporting Document #2 and the Alternatives To assessment is documented in Supporting Document #3.	
<b>Q2: Please provide any comments or questions that you have regarding the Terms of Reference.</b>				
13	I heard other people continue to complain about odours every Thursday from the composting process...can this be moved inside and in such a way that some of the air problems be mitigated through filtering – collection and burning or other process?? May be even before this evaluation process is completed	The location and potential effects of composting facilities and other components of the BREC facility and the new landfill footprint alternative will be assessed during the EA and the assessment will include public consultation and input to the assessment.	The identification of alternative methods is discussed in Section 3.3 of the TOR.	



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**Table 1: Comments Received from Interested Persons and WM Responses**

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
14	None yet...	Comment acknowledged.		
15	Get er done	Comment acknowledged.		
16	Sorry but I will have to think longer about that	Comment acknowledged.		
<b>Q3: Please provide any comments or questions that you have regarding the proposed Consultation Program.</b>				
17	Looks great.	Comment acknowledged.		
<b>Q4: Please provide any comments or questions that you have regarding the Opportunity Analysis carried out by Waste Management of Canada Corporation</b>				
18	Fairly thorough.	Comment acknowledged.		
19	In 50 mins of discussion, the phrase “opportunity analysis” never cropped up once.	Comment acknowledged.	The needs assessment is documented in Supporting Document #2 and the Alternatives To assessment is documented in Supporting Document #3. A summary of the workshop is presented in Volume 2: Consultation Record.	



**Table 1: Comments Received from Interested Persons and WM Responses**

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
20	I'm happy with the process... only hoping that there won't be a lot of opposition by people who have made up their minds and don't want to listen to the facts.	Comment acknowledged.		
<b>Q5: Please provide any comments or questions that you have regarding the proposed evaluation criteria for comparing alternative methods.</b>				
21	Needs more detail.	Criteria and potential impacts of the new landfill footprint alternatives on the community were addressed in a workshop. Additional posters, worksheets and information on criteria were provided at subsequent consultation events.	Consultation material are contained in this document.	
22	We produce the sh*t we should look after it.	Comment acknowledged.	One of WM assessment criteria in the 'alternatives to' assessment was Responsible Waste Management Principles, which addresses this sentiment.	



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Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
23	Small trucks bringing individual residential loads on side roads and heavy traffic could cause noise coming past Callaghan Side Road	The proposed TOR includes traffic studies which will describe existing conditions and assess potential impacts for the alternative new landfill footprint alternatives that will be considered. Noise studies are also included in the TOR. The new landfill footprint will be required to meet all applicable provincial, municipal and federal requirements.	The work plans for traffic, noise and other studies and assessment of potential effects, including cumulative effects are presented in Appendix D of the TOR.	





Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
<b>Neighbour's Open House</b>				
<b>General comments and issues discussed</b>				
1	Would the volume of trucks be more than the last proposal – would it be more than the last proposal – as there will be trucks of recyclables coming in and leaving?	The previous proposal was for annual total of 750,000 tonnes whereas the current proposal is for 400,000 tonnes so there would be fewer trucks. The TOR includes a work plan for traffic studies during the EA for the new landfill footprint. WM is proposing to conduct a cumulative effects assessment in the EA to consider the combined effects of truck traffic (and other impacts) from the new landfill footprint and other components of BREC. The cumulative effects assessment is not normally conducted in Ontario EAA but is a part of the federal EA process.	The work plan for traffic studies and assessment of cumulative effects is presented in Appendix D of the TOR.	



Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
2	Where would the entrances be for the BREC facility?	The location of the new landfill footprint, ancillary components including the site entrance will be assessed during the EA. The TOR describes the methodology.	The work plan for traffic studies and assessment of cumulative effects is presented in Appendix D of the TOR.	
3	What would the impact of this project on property values?	It is unlikely that the proposal would affect property values at all. WM acknowledges that PVP is important to people and will work towards a Property Value Protection Plan during the EA and would implement an agreed to plan after all approvals for the new landfill footprint are in place.		
4	There were mixed feelings about the odour issues.	Air quality and odour issues will be addressed during the EA.	The work plan for air studies is presented in Appendix D of the TOR.	
5	Generally, the majority felt that the open house was informative and had laid out the relevant information in a concise manner.	Comment acknowledged.		





Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
6	One resident felt that this facility should only accept Napanee's garbage.	The service area for the site will be eastern Ontario.		The service area for the site will be eastern Ontario. WM determined this through an assessment of need for service and made a business decision to select this service area. It is not economically feasible for WM to accept only Napanee waste.



Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
7	General issues raised were around odour, traffic, property values, and other issues with the existing site.	As noted in previous responses these issues will be addressed in the EA studies. WM acknowledges that PVP is important to people and will work towards a Property Value Protection Plan during the EA and would implement an agreed to plan after all approvals for the new landfill footprint are in place.	EA work plans to address odour, traffic and other issues are presented in the TOR and Appendix D.	Issues with the existing site are being dealt with through processes other than the EA of the new landfill footprint.



**Table 1: Comments Received from Interested Persons and WM Responses**

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
<b>Workshop</b>				
<b>General Comments</b>				
1	My overall reaction to this document is that it significantly glosses over several key issues and dives directly into far less important and secondary discussions. It attempts to direct participants thoughts past the essential questions and on to those secondary issues without critical examination of those points at the centre of the debate. This approach does a disservice to the community and does not enhance the credibility of the early stages of this process.	Issues associated with the previous EA are addressed through separate studies and are included in Supporting Document #1. The discussion topics for the Workshop are appropriate elements to be discussed in a TOR.	Supporting Document #1 contains WM's response to the Minister's refusal letter and Town of Greater Napanee's Peer Review Team.	
2	Some of the information was too technical.	Two additional Open Houses and more materials were produced to provide further opportunities to discuss the project and TOR.	Volume 2 Consultation Record	



Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
3	The naysayers would read into the information and conclude that you had already made your decision, but you are not going to change their minds.	Comment noted.		
4	Lafarge issue – the courts overturned MOE’s decision.	Comment noted.		
5	It seems very important that this process be completely transparent and above reproach.	From the beginning of the new proposal, WM has been very transparent and accurate with respect to all of the aspects of this proposal and have considered comments from stakeholders to enhance their project where <i>appropriate</i> .	An open and transparent consultation approach is one of the objectives of the consultation program for the TOR and EA.	



Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
<b>Workshop Part - Needs Assessment</b>				
6	What will happen if there is no capacity to take garbage in Ontario?	There currently is a shortage of disposal capacity for wastes in Ontario, which is likely to continue in the future. WM's assessment of needs has shown this. A lack of disposal capacity for residual wastes after diversion and recycling efforts means that wastes will have to be exported outside of the province.	The needs assessment is presented in Supporting Document #2.	
7	The Government of Ontario needs to take responsibility.	Comment acknowledged.		
8	Waste needs to go somewhere – shipping waste across the border is not a solution. What happens when the border closes to waste? Michigan will stop taking waste soon.	Comment acknowledged.		



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Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
9	What about incineration – is that an option?	Yes. Thermal destruction technologies were considered in WM's alternatives to assessment. This alternative was eliminated as a stand alone method due to economic reasons.	The "alternatives to" assessment is presented in Supporting Document #3.	
10	Was out of the Province shipments of waste considered in the analysis?	Yes	The needs assessment is presented in Supporting Document #2.	
	There was general agreement that there is a need for more waste capacity in Eastern Ontario.	Comment acknowledged.		
11	WM is asking for less landfill capacity than the last EA. If landfill needs in Eastern Ontario could potentially increase, why is WM decreasing the size of the landfill volume?	More wastes are being diverted away from landfills and this is expected to increase in the future. WM's selection of 400,000 tonnes per year does not represent the entire volume of waste requiring disposal. The selection of 400,000 tonnes per year was business decision taken by WM.	The needs assessment is presented in Supporting Document #2.	



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Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
12	There was opposition to the size of the landfill during the last EA.	The current proposal is significantly different than the previous EA. The proposed new landfill footprint is approximately 13 million m <sup>3</sup> compared to about 25 million m <sup>3</sup> previously.	A comparison of the current and previous proposals is contained in Supporting Document #5.	
13	The BREC will increase diversion as well and therefore the landfill volume is less.	That is correct. This is reflected in the assessment of 'Alternatives to'. The preferred alternative was a new landfill footprint with enhanced diversion.	The "alternatives to" assessment is presented in Supporting Document #3.	
14	At the time, in 2005, Toronto was shipping to the US and Napanee thought if the border closed then they would get Toronto waste.	Toronto now has its Green Lane Landfill and so the possibility of Toronto residential waste coming to Napanee has been eliminated. Furthermore, WM is not proposing to accept residential waste from Toronto for disposal in the proposed new landfill footprint.	The needs assessment is presented in Supporting Document #2 and the "alternatives to" assessment is presented in Supporting Document #3.	



Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
15	BREC can be a regional centre of excellence, a model for other waste centres.	This is true and was one of the objectives that WM has established in formulating the proposal.		
16	What does “aggressive diversion” mean? Is a 2% annual increase in diversion realistic and achievable? Where did that number come from?	In the assessment of need for waste disposal capacity, WM looked at three scenarios for future diversion rates. These were 1%, 1.5% and 2%. The term 'aggressive diversion' refers to a 2% annual diversion rate. WM acknowledges that a 2% annual increase in waste diversion is likely overly optimistic. This means that the estimation of the need for disposal services is conservative (has been underestimated). The methodology used to estimate disposal capacity need and diversion rates is contained in Supporting Document #2.	The needs assessment is presented in Supporting Document #2.	
17	An increase of by 1.5 to 2% per year might be hard to achieve – progress may be slow.	See response to previous comment.	The needs assessment is presented in Supporting Document #2.	







Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
18	People should have to pay more for waste disposal services – there would be better diversion rates as a result.	Comment acknowledged.		
19	Did WM consider the closing of municipal landfill sites (eg. 2 in Stone Mills reaching capacity)?	Yes.	The needs assessment is presented in Supporting Document #2.	
20	What about the garbage that goes south? What happens when the EPA decides to shutdown garbage transfers? We won't be prepared to deal with our own waste.	That is one of the reasons that led WM to the business decision to proposal new landfill footprint. There clearly is a need for waste disposal services for the next 20 years at least.	The needs assessment is presented in Supporting Document #2.	
21	What happens when the border closes?	The need for waste disposal capacity will increase. It is unlikely that increased diversion rates will eliminate the need for waste disposal capacity in Ontario.	The needs assessment is presented in Supporting Document #2.	
22	Michigan will stop taking wastes soon.	Comment acknowledged.	The needs assessment is presented in Supporting Document #2.	



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Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
23	Toronto now has the Green Lane facility which can take Toronto wastes.	Comment acknowledged. WM took this into consideration for the needs assessment. WM does not intend to accept any residential wastes from Toronto for disposal in the new landfill footprint.	The needs assessment is presented in Supporting Document #2.	
24	Why haven't more sites been created?	The approval process for new landfill footprints is very onerous and risky for private proponents.		





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Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
25	<p>This section does not include all the necessary data to inform participants as to the real need (or not) for the proposed BREC. For example, the section does not mention the proposed Durham region's garbage incinerator which, if approved, would accept a minimum of 140,000 tonnes of waste per year and apparently could be expanded to accept up to 400,000 tonnes per year. Also, I note the same section neglects to mention WM's own proposal to establish a nearly identical facility to the BREC in the Ottawa area to be known as the West Carleton Environmental Centre. This represents, a further 1,000,000 tonnes per year of waste handling capacity with 400,000 tonnes per year of landfilling included in the plan. These two omissions dramatically misrepresent the future status of landfill need in Eastern Ontario. What other relevant factors have been omitted from this section?</p>	<p>The assessment is complete. No relevant factors have been omitted. The majority of participants at the Workshop agreed that the assessment was complete. The two factors mentioned are important considerations in the assessment of need for a new landfill footprint at the BREC facility. WM has considered the development of an energy - from - waste facility in Durham Region and a potential new landfill footprint at WM's WCEC facility in Ottawa.</p>	<p>The needs assessment is presented in Supporting Document #2.</p>	



Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
26	The description of the need for landfill capacity in Eastern Ontario implies that ONLY garbage from those communities listed on page 3 will be accepted at the BREC. Will WM affirm in a legally binding manner that the service area for the proposed facility will be strictly limited to this area? If so, this seems to be a much larger proposal than is needed considering the Durham and WCEC proposals now on the table, particularly considering the two largest population centres, by far, are represented by these two communities.	We are seeking an Ontario-wide service area for the proposed new landfill footprint, which is consistent with the service area for the existing landfill site. However, our assessment has focused on capacity requirements for eastern Ontario, which we expect to be the primary source of waste destined for the proposed new landfill footprint. A future capacity deficit of 720,000 to 1,000,000 tonnes per year is identified for at least the next 20 years.	The needs assessment is presented in Supporting Document #2.	



Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
27	One of the strangest arguments I have read on the need for landfill capacity is that, while waste diversion is the preferred solution to the "garbage problem," the region still needs cheap landfilling capacity until waste diversion levels improve. This argument is illogical. The most certain means for ensuring that waste diversion rates rise is to ensure the available landfilling capacity is minimized and ultimately eliminated. As the landfilling capacity decreases, its cost relative to diversion will rise, making diversion the more economically attractive solution.	Four needs assessment indicates that even with continued increases in diversion rates, there will be a need for disposal capacity to address residual waste for the communities and businesses of Ontario in general and eastern Ontario diversion efforts, as indicated by other facilities proposed at our BREC. However, without disposal capacity, the residual waste would need to be shipped to remote locations including locations outside of Ontario.	The needs assessment is presented in Supporting Document #2.	
28	Taking trash across the border costs money – very heavy burden on the taxpayer.	Comment acknowledged.		



**Table 1: Comments Received from Interested Persons and WM Responses**

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
<b>Workshop - Alternatives To Assessment</b>				
29	Transferring wastes to other locations is just too expensive and not good for the environment. Transportation will only get more costly.	Comment acknowledged.		
30	Does the US have the same environmental regulations (e.g., Dumping waste in the ocean from barges) – is it responsible to ship waste to US?			
31	Everyone produces waste and no one wants to deal with it – someone needs to take responsibility.	Comment acknowledged.		
32	Saw a documentary on a landfill site in BC – we need tougher regulations passed so that we are forced to deal with our own waste.	Comment acknowledged.		





Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
33	Why is dealing with your own waste such a tough sell? There are many benefits to the project. BREC would be a state-of-the-art facility; it should be an easier sell.	Comment acknowledged.		
34	The Province should step in and take responsibility and pass an Act that says how it should be done and it should be imposed on Ontario that we have to take care of our own garbage.	Comment acknowledged.		
35	This process is going to be better than the last process.	Comment acknowledged.		
36	(general agreement that the 'alternatives to' assessment was adequate – no other factors were identified that need to be considered)	Comment acknowledged.		



Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
37	Is it possible that if a “no” turned to a “yes”, or vice versa, in the screening summary identifying alternatives, that the preferred alternative could change during the process?	No, the preferred alternative is identified and confirmed during the Terms of Reference process. The EA will be focused on the preferred alternative.		
38	No, the preferred alternative is identified and confirmed during the Terms of Reference process. The EA will be focused on the preferred alternative.			
39	Will this be a scoped EA?	Yes. The TOR is being submitted as a full EA which will be focused. The needs assessment and alternatives to assessments have already been completed and will not be assessed again under the EA. All other aspects of a full EA will be undertaken. In addition, assessments not normally undertaken in an Ontario EA, such as cumulative effects will be undertaken in this EA.		





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Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
40	Yes, in EA terms, this is called a “Focused EA”. The need, or rationale for the project, and the preferred alternative will be defined.			
41	We agree with the 6 alternatives and that the preferred alternative is the best one and the one only one (agreed on by the three others at the table).	Comment acknowledged.		
42	Need to educate the public about need for more diversion and produce less waste	Comment acknowledged.		
43	A lot of backyards have no compost; we need to think more about producing less waste. There needs to be a monetary incentive to encourage people to produce less – but I don’t think this really WM’s job.	Comment acknowledged.		





Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
44	The information provided within this document does not include the analysis WM performed in order to conclude, for example, why establishing a landfill elsewhere was deemed less acceptable than BREC.	Unlike a municipality that can expropriate land, WM as a private business does not have such capacity. Therefore, establishing a new landfill involve such exercises as site evaluation and selection, which would add to the cost of the project and to the time required.	Further information on WM's assessment of 'alternatives to' are presented in Supporting Document #3.	





Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
45	<p>The only appropriate response to this section of the document is that it is overwhelmingly premature to be discussing details of landfill footprints. Given the inherently unsuitable nature of the underlying fractured bedrock, it is extremely unlikely any footprint will be available that will be protective of the vital groundwater resource. The problems with the existing dump confirm the inherent risks associated with landfilling at this location.</p>	<p>WM is not discussing alternative landfill footprints at the TOR stage, instead, we are examine possible land areas that are suitable for the placement of the proposed landfill footprint. During the EA, detailed analysis will be conducted to determine the specific location of the footprint.</p>	<p>Further information on WM's assessment of 'alternatives to' are presented in Supporting Document #3.</p>	



Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
<b>Workshop Evaluation Criteria - General</b>				
46	Again, it is inappropriate to be engaging the public in details of evaluation criteria for a landfill footprint until there is some credible evidence that groundwater, soil and air quality can be protected in such an environment.	It is entirely appropriate for the public to be involved in discussions of evaluation criteria and for them to express their opinions on what the criteria should be and what is important to them at any time in the process. There is credible evidence that groundwater, soil and air quality is being protected and can be protected in this environment.	Evaluation Criteria are presented in Appendix B of the TOR.	





Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
47	<p>It is also inappropriate to use a questionnaire, completed by participants with potentially little or no technical background, as a basis for designing an evaluation process. This is a process that must be guided by expert knowledge. Local citizens should be funded to hire their own independent experts to study the proposal and educate them adequately so they can participate in a truly meaningful manner. In fact, I understand at least one citizen's group has requested just this type of funding from WM.</p>	<p>The use of a questionnaire is entirely appropriate and has been used in countless similar processes. Personal opinions and preferences are solicited, which need not be guided by expert knowledge. People were asked what was important to them. The staff of the MOE and other government agencies will be reviewing work plans and evaluation criteria and they have adequate expert knowledge to be used as appropriate.</p>	<p>Evaluation Criteria are presented in Appendix B of the TOR.</p>	





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Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
48	<p>The BREC proposal suffers from a serious credibility problem due to both the serious problems of the existing landfill and the history of the previous WM attempt to expand it. It would seem clear to those of us who were heavily involved in the previous EA that a far wiser approach for WM to take would be to identify a more suitable location for any future landfill facility. I am not aware of any overriding reason for continuing to flog this dead horse. None of the materials provided thus far concerning the BREC proposal have adequately dealt with this question. Until it is addressed to the satisfaction of fearful concerned citizens, WM cannot expect this proposal to be welcomed.</p>	<p>The BREC proposal is a credible, safe and beneficial opportunity that has been very well received by most of the people that we have heard from through the consultation process. As a private business WM is very limited in any landfill site selection process. WM business decision that a new landfill footprint as part of BREC at Napanee was the preferred way to meet its business goals was developed through nearly two years of consultation with the community, businesses, customers and residents of Napanee and the surrounding communities. We clearly heard that such a proposal would be welcomed and not feared. WM is fully committed to ensuring the project and the landfill will be safe and provide numerous benefits to the community.</p>	<p>Further information on WM's assessment of 'alternatives to' are presented in Supporting Document #3.</p>	<p>As a private firm WM is able to make its own business decisions and seek approval of a new landfill footprint in Napanee. WM is not able to expropriate land and find a landfill site elsewhere. The decision to seek approval of a new landfill footprint at Napanee as one component of the BREC is a business decision made by WM.</p>



Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
<b>Workshop Evaluation Criteria</b>				
<b>(Q1.): Do you agree with the environmental components that have been identified? If no, what changes would you suggest?</b>				
49	Yes, I think the important components have been covered.	Comment acknowledged.		
<b>(Q2.): Do you agree with the environmental sub-components that have been identified? If no, what changes would you suggest?</b>				
50	Yes	Comment acknowledged.		
51	Reoccurrence of put issues expansion of GW repent?	We are not sure what this comment means.		
<b>(Q3.): Do you agree with the rationale provided for the environmental components and sub-components? If no, what changes would you suggest?</b>				
52	Yes	WM has provided a response to the comments received on the previous EA. Separate technical studies have been undertaken to address hydrogeology and air uncertainties. Remedial works have been undertaken to address odour issues.	The response to previous comments is contained in Supporting Document #1.	



**Table 1: Comments Received from Interested Persons and WM Responses**

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
53	Emphasis on prior site issues is needed.	Comment acknowledged.		
<b>(Q4.): 4. Do you agree with the indicators provided? If no, what changes or additions would you make? (make changes on the table).</b>				
54	Yes	Comment acknowledged.		
<b>(Q5.): 5. Please rate the criteria according to the importance you place on each. This information will be used in the aggregation of preferences for the alternatives. (make changes on the table. Please also provide the rationale for the importance that you selected.</b>				
55	Yes	Comment acknowledged.		The relative importance of environmental components will be considered in the EA methodology which addresses the comparative evaluation of alternative methods. Further input on the importance of environmental components will be sought during the initial stages of the EA.







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Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
56	Air quality – important. Noise – less important. Odour – important. Groundwater – important. Air quality – important. Noise – less important. Odour – important. Groundwater – important.	Comment acknowledged.		
57	One resident supported the project plan, as the BREC would lower his cost of waste disposal and eliminate the need for him to dispose waste by shipping.	Comment acknowledged.		
58	One resident was opposed to the project	Comment acknowledged.		
59	There were discussions about protection of groundwater from both the old and proposed new landfill footprint.	Comment acknowledged.		
60	The pros and cons of sending wastes for disposal in the United States were also discussed.	Comment acknowledged.		





Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
61	There was a discussion about transportation and how this would be studied in the EA.	WM answered that the “Needs” and “Alternative To” assessments would be scoped out of the EA. However, these were the only components of a full EA that would be scoped out. In fact, WM is proposing to include additional assessments that are not required in an Ontario EA, such as cumulative effects assessment.		
62	Questions about whether the Terms of Reference would be “scoped” and what would be included in the EA studies.	Results of the monitoring program indicate that the landfill is operating safely and leachate is not entering Lake Ontario, in fact the monitoring program shows that it is not leaving the site. There was a discussion about the new landfill footprint and the safeguards that would be put in place (such as liners and leachate collection systems) to ensure that leachate do not leave the site.		



Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
<b>Open House #2</b>				
1	Again, it is inappropriate to be engaging the public in details of evaluation criteria for a landfill footprint until there is some credible evidence that groundwater, soil and air quality can be protected in such an environment.	Comment acknowledged.	Discussions about the protection of groundwater are contained in Section 2.3 of Volume 1 – Main TOR document and in Supporting Document #1	
2	One resident supported the project plan, as the BREC would lower his cost of waste disposal and eliminate the need for him to dispose waste by shipping.	Comment acknowledged.	Discussion about the BREC are contained in Volume 1 – Main TOR document	
3	One resident was opposed to the project	Comment acknowledged.		
4	There were discussions about protection of groundwater from both the old and proposed new landfill footprint.	Comment acknowledged.	Discussions about the protection of groundwater are contained in Supporting Document #1	



Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
5	The pros and cons of sending wastes for disposal in the United States were also discussed.	Comment acknowledged.	Discussions about pros and cons (i.e. “Needs Assessment”) are contained in Supporting Document #2	
6	There was a discussion about transportation and how this would be studied in the EA.	Comment acknowledged.	EA work plans to address transportation issues are presented in Appendix C of the TOR.	
7	Questions about whether the Terms of Reference would be “scoped” and what would be included in the EA studies	WM answered that the “Needs” and “Alternative To” assessments would be scoped out of the EA. However, these were the only components of a full EA that would be scoped out. In fact, WM is proposing to include additional assessments that are not required in an Ontario EA, such as cumulative effects assessment.	Volume 1 – Main TOR document	



**Table 1: Comments Received from Interested Persons and WM Responses**

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
<b>Open House #3</b>				
<b>Q1: Please provide any general comments regarding this evening's Open House.</b>				
1	People living near Lake Ontario asked about leachate leaking into the lake.	Comment acknowledged.		
2	Great people...like new plan for landfill	Comment acknowledged.		
<b>Q2: Please provide any comments or questions that you have regarding the Terms of Reference.</b>				
3	Break down on jobs available would have been nice. People were nice and talkative.	Comment acknowledged.		
4	Just need to see how it is planned...then see the start of next plan, not the finish.	Comment acknowledged.		
<b>Q3: How would you like to be consulted on this project?</b>				
5	I think it is a good plan...if not people will just use dumps. We need this.	Comment acknowledged.		



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Table 1: Comments Received from Interested Persons and WM Responses

Comment #	Comment/Response	How comment was used in TOR	Where addressed in TOR	Rationale for not including comment
<b>Open House #4</b>				
1	Discussions with Minister from Empey Hill Church about how the site affects the congregation.	Comment acknowledged.	Discussions concerning potential issues surrounding the site are contained under Sections 9, 11, and 15 of Appendix C of the TOR	
2	A resident who is a member of LOW expressed concerns about the site being built on fractured limestone.	Comment acknowledged.	Discussions about the past issues are contained in Section 2.3 of Volume 1 – Main TOR document and in Supporting Document #1	
3	A couple of residents came looking for the Terms of Reference	Comment acknowledged. The TOR will be mailed to them when it is ready.		
4	Several residents came out to learn about the project in more detail and were interested to hear about the safeguards that are in place for environmental protection.	Comment acknowledged.		



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**Table 2: Municipality Comment and Response Table**

Name of Municipality	Date Received	Municipality Comment and Response	How Comment was used in TOR	Where Comment was Addressed in TOR
<b>Response to the Invitation Letter to the Third Open House</b>				
Tyendinaga Township	April 28, 2010	<p>- I am inquiring whether WM will commit to providing participant funding to Tyendinaga Township to help defray the expert and legal expenses that we will incur in the forthcoming EA process (i.e., review of the WM documents).</p> <p>- If participant funding is provided by WM, the acceptance or use of such funds by Tyendinaga Township is without prejudice to, and in no way constrains or affects, our right to object to the proposed BREC facility.</p>	Comment acknowledged (see letter dated May 4, 2010 from Don Wright in Appendix F)	





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Table 2: Municipality Comment and Response Table

Name of Municipality	Date Received	Municipality Comment and Response	How Comment was used in TOR	Where Comment was Addressed in TOR
County of Lennox & Addington	May 14, 2010	<p>1) Transportation Work Plan, Appendix F</p> <p>a) Both site construction and long term site operation impacts on the road network should be assessed with appropriate mitigating measures identified.</p> <p>b) The road network study area should be expanded beyond roads that directly link the site to the nearest interchange on the provincial highway system. More specifically, the study area should include portions of County Road 10 south of Highway 401, County Road 11 east of</p>	Comment acknowledged and work plans updated accordingly.	Volume 1 – Main TOR Document Appendix C – Work Plans







