

ENVIRONMENTAL ASSESSMENT ACT

SECTION 9

NOTICE OF APPROVAL TO PROCEED WITH THE UNDERTAKING

RE: An Environmental Assessment for Ridge Landfill Expansion

Proponent: Waste Connections of Canada

EA Reference No.: 16019

EA File No.: 03-08-02

TAKE NOTICE that the prescribed deadline for requiring a hearing, provided for in the Notice of Completion of the Ministry Review for the above-noted undertaking, expired on July 26, 2020.

Having considered the purpose of the *Environmental Assessment Act*, the approved Terms of Reference, the Environmental Assessment, and the Ministry Review, and comments received, I hereby give approval to proceed with the Undertaking, subject to the conditions set out below.

REASONS

My reasons for giving approval are:

- (1) The Proponent has complied with the requirements of the *Environmental Assessment Act*.
- (2) The Environmental Assessment has been prepared in accordance with the approved Terms of Reference.
- (3) On the basis of the Proponent's Environmental Assessment and the Ministry Review, the Proponent's conclusion that the advantages of the Undertaking outweigh its disadvantages appears to be valid.
- (4) No other beneficial alternative method of implementing the Undertaking was identified.
- (5) The Proponent has demonstrated that the environmental effects of the Undertaking can be appropriately managed and mitigated.
- (6) On the basis of the Proponent's Environmental Assessment, the Ministry Review and the conditions of approval, the construction, operation and maintenance of the Undertaking will be consistent with the purpose of the *Environmental Assessment Act* (Section 2).
- (7) The government agency, public and Indigenous community review of the Environmental Assessment has indicated no outstanding concerns that cannot be addressed through commitments made in the Environmental Assessment, through conditions set out below, or through future approvals that will be required. I am not aware of any outstanding issues with respect to this Undertaking which suggest that a hearing should be required.

CONDITIONS

The approval is subject to the following conditions:

1. **Definitions**

For the purposes of these conditions:

"Construction" means physical construction activities, including site preparation works, but does not include the tendering of contracts.

"Date of Approval" means the date on which the Order in Council was signed by the Lieutenant Governor-in-Council.

"Director" means the Director of the Environmental Assessment Branch (EAB).

"Environmental Assessment" means the document titled Ridge Landfill Expansion Environmental Assessment dated January 2020, submitted to the Ministry on January 24, 2020.

“Environmental Compliance Approval” means an approval issued under Part II.1 of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended.

“Indigenous Communities” means: Aamjiwnaang First Nation; Caldwell First Nation; Chippewas of the Thames First Nation; Delaware Nation (Moravian of the Thames First Nation); Kettle and Stony Point First Nation; Munsee-Delaware Nation; Oneida Nation of the Thames; and Walpole Island First Nation.

“Ministry” means the Ontario Ministry of the Environment, Conservation and Parks.

“Proponent” means Waste Connections of Canada Inc. its agents, successors, and assigns.

“Site” means the Ridge Landfill consisting of a 131 hectare landfilling area within a 262 hectare landfill site property, located at 20262 Erieau Road, Lot 13-16, Concession 4 in the Municipality of Chatham-Kent

“Undertaking” means the planning, design, construction, operation, and closure of the vertical expansion of the old landfill area with horizontal expansion of the south and west waste landfill areas at the Site to provide an additional 28.9 million cubic metres of waste disposal capacity, plus 1.3 million cubic metres of final cover material, for solid, non-hazardous waste disposal capacity and associated works, as specified in the Environmental Assessment.

2. General Requirements

- 2.1 The Proponent shall comply with the provisions in the Environmental Assessment, which are hereby incorporated into this Notice of Approval by reference, except as provided in the conditions of this Notice of Approval and as provided in any other approval or permit that may be issued for this Site.
- 2.2 The Proponent shall fulfill all commitments made in section 7.7 of the Environmental Assessment.
- 2.3 The conditions of the Notice of Approval do not prevent more restrictive conditions being imposed under other statutes.

