

**Draft Terms of Reference for the
Eastern Ontario Waste Handling Facility Landfill
Expansion Environmental Assessment
Supporting Document #1 - Record of Consultation**

May 2015



Lafleche Environmental Inc.



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1. Introduction

This document describes the consultation activities undertaken during the development of the Terms of Reference (ToR) for the Lafleche Environmental Inc. Eastern Ontario Waste Handling Facility (EOWHF) Landfill Expansion Environmental Assessment (EA) and the results of those consultation activities. These consultation activities were designed to accommodate the needs and characteristics of local residents and neighbours, Aboriginal communities and other stakeholders in the site vicinity.

As identified in the original EA in 1999, the site initially included the development of Stages 1 to 3A, and subsequently Stages 3B and 4 would be developed at a time when the volume and operational requirements justified its expansion. The landfill has been built in a series of Stages and each stage containing 8 Phases. The community, and public agencies were advised of the total Stages 1 - 4 and all drawings and presentations have included the identification of Stages 3B/4. Since 1999, Lafleche has conducted several hundred presentations and delegations of public, regulatory agencies, governmental departments and special interest groups, during which time all presentations showed, and it was described, the total site Stages 1 to 4 and that there is the plan to develop Stages 3B/4 when required. During these presentations and since 1999, there has been no objection to or concern from any agencies, individuals or groups about the development of Stages 3B/4.

*Section 5.1 of the Environmental Assessment Act states that consultation with "such persons as may be interested" should take place during the preparation of the ToR. Consequently a Consultation Plan for the EOWHF landfill expansion ToR was prepared in accordance with the Ministry of the Environment and Climate Change (MOECC) Codes of Practice Consultation in Ontario's Environmental Assessment Process, January 2014 and Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario, January 2014 (see **Section 2.0**). The consultation plan had three objectives:*

- identify and develop good working relationships with all key stakeholders and Aboriginal communities;*
- manage identified issues in order to minimize risks that could affect study timelines; and*
- support and promote the positive environmental sustainability aspects of the study.*

*Interested participants included review agencies, Aboriginal communities, and the public (see **Section 3.0**). Participants were engaged through a number of consultation activities held during the preparation of the ToR. The activities carried out with review agencies, Aboriginal Communities, and the public are summarized in **Section 4.0**. Comments received in response to the consultation activities and how they were considered during preparation of the ToR are provided in **Section 5.0**.*

In accordance with the MOECC's Code of Practice Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario, this Record of Consultation is provided as a stand-alone document to accompany the proposed EOWHF Landfill Expansion Environmental Assessment ToR submitted to the Minister of the Environment and Climate Change for review and approval.

2. Codes of Practice and Consultation Principles

The MOECC has produced Code of Practice documents for use when preparing various Environmental Assessment documents. The EOWHF Landfill Expansion ToR was prepared using the Code of Practice Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario. Similarly the EA will be prepared using the Code of Practice Preparing and Reviewing Environmental Assessments in Ontario. In addition, consultation was undertaken during the ToR in accordance with the Code of Practice Consultation in Ontario's Environmental Assessment Process. The Code of Practice documents outline aspects of consultation that must be adhered to during the preparation of Terms of Reference.

The following components of the Codes of Practice were included in the consultation activities undertaken during development of the ToR:

- Provided opportunities for participation to potentially affected or interested parties that were reasonable and meaningful;*
- Took into account input received during the consultation process by addressing comments and concerns;*
- Used a variety of consultation methods including an Open House, in-person meetings, presentations, site tours, Community Liaison Committee, etc.;*
- Consulted with government reviewers, Aboriginal communities and organizations, and any other interested persons;*
- Prepared a Record of Consultation describing the various activities carried out during the development of the ToR (which will be included as a Supporting Document to the ToR);*
- Considered the details of the undertaking and the potential level of concern and interest in the community;*
- Provided the mandatory notifications, including the Notice of Commencement;*
- Integrated the input from the consultation into comment and response tables included in this Record of Consultation; and,*
- Responded to all concerns by meeting with individuals in person.*

The approach to consultation during the development of the ToR was intended to be proactive, open, inclusive, flexible and transparent. Consultation activities were designed to accommodate the needs and characteristics of adjacent residents, the public and other stakeholders to facilitate their full participation in the process.