Table 2: Municipality Comment and Response Table

Name of Municipality	Date Received	Municipality Comment and Response	How Comment was used in TOR	Where Comment was Addressed in TOR
County of Lennox & Addington	May 14, 2010	<p>County Road 10 and County Road 1 east of County Road 10. A trip distribution study should be undertaken to assess impacts on these study area roads.</p> <p>c) Impacts on the adjacent County road drainage systems due to storm water being directed off the proposed site should be considered with appropriate mitigating measures identified. In particular, this review should consider the capacity of roadside ditches and entrance/centerline culverts under County roads within the study area. I note that there is general reference to adverse effects on downstream water courses noted in Appendix C, Surface Water Work Plan.</p> <p>d) As part of the review of mitigating measures to ensure the safety of pedestrian and vehicular traffic, the need for zone and continuous streetlight illumination on study area County roads should be considered as part of the operations review. It should be noted that any new streetlighting introduced</p>		





Table 2: Municipality Comment and Response Table

Name of Municipality	Date Received	Municipality Comment and Response	How Comment was used in TOR	Where Comment was Addressed in TOR
		<p>will become an additional operating and maintenance expense to the local municipality.</p> <p>e) Changes in Level of Service demands created by this proposal that may result in additional municipal maintenance and operations demands and expenses should be considered.</p>		





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Table 2: Municipality Comment and Response Table

Name of Municipality	Date Received	Municipality Comment and Response	How Comment was used in TOR	Where Comment was Addressed in TOR
County of Lennox & Addington	May 14, 2010	<p>f) The County roads in the vicinity of the site, and in particular County Road 10, are subject to annual 5 tonne/axle load restrictions from March 1st to April 30<sup>th</sup>. Although vehicles carrying municipal solid waste are exempted from the restriction, the number of vehicles exempted will increase significantly. The impact on the structural integrity of these roads when subjected to increased heavy loads during this period must be considered with appropriate mitigating measures identified.</p> <p>g) It should be noted that County Road 10 is a boundary road between the County of Lennox and Addington and the Township of Tyendinaga. It is therefore subject to joint jurisdiction regarding maintenance, operations and right-of-way control matters such as entrances.</p> <p>2) Land Use Work Plan – Appendix G</p> <p>Due to the increase in heavy truck traffic that County Road 10 is expected to receive, the need for restrictions on development and severances should be considered. The County currently classifies the affected section of</p>		



Table 2: Municipality Comment and Response Table

Name of Municipality	Date Received	Municipality Comment and Response	How Comment was used in TOR	Where Comment was Addressed in TOR
		<p>County Road 10 as "Rural Collector" but it may require a re-classification to a new "Rural Arterial" status in order to limit the potential for future development and severances. A change of this magnitude should further be considered for impacts on Official Plans of the County of Hastings, Town of Greater Napanee and Township of Tyendinaga. If significant truck volumes are anticipated on other County roads in the vicinity, these development restrictions should be considered there also.</p> <p>3) General</p> <p>Due to the many complex issues the County must consider as a result of this proposal, undoubtedly the County will need to rely on external peer review consulting services. Although these needs are not specifically identified at present, please be advised that the County will be seeking financial compensation from the proponent for any costs incurred in order to obtain these consulting services.</p>		



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**Table 3: Government Review Team (GRT) Comments and Response Table**

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
<b>Response to the March 5, 2010 Launch and Invitation Letter to the First Open House</b>					
1	Ministry of Natural Resources (MNR)	March 8, 2010	I am replying to the notice below. I am not the person with responsibility for this geographic area. I have copied Katie Novacek, District Planner, Peterborough District MNR. You should be contacting her for further comments regarding this matter.	Comment acknowledged	
2	Ministry of Municipal Affairs and Housing (MAH)	March 8, 2010	I am most definitely not a member of the Government Review Team for Environmental Assessments. I have forwarded your email to a colleague who may have more knowledge.	Comment acknowledged	





**Table 3: Government Review Team (GRT) Comments and Response Table**

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
3	Ministry of Municipal Affairs and Housing Provincial Planning Policy Branch (MAHPPP)	March 11, 2010	I was forwarded this e-mail from Lynne Peterson. She is not the person who should be reviewing this EA project. It should be sent to the respective regional office, since it is a site-specific matter. Our Ministry Planning Policy Branch does not review site specific projects. In this case, since the project being proposed is in Nappanee, it should be sent to our Eastern Regional Office in Kingston. The Toll Free number is: 1-800-267-9438. You might want to find out the appropriate contact person over there who will be reviewing it. The Manager of the Regional Planning Branch is Mike Elms. Let me know if you need anything further or have any questions.	Comment acknowledged	
4	Ministry of Tourism and Culture (MTC)	March 15, 2010	Please note that we have forwarded the Notice of Commencement to the Ministry of Culture's heritage Operations Unit in Toronto. They will be reviewing it from a cultural heritage and archaeological perspective. If necessary, they will provide comments to you directly under separate cover.	Comment acknowledged	



Table 3: Government Review Team (GRT) Comments and Response Table

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
5	Indian and Northern Affairs Canada (INAC)	March 17, 2010	<p>I am writing in response to your letter of March 5, 2010 addressed to Mr. Franklin Roy inquiring about any claims that may affect the subject property. I regret that we were not able to respond earlier.</p> <p>We can inform that our inventory does not include active litigation in the vicinity of this property. Please note that we are unable to make any representations regarding potential future claims.</p> <p>We cannot make any comments regarding claims filed under other departmental policies. For information on any claims you should also contact Don Boswell of the Specific Claims Branch at (819) 953-1940 to inquire about any Specific Claims. To inquire about any current Comprehensive Claims, please contact Nicole Cheechoo of treaty and Aboriginal Government Central Operations at (819) 997-3499.</p> <p>Also please note that all future requests of this nature should no longer be addressed to Mr. Franklin Roy. Instead, could you kindly modify your distribution list to send requests to the following destination:</p> <p>Josée Beauregard, Ontario/Nunavut Team Indian and Northern Affairs Litigation Management and Resolution Branch 25 Eddy Street, Gatineau, Quebec, K1A 0H4</p>	Comment acknowledged	



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Table 3: Government Review Team (GRT) Comments and Response Table

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
6	Ministry of Health and Long-Term Care	March 17, 2010	<p>Although the Public Health Branch is interested in the public health aspects of these EA and wish to be kept informed of any further developments, we recommend that you request input from the local Medical Officer of Health for the health unit in which the EA is located.</p> <p>Dr. Ian Gemmill, Medical Officer of Health Kingston, Frontenac and Lennox &amp; Addington Health Unit 221 Portsmouth Avenue, Kingston ON K7M 1V5</p>	Comment acknowledged	







Table 3: Government Review Team (GRT) Comments and Response Table

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
7	Quinte Conservation	March 22, 2010	<p>Generally, Conservation Authorities (CAs) are concerned with the management of natural resources on a watershed scale. We would expect that the 'Terms of Reference' would identify and assess the potential impacts on natural heritage features, natural hazards, water (surface and ground) quality and quantity; as well as CA owned lands within the study area.</p> <p>Quinte Conservation (QC) regulates the watercourses and wetlands within the study area (by virtue of Ontario Regulation #319/09 – Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). The applicant will need to apply to the CA for a permit prior to development (e.g. construction, filling, site grading, etc.) within 30 metres of the high water mark / 1:100 year flood plain of any watercourse or wetlands within the study area. As such, we recommend that the 1:100 year flood plain of the tributaries and the wetland boundaries of the Marysville Creek tributaries which traverse the site be calculated and mapped in order to avoid development within flood prone areas. Typically, Quinte Conservation Authority (QCA) policy directs all new development outside of a 15 metre area adjacent to the floodplain or a wetland. Please contact Paul McCoy, B.A., Manager of Planning &amp;</p>	Comment acknowledged	



Table 3: Government Review Team (GRT) Comments and Response Table

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
			<p>Regulations regarding any questions concerning Ontario Regulation #319/09.</p> <p>Typically, any new development greater than one hectare within QCA's watershed must demonstrate that post-development flows do not exceed pre-development levels for design storms from the 5-year to 100-year events. In addition, as lands drain into the Bay of Quinte, quality control criteria developed by the Bay of Quinte Remedial Action Plan would typically apply to this development. The Level 1 (enhanced) protection storage criteria set out in the Ministry of the Environment Stormwater Management Planning and Design Manual (2003) would typically be utilized for the size of development. Please contact Bryon Keene, P. Eng., Manager of Water Resources regarding any stormwater management questions or concerns.</p> <p>Environmental impacts associated with the proposed landfill (including changes to surface and ground water quality and quantity) may lead to aquatic habitat alteration, disruption or destruction. As such, we suggest that a fisheries assessment be conducted in order to define the baseline fish habitat and evaluate any anticipated impacts to fish habitat. Should shoreline alterations or in-water work be proposed, the applicant must contact the CA prior to any activity</p>		



Table 3: Government Review Team (GRT) Comments and Response Table

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
			<p>occurring on the site. Quinte Conservation will review the proposal under our 'Level 3' agreement with Fisheries and Oceans Canada in order to determine if there are any potential impacts to fish habitat and any subsequent habitat compensation requirements. Please contact Brad McNevin, BSc., Fisheries Biologist regarding the Authority's agreement with Fisheries and Oceans Canada.</p> <p>The alteration of the terrestrial landscape will impact the existing terrestrial flora &amp; fauna, and potentially impact a species of special concern by the Provincial or Federal Governments. As such, we recommend that a terrestrial survey be conducted which includes plant &amp; wildlife community inventories (during the four seasons at appropriate intervals) in order to document the existing habitat conditions and evaluate any anticipated impacts to the resource. Further, we suggest that the Ontario Ministry of Natural Resources be contacted regarding the applicability of the Ontario 'Species At Risk Act' and any information required for that Ministry's review of the project under taking. Please contact Tim Trustham, BSc., Ecologist regarding any questions pertaining to terrestrial flora &amp; fauna.</p> <p>Quinte Conservation and the Ontario Ministry of Environment are currently studying Municipal water intakes under the Source Water</p>		