3. Public Record and Submission of Documents

- 3.1 Where a document is required to be submitted, the Proponent shall provide one hardcopy and an electronic copy of the document to the Director.
- 3.2 Where a document is required to be included as part of the public record the Proponent shall post the document on the Proponent's website. Documents required to be posted shall be posted online within 10 days of the date the Proponent is notified of approval of the document and any amendments, or such other timing as agreed to by the Director.

- 3.3 The Environmental Assessment Reference Number 16019 and File Number 03-08-02 shall be quoted on all documents submitted to the Ministry pursuant to this Notice of Approval.
- 3.4 For every document submitted to the Ministry, the Proponent shall clearly identify which condition of approval the document is meant to fulfill.

4. Compliance Monitoring Program

- 4.1 The Proponent shall prepare and submit to the Director for approval an Environmental Assessment compliance monitoring program.
- 4.2 The compliance monitoring program shall be submitted to the Director within 60 days from the Date of Approval, or such other date as agreed to by the Director.
- 4.3 The compliance monitoring program shall include a description of how the Proponent will:
 - a. monitor the implementation of the Undertaking to ensure it is implemented in accordance with the Environmental Assessment and in particular with respect to mitigation measures, public consultation, and additional studies;
 - b. monitor compliance with the conditions in this Notice of Approval; and,
 - c. monitor compliance with all commitments made in the Environmental Assessment and the subsequent review of and approval process for the Environmental Assessment with respect to mitigation measures, public consultation, and additional studies and work to be carried out.
- 4.4 The compliance monitoring program must contain an implementation schedule for monitoring activities.
- 4.5 The Director may require the Proponent to amend the compliance monitoring program at any time. Should an amendment be required, the Director will notify the Proponent in writing of the required amendment and the date by which the Proponent must complete and submit the amendment to the Director.
- 4.6 The Proponent shall submit the amended compliance monitoring program to the Director within the time period specified by the Director.
- 4.7 The Proponent shall implement the compliance monitoring program and any amendments to it.
- 4.8 The approved Environmental Assessment compliance monitoring program and any amended Environmental Assessment compliance monitoring program shall be included as part of the public record.

5. Compliance Reporting

- 5.1 The Proponent shall prepare an annual compliance report outlining the results of the compliance monitoring program (Condition 4 above) and the report shall be included as part of the public record.
- 5.2 The first compliance report shall be submitted to the Director for review and shall be included in the public record no later than one year following the start of Construction. Each subsequent annual compliance report shall be submitted on the date that is the anniversary of the start of Construction thereafter. Each report shall cover the previous year to the date of report submission.
- 5.3 The Proponent shall submit annual compliance reports until all conditions are satisfied.
- 5.4 Once all conditions in this Notice of Approval have been satisfied, the Proponent shall notify the Director in writing that the final annual compliance report is being submitted, and that all conditions in this Notice of Approval have been satisfied. The Ministry will confirm whether all conditions have been satisfied in writing to the Proponent.
- 5.5 The Proponent shall retain either on the Site or in another location approved by the Director, copies of the annual compliance reports for each reporting year and any associated documentation regarding compliance monitoring activities.
- 5.6 The Proponent shall make the compliance reports and associated documentation available to the Director or a designate in a timely manner when requested to do so by the Ministry.

6. Complaint Protocol

- 6.1 The Proponent shall prepare a complaint protocol for addressing inquiries and complaints made during the implementation of the Undertaking. The complaint protocol shall include a procedure for notifying the Ministry of the complaints received.
- 6.2 The Proponent shall submit the complaint protocol to the Director for approval at least 60 days before the start of Construction, or such other date agreed upon by the Director.
- 6.3 The Director may require the Proponent to amend the complaint protocol at any time. Should an amendment be required, the Director shall notify the proponent in writing of the amendment required and when the amendment must be completed.
- 6.4 The Proponent shall submit the amended complaint protocol to the Director within the time period specified by the Director.
- 6.5 The Proponent shall implement the complaint protocol and any amendments to it.