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**Table 3: Government Review Team (GRT) Comments and Response Table**

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
			<p>Protection Program. Please note that the subject area lies within the 'Intake Protection Zone (IPZ)' for the town of Deseronto drinking water system, and a Highly Vulnerable Aquifer (HVA) area of Quinte Conservation. In both cases of the IPZ and HVA, a landfill is considered to be a moderate level threat. The proposed project may include changes to surface and ground water quality and quantity. As such, we recommend a comprehensive sampling regime which outlines the baseline water quality and quantity conditions and an evaluation of any anticipated impacts. Please contact Mark Boone, P. Geo., Hydrogeologist with any further questions regarding the Source Protection Program.</p> <p>Quinte Conservation would appreciate a copy of the final 'Terms of Reference' document for our records.</p>		
<b>Response to the March 22, 2010 Follow-Up and Invitation Letter to the Workshop</b>					
8	Ministry of Agriculture, Food and Rural Affairs (OMAFRA)	March 22, 2010	<p>Thanks for the notice.</p> <p>Ray Valaitis is the OMAFRA contact for this project.</p>	Comment acknowledged	





Table 3: Government Review Team (GRT) Comments and Response Table

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
9	Ministry of the Environment Environmental Assessment and Approvals Branch (MOE-EAAB)	March 23, 2010	<p>Further to our discussion last Friday, pls. find attached mapping that shows the area of interest for the Huron Wendat First Nation. Looks like it's fairly close to Ottawa. I'll try to find out more about that and will follow-up.</p> <p>Also, pls. note that the Curve Lake First Nation has requested that EA related materials being sent to them be provided by e-mail, if possible. The e-mail address that you should use is: <a href="mailto:dutytoconsult@curvelakefn.ca">dutytoconsult@curvelakefn.ca</a></p>	Comment acknowledged (see page WS-42 for the attached map in Appendix C)	
10	Algonquin and Lakeshore Catholic District School Board (ALCDSB)	March 24, 2010	<p>Thank you for the invitation to attend the session of March 25; I am unable to attend as I will be out of town; I should inform you that a group has approached our board to seek our voice in halting this project. Of course the board is not prepared to become politically involved as we are not in a position to make any judgments at this time. Keeping us in the information loop will be very important so that my team and the trustees have information that is accurate.</p>	Comment acknowledged	



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**Table 3: Government Review Team (GRT) Comments and Response Table**

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
11	Limestone District School Board (LDSB)	March 31, 2010	I am away from the office from March 24 - April 5, 2010, and returning April 6. Messages received will not be processed or forwarded during this time. If your enquiry is of an urgent nature, please call the LDSB Education Centre directly at 613.544.6920 for assistance.	Comment acknowledged	
12	INAC	March 31, 2010	We can inform that our inventory does not include active litigation in the vicinity of this property. Please note that we are unable to make any representations regarding potential future claims.	Comment acknowledged	





Table 3: Government Review Team (GRT) Comments and Response Table

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
13	MTC	April 7, 2010	<p>As part of the process under the Environmental Assessment Act, the Ministry of Tourism and Culture has an interest in the conservation of cultural heritage resources including:</p> <ul style="list-style-type: none"> <li>- Archaeological resources;</li> <li>- Built heritage resources; and</li> <li>- Cultural heritage landscapes.</li> </ul> <p>The subject property for this project is considered to have archaeological potential as it meets the following provincial criteria for archaeological potential:</p> <ul style="list-style-type: none"> <li>- being within 200 meters of a secondary water source (creek, stream, pond, etc.)</li> <li>- also, there are five archaeological sites within a 5km Radius and one of those sites is within less than 500m.</li> </ul> <p>An archaeological assessment by an archaeologist licensed under the Ontario Heritage Act will therefore be required for this project prior to any ground disturbances and/or site alterations. The assessment report must be in compliance with the Ministry of Culture for review by an Archaeological Review Officer.</p> <p>In the even that human remains are found, the local police must be notified immediately, followed promptly by notification to this office.</p>	Comment acknowledged	





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**Table 3: Government Review Team (GRT) Comments and Response Table**

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
<b>Response to the Draft EA Work Plan Sent on April 22, 2010</b>					
14	MOE-EAAB	April 28, 2010	I don't believe I am the appropriate contact for this task at this time. I have provided comments on the noise aspects of EA documents in the past, and that is still the extent of my EA involvement.	Comment acknowledged	
15	MNR	April 29	This project is not within the area of my mandate. I have forwarded it to Leala Pomfret in our Peterborough office. Please refer any correspondence concerning this matter to her at to <a href="mailto:leala.pomfret@ontario.ca">leala.pomfret@ontario.ca</a>	Comment acknowledged	







**Table 3: Government Review Team (GRT) Comments and Response Table**

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
16	OMAFRA	April 29, 2010	Please direct future correspondence to our ministry contact for this file:  John O'Neill Rural Planner Ontario Ministry of Agriculture, Food and Rural Affairs 59 Ministry Road Kemptville Ontario K0G 1J0 613-258-8341 John.O'Neill@ontario.ca	Comment acknowledged	
17	Health Canada (HC)	April 29, 2010	I will be out of the office starting 2010-04-27 and will not return until 2010-05-19.  For urgent matters related to environmental assessment, please contact  Melanie Lalani at Melanie.Lalani@hc-sc.gc.ca	Comment acknowledged	



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Table 3: Government Review Team (GRT) Comments and Response Table

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
18	MTC	April 29, 2010	<p>From the Ministry of Tourism and Culture's perspective, my Tourism Industry Advisor in Kingston, Blair Harris, and Sharon Proulx, my Regional Advisor for Culture, Sport and recreation in Kingston, have each reviewed the documents. They each report that the draft work plan as presented is acceptable.</p> <p>In your letter you allude to the potential for a discipline lead(s) to follow up with me in the very near future to discuss the documentation. Based on "Appendix E - Cultural Heritage Resources Work Plan" and the specific references to the Ministry of Tourism and Culture, it appears that you have already been in contact directly with the Ministry of Tourism and Culture's Heritage Operations Unit in Toronto. I ask that you please continue to keep them apprised as the unit is responsible for the cultural heritage and archaeological aspects of the project.</p>	Comment acknowledged	





**Table 3: Government Review Team (GRT) Comments and Response Table**

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
19	Golder Associates Ltd.	April 30, 2010	The Atmospheric Environment Review by the Eastern Region Technical Support Section is on hold pending official MOE project kick-off by Ariane.	Comment acknowledged (for conversation notes see page WP-77 in Appendix E)	
20	Golder Associates Ltd.	April 30, 2010	I had called the Kingston office of the MOE this afternoon to discuss the draft work plan package that was sent to the surface water group. I didn't speak to anyone but I did get a return phone message from Peter Taylor of that group.	Comment acknowledged (for conversation notes see page WP-78 in Appendix E)	





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Table 3: Government Review Team (GRT) Comments and Response Table

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
21	MTC Regional Services Branch	May 3, 2010	My response to this request has been incorporated in a reply from my manager, Mary Beach of the Ministry of Tourism and Culture in Ottawa. It is kind of complicated in that I represent Tourism interests, another colleague in Kingston represents community culture interests and then there is the Culture and Heritage Branch of our ministry in Toronto who represent the heritage/archaeological aspects and for which the report indicates communication has been made with them.	Comment acknowledged	





Table 3: Government Review Team (GRT) Comments and Response Table

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
22	Ministry of Transportation	May 5, 2010	At the site is 1.3km north of the Highway 401/Deseronto Road Interchange, MTO has concerns regarding the proximity and traffic impacts of the commercial land use to the interchange. MTO requests the submission of a traffic impact study (TIS), which clarifies impacts to the Highway 401/Deseronto Road Interchange. The TIS is to identify if any highway improvements are warranted, and make recommendations to mitigate the impacts to the highway. In the event there is to be future phasing of development, including full build-out of the property. Please refer to the Ministry of Transportation General Guideline for the Preparation of traffic Impact Studies, dated January 2008, at the ministry website. <a href="http://www.mto.gov.on.ca/english/engineering/management/corridor/">www.mto.gov.on.ca/english/engineering/management/corridor/</a> . The ministry contact for traffic information at the subject interchange is Dave Edwards, Information Supervisor, MTO Traffic Section (613) 545-4695. Dave may be able to provide information useful in the preparation of the traffic analysis.	Comment acknowledged	





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Table 3: Government Review Team (GRT) Comments and Response Table

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
23	OMAFRA	May 5, 2010	Consideration has been given to the matter in terms of the goals, objectives, programs and policies of this Ministry. The purpose of the proposed Terms of Reference is for a new landfill footprint for the existing Napanee landfill site located in concession 4, lots 1 & 2 (Richmond), Town of Greater Napanee. This Ministry has no concerns with the proposed Terms of Reference.	Comment acknowledged	