- 6.6 The approved complaint protocol and any amended complaint protocol shall be included as part of the public record.

7. Consultation with Indigenous Communities

- 7.1 The Proponent shall prepare, in consultation with Indigenous Communities, an Indigenous consultation plan that sets out:
- a) How the Proponent will consult with Indigenous Communities and provide them with opportunities to be involved in environmental monitoring, archaeological assessments, and re-naturalization activities.
 - b) How the Proponent will notify Indigenous Communities, using a notification protocol, if archaeological resources or Indigenous remains are encountered.
 - c) How the Proponent will issue notices and updates to Indigenous Communities.
 - d) How changes to the plan may be made if needed.
- 7.2 Within six (6) months from the Date of Approval or by such other date as may be agreed in writing by the Director, the Proponent shall submit the Indigenous consultation plan to the Director for approval together with a summary of how the Proponent consulted with the Indigenous Communities and any concerns an Indigenous Community has identified for the plan.
- 7.3 Once the Director has accepted the Indigenous consultation plan, the Proponent shall implement the Indigenous consultation plan.

8. Ridge Landfill Liaison Committee

- 8.1 The Proponent shall maintain the Ridge Landfill Liaison Committee to provide a forum for public concerns to be raised and for mitigation measures to be discussed.
- 8.2 The Ridge Landfill Liaison Committee shall serve for the dissemination, review and exchange of information and monitoring results relevant to the Undertaking.

9. Air Quality and Odour

- 9.1 The Proponent shall submit to the Director for approval plan at least 60 days before the start of Construction, an odour management plan that includes measures to monitor and minimize off-Site odour impacts, and if appropriate, a trigger mechanism and contingency plan.
- 9.2 The Proponent shall submit to the Director for approval at least 60 days before the start of Construction, an air quality monitoring plan for the Site. This plan should, at a minimum, include the monitoring of total suspended particulate (TSP), particulate matter less than 10 microns in diameter (PM₁₀), and volatile organic compounds (VOC).

- 9.3 Once the Director has approved the odour management and air quality monitoring plans; the Proponent shall implement the odour management and air quality monitoring plans.
- 9.4 The Director may require the Proponent to amend the plans at any time. Should an amendment be required, the Director shall notify the proponent in writing of the amendment required and when the amendment must be completed.
- 9.5 The Proponent shall submit the amended plan(s) to the Director within the time period specified by the Director and include them as part of the public record.

10. Landfill Gas Utilization

- 10.1 The Proponent shall re-evaluate landfill gas utilization options within four (4) years of the Date of Approval, and every four years thereafter if a beneficial use for the landfill gas has not yet been implemented, and report the results of the evaluation in the annual compliance report for the year in which the evaluation was completed.

11. Leachate Monitoring

- 11.1 The Proponent shall implement the leachate level monitoring program and contingency plan submitted to the Ministry with the Environmental Compliance Approval application, subject to any provisions of the Environmental Compliance Approval or changes required by the director under the *Environmental Protection Act*, to address potential leachate mounding and seeps for the vertical expansion of the old landfill portion of the Site.

12. Duration of Approval

- 12.1 If after five (5) years of the Date of Approval Construction has not commenced, the Proponent shall conduct a review of the Environmental Assessment and submit that review to the Director. The review shall include a review of the potential environmental effects of the Undertaking and mitigation measures described in the Environmental Assessment and identify any changes. If Construction has not commenced within 10 years of the Date of Approval, this approval is expired and the Undertaking may not proceed pursuant to this Notice of Approval.

Dated the 24th day of September 2020 at TORONTO.



Minister of the Environment, Conservation and Parks
777 Bay Street
College Park 5th Floor
Toronto, Ontario
M7A 2J3

Approved by O.C. No. 1455-2020

Date O.C. Approved October 29, 2020