Table 3: Government Review Team (GRT) Comments and Response Table

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
24	Ontario Realty Corporation (ORC)	May 12, 2010	<p>ORC is required, by the MOE and the Environmental Assessment Act, to follow the "MEI Class EA Process for Realty Activities Other Than Electricity Projects (approved April 2004, amended September 11, 2008)" prior to any activities on ORC managed lands. Please note that if ORC managed lands are to be directly impacted, Environmental Assessment requirements may need to be completed, prior to allowing the undertaking; however, ORC may require additional information, if ORC managed lands are within the study area as lands may be directly impacted. ORC requests to be involved with notifications regarding the project as the operation of the expanded facility may impact ORC managed lands. This also includes lands managed by Hydro One on behalf of ORC. ORC would like to review and have full reliance on all reports to assess the facility's relation and potential impact to ORC managed lands. This is, but not limited to, all environmental and geotechnical reports as it relates, especially to, soil and groundwater. Depending on report findings, ORC may request that more stringent reporting be completed to ensure that ORC managed assets are not impacted by the expansion and subsequent operation of the facility. If the proposed undertaking has a potential to cause impacts to MEI-owned property, it also has the potential to cause negative</p>	Comment acknowledged	



Table 3: Government Review Team (GRT) Comments and Response Table

Letter/ Email #	Name of Agency	Date Received	GRT Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
			<p>environmental effects. Our comments are intended to ensure that outstanding issues of environmental, socio-economic and cultural heritage concerns related to this property, as well as complying with all regulations, will be appropriately addressed prior to the commencement of this undertaking. ORC looks forward to continuing communication regarding this project. Please note that in addition to the above requirements, and if required, depending on the type of realty agreement, ORC, may also be required to circulate First Nations regarding the undertaking.</p>		







**Table 3: Government Review Team (GRT) Comments and Response Table**

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
<b>Comments on Draft Portions of the TOR</b>				
<b>MOE - Kingston District Office Eastern Region</b>	May 27, 2010	<p>The work plan is acceptable in a general sense however further details would be required prior to investigation and assessment at the site. It is expected that these details would be provided as part of the EA.</p> <p>It would be beneficial to consider potential issues related to the sensitive hydrogeological site setting early in the EA process. It may also be of benefit to discuss potential failure of landfill liner systems with landfill engineers early on the process</p> <p>I recommend that the status of compliance with Guideline B-7 at the existing Richmond Landfill site, once determined, should be considered as part of the EA process.</p>	Comment acknowledged	Appendix C – EA Work Plans Main TOR





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - Kingston District Office Eastern Region	May 28, 2010	<p>Under Section 2.7.1 of the report it states that the only component of the BREC requiring an EA under the EAA is the new landfill footprint. Other components such as composting, construction and demolition and the material recycling facility require approvals under the EPA, however they do not require EAA approval.</p> <ul style="list-style-type: none"> <li>It is the opinion of the District office that the EA for this site should comprise all aspects of the proposal, and look at cumulative impacts associated with the entire project.</li> </ul>	<p>We have chosen to address this concern by adding an assessment of the predicted likely effects of the non-landfill components of the BREC facility and adding an assessment of the cumulative effects of a new landfill footprint with other current or planned projects in the study area. It is noted that sometimes it is necessary to identify projects beyond the study area. The assessment of cumulative environmental effects is not an aspect normally considered in the Ontario EAA but is part of the federal EA process under the <i>Canadian Environmental Assessment Act</i> (CEAA). The cumulative effects assessment is included to address concerns expressed by some during the consultation process about considering the effects of all components of BREC. The additional assessment of effects of the non-landfill BREC components is not required under the Ontario EAA, as these components are subject to other approval processes. However, these additional assessments are included in order to address comments heard during the TOR preparation.</p>	Volume 1 – Main TOR Document



Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
<b>MOE - Kingston District Office Eastern Region</b>	May 28, 2010	Under Section 3.3 of the report (page 23) it outlines a number of potential constraints present at this site, when choosing locations for proposed landfill footprints and other proposed land uses. <ul style="list-style-type: none"> <li>Property boundaries and adjacent land uses should also be included as considerations as part of the review.</li> </ul>	Property boundaries and adjacent land uses will be included as considerations as part of the review.	Appendix C – EA Work Plans Main TOR
<b>MOE - EAAB Waste Unit</b>	May 28, 2010	Appendices A to E are not included.	Appendices will be included in the final submission.	Volume 1 - Appendices A to D
<b>MOE - EAAB Waste Unit</b>	May 28, 2010	Summary of issues and concerns, and consultation issues during the TOR development are not provided.	Issues raised during consultation events are included in the Consultation Record - Volume 2 of TOR.	Consultation Record - Volume 2 of TOR



Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
<b>MOE - EAAB Waste Unit</b>	May 28, 2010	The new site will have to be designed in accordance with Ontario Regulation 232/98.	The new site will be designed in accordance with Ontario Regulation 232/98.	Appendix C – EA Work Plans
<b>MOE - EAAB Waste Unit</b>	May 28, 2010	<ul style="list-style-type: none"> <li>As per O. Reg. 232/98, WMCC will have to prove that Guideline B-7 will be met at the property boundary for the situation of the existing and the expanded site combined.</li> <li>To date, WMCC has not established compliance criteria, trigger levels and contingency plans for groundwater and surface water at the existing site. WMCC is required to provide these to the MOE by June 30, 2010.</li> <li>It is unclear if the existing site is in compliance with Guideline B-7.</li> </ul>	<p>Comment 1- As per the above response, the design of the new site will be in accordance with O.Reg. 232/98, which includes Guideline B-7 compliance.</p> <p>The second and third comments will not be addressed during the EA; they pertain to the existing landfill site and as such are not applicable to the TOR.</p>	<p>Appendix C- EA Work Plans</p> <p>Not applicable</p>



Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
<b>MOE - Technical Support Section Kingston District Office Eastern Region</b>	May 28, 2010	<p>There are several tasks that have not been included in the Surface Water Work Plan, such as biological inventories of the aquatic environment, and groundwater to surface water interaction; however, these items are covered off in the Biology Work Plan and the Geology and Hydrogeology Work Plan, respectively.</p> <ul style="list-style-type: none"> <li>I have no major concerns with the Surface Water Work Plan.</li> </ul>	Comment acknowledged	Appendix C





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<p><b>Comment #1:</b> The draft TOR did not include a number of appendices and supporting documents that would be required to ensure a comprehensive review:</p> <ul style="list-style-type: none"> <li>In particular, additional information on past consultation efforts, evaluation criteria and the assessments that informed the decision to scope the EA would be required to review the proposed TOR in the appropriate context.</li> </ul>	<p>Appendices will be included in the final submission. Issues raised during consultation events are included in the Consultation Record - Volume 2 of TOR.</p>	<p>Consultation Record - Volume 2 of TOR; Volume 3 SD # 2 and 3</p>



Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<b>Comment #2:</b> Although it is acknowledged that the need for a private waste management facility is a business decision, Section 1.4 should be revised to at least provide a general justification for the project, to confirm that the project is in the public's interest.	Section 1.4 was revised to at least provide a general justification for the project, to confirm that the project is in the public's interest.	Volume 1 – Main TOR Document





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<p><b>Comment #3:</b> Section 1.4 mentions that Section 5.6 includes a description of the cumulative effects assessment proposed in the EA, however there is no Section 5.6 present in the document.</p> <ul style="list-style-type: none"> <li>• Additional detail should be added on the scope and methodology of the proposed cumulative effects assessment.</li> <li>• In consideration of the outstanding designation requests at this time, it would be appropriate to proactively address the general concern of focussing the TOR on only one component of the BREC by providing clear methodology for how the non-landfill components of the BREC will be considered in the cumulative effects assessment.</li> </ul>	<p>The incorrect reference has been corrected. More details on how the non-landfill components of BREC will be included in the impact assessment and on the cumulative effects methodology are presented in the final TOR submission.</p>	Volume 1 – Main TOR Document





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<b>Comment #4:</b> You may wish to consult with CEAA regarding the inclusion of VECs in the assessment, as it is usually the federal government that determines the VECs for a federal EA.	TOR modified	Volume 1 – Main TOR Document Section 1.4
MOE - EAAB	May 28, 2010	<b>Comment #5:</b> The last paragraph in Section 1.6 should indicate that any changes that will be considered to the EA process described in the TOR will be undertaken in consultation with the public, Aboriginal communities and the government, as appropriate.	The last paragraph in this Section indicates that any changes that will be considered to the EA process described in the TOR will be undertaken in consultation with the public, Aboriginal communities and the government, as appropriate.	Volume 1 – Main TOR Document





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<b>Comment #6:</b> Section 2.3 should focus on how the new TOR will apply the lessons learned from the previous proposal to ensure that the same issues will be effectively addressed in the new proposal, instead of focussing on how issues with the current Richmond Landfill were addressed.	Comment addressed.	Volume 1 – Main TOR Section 2.6
MOE - EAAB	May 28, 2010	<b>Comment #7:</b> The discussion in Section 2.3 regarding how the issues with the current landfill have been addressed may be more appropriately located in the supporting documents.	Comment acknowledged	Volume 1 – Main TOR Document





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<b>Comment #8:</b> Section 2.4 should provide an explanation of why the proposal is subject to the <i>Environmental Assessment Act</i> by outlining the requirements of Regulation 101/07 – Waste Management Projects.	Comment addressed	Volume 1 – Main TOR Section 2.4
MOE - EAAB	May 28, 2010	<b>Comment #9:</b> Section 2.4 should provide a general summary of other approval requirements that will ensure that the potential environmental effects of the other components of the BREC will be considered.	A general summary of other approval requirements that will ensure that the potential environmental effects of the other components of the BREC will be considered has been included.	Volume 1 – Main TOR Section 2.4





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<b>Comment #10:</b> In Section 2.4 the description of other BREC project components is slightly inconsistent with past documentation in regards to describing the other components of the project. Please ensure that the description is complete and consistent.	The description of the BREC was made consistent throughout.	Volume 1 – Main TOR Document





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<p><b>Comment #11:</b> Section 2.5 indicates a capacity of 13 million tonnes, whereas Section 2.6 indicates 13 million cubic metres. In addition, Section 3.1.1 indicates an estimate of 400,00 tonnes per year over a 20 year period, which equals only 8 million tonnes over the projected life of the landfill.</p> <ul style="list-style-type: none"> <li>It is suggested that the landfill capacity be measured in cubic metres.</li> </ul>	The capacity of the proposed new landfill footprint is 13 million cubic metres. The landfill capacity will be measured in cubic metres as required by the regulation.	Volume 1 – Main TOR document





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<b>Comment #12:</b> In consideration of past opposition and technical issues surrounding the previous proposal, it would be prudent to provide additional messaging in Section 2.6 to highlight how the methodology of this TOR will effectively address past issues. For instance, a description of how technical issues regarding fractured bedrock and potential groundwater contamination will be addressed in the EA would be useful.	Additional text was added to TOR	Volume 1 – Main TOR Document Section 2.6
MOE - EAAB	May 28, 2010	<b>Comment #13:</b> Section 3.1.1 should provide a rationale for limiting the waste disposal needs assessment to eastern Ontario.	Rationale for the area for the needs assessment has been added to the final TOR document.	Volume 1 – Main TOR Document and Volume 3 SD#2 – Needs Assessment



Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<b>Comment #14:</b> Section 3.1.3 should provide additional clarification regarding why alternatives to the undertaking have been screened out before the submission of the TOR, since this is usually completed during the preparation of the EA. If a preliminary screening was undertaken to identify only technically or economically feasible alternatives given the constraints of the company, then this should be explained.	A preliminary screening was undertaken to identify only technically and economically feasible alternatives given the constraints of WM. An explanation was added to the TOR section 3.1.2 to address this comment.	Volume 1 – Main TOR Section 3.1.2





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<b>Comment #15;</b> Section 3.2 indicates that the preferred alternative includes activities to enhance diversion, however it was understood that the other components of the BREC would not be considered in the EA. The TOR should clearly indicate which components of the BREC will be assessed as alternatives in the EA, and in what manner.	The preferred alternative is to establish a new landfill footprint for disposal of residual wastes on-site <u>as part</u> of a comprehensive, integrated waste management system (i.e., the proposed BREC facility)  Methodology was modified such that all components of BREC will be assessed.	Volume 1 – Main TOR Section 3.2







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Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<b>Comment #16:</b> Section 3.3 should contain a preliminary list of alternative methods that will be considered during the EA. This should include not only alternative landfill footprints, but other potential technology, such as leachate collection systems, alternative liner technologies etc. If any of these components are pre-determined, they should be defined in the description of the undertaking. Highlighting how the consideration of these alternative methods will address previous technical issues would also be useful.	Other alternative methods such as the assessment of leachate treatment and liner systems will not be assessed in the EA. This is because WM has pre-determined that leachate will be collected and trucked to the Napanee Water Pollution Control Plant for treatment to MOE standards. In regards to liner systems, WM has to meet the requirements of O. Reg 232/98 for liner design. Similar for landfill gas management. Other system components, such as stormwater management ponds will be determined once a preferred landfill footprint alternative has been determined and preliminary conceptual design plans have been formulated. Text has been added in final TOR document.	Volume 1 – Main TOR Section 3.3





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<p><b>Comment #17:</b> The evaluation of potential landfill locations in Section 3.3 would be more appropriately included in the EA. Constraint mapping and the evaluation of alternatives should be completed in consultation with the public, Aboriginal communities and the government. The TOR should describe how constraint mapping or other selection processes will be used to identify a reasonable range of alternative methods.</p>	<p>The alternative methods will be assessed by comparative evaluation using technical, environmental, and socio-economic criteria, and consideration of the advantages and disadvantages of each of the alternatives.</p> <p>The preliminary envelopes for potential development of landfill footprints were determined during the TOR development stage and include possible envelopes for siting the various non-landfill BREC components as well. During the TOR development process, constraint mapping was used to determine the possible land envelopes within the lands owned and optioned by WM for the possible location of the proposed alternative landfill footprints.</p> <p>During the EA, the preliminary landfill footprint envelopes will be refined and finalized in consultation with the public, government review team, Aboriginal Communities and other interested parties.</p>	Volume 1 – Main TOR Document Section 3.3



Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<b>Comment #18:</b> It would be appropriate to indicate how hydrogeology was considered during any preliminary screening work and the identification of alternatives.	<p>A preliminary summary of additional field work or studies that will be undertaken during the preparation of the EA is provided.</p> <p>Additional field studies and data collection have been ongoing, which includes hydrogeological, air quality, terrestrial biology field survey, water quality sampling and fisheries surveys. During the EA, and following approval of work plans by the GRT, the project team will collect further information and conduct studies (desktop and field) to describe components and sub-components of the environment identified in the TOR that may be affected by the undertaking. The assessment methodology that will be used for each environmental component is provided in</p>	Volume 1- Main TOR Document Section 2.6 and Sections 5.0 to 15.0 of Appendix C





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<b>Comment #19:</b> Section 4.0 should provide a preliminary summary of additional field work or studies that will be undertaken during the preparation of the EA to provide an appropriate level of detail on environmental components.		
MOE - EAAB	May 28, 2010	<b>Comment #20:</b> A full assessment of the appropriateness of the environmental components identified in Section 4.2 is not possible until the criteria, indicators and data sources in Appendix C are provided for review.	Main environmental components, the criteria, indicators and data sources are included in Appendix B.	Volume 1 – Main TOR Appendix B
MOE - EAAB	May 28, 2010	<b>Comment #21:</b> The Aboriginal component in Section 4.2 should be clarified.	The Aboriginal component was clarified.	Volume 1 – Main TOR Section 4.3



Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<p><b>Comment #22:</b> The Geology and Hydrogeology Environment component of Section 4.3 does not appear to adequately identify the fractured bedrock and high potential for groundwater issues that are present with the study area. It would be appropriate to discuss those issues and past related concerns to demonstrate how they will be considered in the EA.</p>	<p>In October 2009, we submitted a report titled Site Conceptual Model Report, Richmond Landfill [2] that was the result of an extensive field investigation performed in 2009.</p> <p>The findings and conclusions as summarized in this Site Conceptual Model Report will be utilized together with additional investigations to define the hydrogeological baseline conditions in the area of the new landfill footprints and serve as the basis for design of leachate management and control systems. The EA will demonstrate that Reasonable Use Limits in the groundwater at the property boundary will be met, as required by the Ontario Regulation (O. Reg.) 232/98.</p> <p>As part of the EA of a new landfill footprint, a new investigation will be performed to evaluate the site hydrogeology in the proposed new landfill area in context of the new Site Conceptual Model. This investigation will be designed and performed in consultation with the Ministry to ensure that concerns related to hydrogeology are addressed.</p>	Volume 1- Main TOR Document Section 2.6; Volume 3 – SD #1





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<b>Comment #23:</b> Section 5.0 should provide additional details on the assessment methodology (e.g. how will alternatives be developed, what evaluation methods will be used, etc.).	Assessment methodology is summarized in Section 5.0 of the main TOR document and additional details on the assessment methodology (e.g. ,how will alternatives be developed, what evaluation methods will be used, etc.) are included in Appendix C of the TOR.	Volume 1 – Main TOR Appendix C
MOE - EAAB	May 28, 2010	<b>Comment #24:</b> Section 6.0 is incomplete, so a thorough review could not be completed.	Section 6.0 Consultation has been completed.	Volume 1 – Main TOR Document
MOE - EAAB	May 28, 2010	<b>Comment #25:</b> Section 6.3 should provide additional detail on how an appropriate program to engage and consult with Aboriginal communities will be developed, including minimum contact points and potential consultation tools that could be used.	Additional detail has been added describing an appropriate program to engage and consult with Aboriginal communities will be developed considering their specific needs. The Aboriginal communities will be consulted on how they would like to be involved in the EA process. Potential communication tools include meetings or presentations at Open Houses in Aboriginal communities, smaller discussion groups with interested persons by phone and/or in person on specific topics, site tours, copies of information and email correspondence.	Volume 1 – Main TOR Document Section 6.3





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
MOE - EAAB	May 28, 2010	<b>Comment #26:</b> Section 7.0 should indicate that anticipated EA timelines are dependent on the Minister's decision on the TOR, and that the EA cannot proceed without an approved TOR.	Section 7.0 indicates that anticipated EA timelines are dependent on the Minister's decision on the TOR, and that the EA cannot proceed without an approved TOR.	Volume 1 – Main TOR Section 7.0
MOE - Sudbury District Office Northern Region	May 31, 2010	1) For the Ontario Regulatory Permitting Assessment, Reg. 419/05 standards and MOE POI limits should be used to assess compliance if applicable in addition to criteria.	Comment Acknowledged	
		2) It is better to include a list of contaminants in this draft ToR work plan which will be assessed within the proposed EA.	Comment Acknowledged	





Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
		3) I would suggest the proponent conduct upfront consultations with MOE during the EA process as a pre-approval is required for many tasks mentioned in the work plan, i.e, establishing baseline information, determining modelling approach including appropriate model and model inputs, etc.	Comment Acknowledged	Volume 2 – Consultation Record







Table 3: Government Review Team (GRT) Comments and Response Table

Name of Agency	Date Received	GRT Comment	Response	Where comment was addressed in TOR
		<p>In summary, air quality, noise and odour impacts will be assessed within the proposed EA according to the draft ToR. No detailed information was provided as the proposed work plan in this draft ToR is in the early stages of the planning. The draft work plan, however, listed tasks that will be conducted to assess air quality, noise and odour impacts. Since a pre-approval is required for many tasks included in the draft work plan, it is recommended that the proponent conduct upfront consultations with MOE during the EA process.</p>		





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Table 4: Pre-EA Communications with MBQ

Date	Purpose	Action
<b>Jun-08</b>	Raising Awareness and Understanding:	Group of fourteen management and operations personnel from Waste Management of Canada attend a two-day First Nations cultural awareness training session at First Nations Technical Institute (FNTI) to improve internal awareness and sensitivity in areas of aboriginal (Mohawk) traditions, culture and values with the overall intent of being able to build relationships and improve communication.
<b>Jan-09 to May-09</b>	Developing Partnerships on the Territory:	Waste Management developed and delivered four technical seminars on the topics of waste management, recycling and diversion, landfill management, and groundwater and surface water, for the Public Health program of the FNTI and for use by FNTI in delivery of other off-site courses.
<b>13-Nov-09</b>	Developing Partnerships on the Territory:	Submission of Memorandum of Understanding (MOU) to FNTI from Waste Management regarding creation of 3 year scholarship program for Mohawk students pursuing environmental program at FNTI planned to begin in September 2010, ongoing delivery of the waste management seminar series in conjunction with Public Health program at FNTI, and commitment to provide an on-site field research and/or greenhouse space for Mohawk students at FNTI to undertake research and studies in fields of traditional Aboriginal medicine and restorative forestry and habitat practices (proposed to begin in September 2010).





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Table 4: Pre-EA Communications with MBQ

Date	Purpose	Action
<b>Jan-2010 to May 2010</b>	Developing Partnerships on the Territory:	Proposed repeat of Waste Management delivery of four technical seminars on areas of waste management, recycling and diversion, landfill management, and groundwater and surface water, for the Public Health program of the FNTI and for use by FNTI in delivery of other off-site courses.
<b>Summer 2008 and 2009</b>	Establishing Relationships on the Territory	Waste Management conducted numerous tours of the Richmond Landfill and Wildlife Habitat Center for various community groups from the Tyendinaga Mohawk Territory, including FNTI, Mohawk day camps, and individual community members.
<b>09-Jan-08</b>	Creating a Dialogue with Chief and Council	Initial request from Don Wright to Chief Maracle for a meeting to discuss relationship building with the Mohawks of the Bay of Quinte.
<b>10-Jan-08</b>	Creating a Dialogue with Chief and Council	Acknowledgement of request from Charles Maracle, Assistant to Chief Maracle, of Don Wright's request for a meeting.
<b>10-Jan-08</b>	Creating a Dialogue with Chief and Council	Response to Charles Maracle from Don Wright outlining the purpose of requested meeting.
<b>11-Nov-08</b>	Creating a Dialogue with Chief and Council	Letter from Don Wright to Chief Maracle regarding the application made by Chief Maracle and others to the Ministry of the Environment to review the Certificate of Approval for the Richmond Landfill and close the site.
<b>17-Sep-09</b>	Creating a Dialogue with Chief and Council	Letter from Brian Hamilton, Chief Administrative Officer of the Mohawks of the Bay of Quinte, indicating that the Band Council agreed to meet with Waste Management in the Band Council Chambers in October 2009.



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Table 4: Pre-EA Communications with MBQ

Date	Purpose	Action
<b>21-Sep-09</b>	Creating a Dialogue with Chief and Council	Letter from Don Wright to Brian Hamilton agreeing to meet with the band Council during the week of October 5, 2009.
<b>13-Oct-09</b>	Creating a Dialogue with Chief and Council	Letter from Chief Maracle to Don Wright indicating that the Band Council declines a proposed meeting with Waste Management on the basis of statements made regarding immediate closure of the Richmond Landfill in the 2008 Annual Report from Gord Miller, Environmental Commissioner of Ontario.
<b>05-Nov-09</b>	Creating a Dialogue with Chief and Council	Letter from Don Wright to Chief Maracle regarding meeting cancellation and a restatement of Waste Management's desire to meet with Chief Maracle and the Band Council to commence a dialogue regarding the Richmond Landfill and future potential initiatives.





Table 5: TOR Communications with MBQ

Date Received	FN Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
<b>Response to the April 6, 2010 Invitation Letter to the Second Open House</b>			
<p><b>April 13, 2010</b></p>	<p>The consultation process established in relation to your proposal for the Beechwood Road Environmental Centre (BREC) relates to the duty of the proponent, Waste Management, to consult with the general public. It does not meet the standard for the Provincial Government's constitutional duty to consult and accommodate the concerns of the MBQ.</p> <ul style="list-style-type: none"> <li>- Your application process to expand the Richmond Site under the name of the BREC presents complicated technical multi faceted issues that require qualified professional opinions to ensure the public health and safety of our members are addressed.</li> <li>- First Nations cannot fully participate in an informed and meaningful way during the EA process without the benefit of professionals with the expertise to fully comprehend the complexities of the proposed application and the potential trans-boundary impacts to the Tyendinaga Mohawk Territory.</li> <li>- Unlike the residents in the surrounding municipalities, the MBQ, a First Nation residing on traditional lands cannot simply abandon its reserve and move away should the environment be put at risk. We will therefore be subject to a constant and lasting environmental threat if the proposal is permitted.</li> <li>- No cogent evidence has been provided of the need for the services as identified in the BREC proposal, other than the commercial interests of the proponent.</li> <li>- The MBQ cannot and will not permit our interest in the preservation of our land to be sacrificed to the commercial interests of the proponent Waste Management.</li> <li>- Please be advised that your proposal to host an information session does not satisfy Ontario's duty to consult and obtain informed consent from the MBQ.</li> <li>- The duty to consult and informed consent requires appropriate funding for the MBQ to retain qualified experts to review the proposal for the BREC. Therefore, is Waste Management prepared to provide the MBQ funds needed to engage independent experts for the environmental assessment of your proposed BREC? Please provide a written answer to the question.</li> </ul>	<p>Comment replied to (see letter dated May 5, 2010 in )</p>	



**Table 6: TOR Communications with First Nations Communities**

Letter/ Email #	FN Group	Date Received	FN Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
<b>Response to the March 5, 2010 Launch and Invitation Letter to the First Open House</b>					
1	Alderville FN	March 8, 2010	<ul style="list-style-type: none"> <li>- Forward in a timely manner project information such as: a project information overview, PIC meeting agendas, all required project assessment summaries, addendums, and updates, hard copies of the relevant Environmental Site Assessment and Site Selection studies, or draft plan of subdivision, as well as all applicable Reports (Stage 1-3) of Archaeological Assessments conducted for the subject property, would be appreciated via Canada Post or courier service.</li> <li>- Provide a summary statement indicating how the project will address the following areas that are of concern to our First Nation within our Traditional and Treaty Territory, such as; possible environmental impact to drinking water, endangerment to wild game, impact on Aboriginal heritage and cultural values, and to endangered species, lands, savannas etc.</li> <li>- Keep us aware of any undertaking in the Alderville First Nation Traditional and Treaty Territories that have potential economic benefits to community members, for example; construction contracts, employment opportunities, hiring of community monitors on archaeological field crews, natural resources benefit sharing, etc.</li> <li>- Where opportunities in the process allow, e.g. individual EA undertakings, etc., we will be interested in obtaining funding for outside peer review of the undertakings. Although we may not always have representation at all stakeholders meetings, it is our wish to be kept apprised throughout all phases of this project.</li> </ul>	Comment acknowledged	



Table 6: TOR Communications with First Nations Communities

Letter/ Email #	FN Group	Date Received	FN Comment/Response	How comment was used in TOR	Where comment was addressed in TOR
2	Chippewas of Rama FN	March 11, 2010	Rama First Nation would like to become involved in the Environmental Assessment Process and to provide input to your Project.	Comment acknowledged	
3	Chippewas of Rama FN	April 29, 2010	Rama First Nation acknowledges receipt of your letter of March 5, 2010, which was received on March 12, 2010. A copy of your letter has been forwarded to Karry Sandy-Mckenzie, Barrister & Solicitor, and Coordinator for Williams Treaties First Nations for further review and response directly to you.	Comment acknowledged	