The following principles, established in the Consultation Plan for the ToR, guided the consultation carried out during the preparation of the ToR:

- Engage residents and neighbours within proximity of the proposed undertaking and other stakeholders 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 project team;*
- 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;*
- Ensure the consultation process is open, transparent and inclusive; and,*
- Document all issues and concerns identified by the public, agencies and other stakeholders and to demonstrate how these concerns and issues have been considered during development of the ToR.*

3. Stakeholders

Prior to initiating the Terms of Reference, a preliminary list of stakeholders was developed based on Lafleche’s existing mailing list for the EOWHF, input from the MOECC, and project team experience with other EAs. All landowners within approximately 1.5 km of the EOWHF were added to the project mailing list.

Aboriginal communities and organizations contacted during development of the ToR were:

- *Mohawks of Akwesasne*
- *Algonquins of Ontario*
- *Mohawks of the Bay of Quinte*
- *Huron Wendat Conseil de la Nation huronne-wendat*
- *Metis Nation of Ontario - Ottawa Métis Council*

*A complete list of the Aboriginal communities and organizations contacts are included in **Appendix A**.*

*All appropriate review agencies were contacted during development of the ToR, including federal ministries and departments, provincial ministries, municipalities, conservation authorities, emergency services, school boards, etc. A complete list of the Government Review Team is provided in **Appendix A**.*

*Approximately 125 public individuals and groups were contacted during the preparation of the ToR, including ratepayer groups, local and regional environmental organizations, special interest groups, and municipal advisory committees, etc. A complete list is included in **Appendix A**.*

As appropriate, the preliminary list was updated during the ToR process to reflect:

1. *Requested changes to contact information;*
2. *Those stakeholders who wish no further involvement in the ToR and EA; and*
3. *New stakeholders who wish to be directly notified of future events.*

4. Consultation Activities during Development of the Terms of Reference

Open Houses, presentations, meetings and facility tours were among the consultation events organized by Lafleche during the development of the ToR. General information on the process, proposed project, schedule and opportunities on how to become involved in the ToR development were also be provided through activities including notices, letter mailings, electronic mailings, and a project website. The attendees were able to provide their comments and feedback both verbally and in writing.

Specific consultation events are described below. Open houses will be conducted during the process of developing both the ToR and the EA. These events will be designed to be open and provide opportunities for attendees to speak directly with Lafleche staff and the project team. Attendees will be encouraged to fill out comment sheets in order to provide feedback on the project to Lafleche and the project team on the various findings and recommendations.

4.1 Consultation Activities

The following consultation activities took place with review agencies, Aboriginal communities and organizations, and the public during preparation of the ToR:

- *Notice of Commencement*
- *Open House*
- *Project Website, E-mail, and Telephone Number*
- *Consultation with Aboriginal Communities*
- *Township of North Stormont Council Meeting*
- *Community Liaison Committee meetings*
- *EOWHF tours*
- *In-person meetings*

Each of these consultation activities are described in the following sub-sections.

4.1.1 Notice of Commencement and Open House

An Open House was held on February 25th, 2015. Advance notification of the Open House was provided to review agencies and the public to ensure maximum attendance, and was combined with the Notice of Commencement. The following forms of notification were sent out prior to the Open House:

- *Direct mailing or e-mailing to stakeholders in the contact list, including government review team members, Aboriginal communities and organizations, interested members of the public, and the local municipal representatives;*
- *Placing newspaper advertisements in the following local newspapers during the week of February 11th, 2015:*
 - *Cornwall Standard Freeholder (English) February 11, 2015*
 - *Journal Le Reflet (French) February 11, 2015*
- *On Monday, February 09, 2015, area First Nation Chiefs, as well as site neighbours were sent a letter by mail to advise of the ToR and upcoming Open House. The notice was also mailed to members of the Government Review Team on February 09, 2015.*
- *A copy of the notice was uploaded to the project website on February 11, 2015.*

*Copies of the notification materials are included in the Open House Summary Report in **Appendix B**.*

Using an open house drop-in format, information was presented through display boards arranged around the room. This information included:

- *background information about Lafleche Environmental and the Eastern Ontario Waste Handling Facility (EOWHF),*
- *the EA process,*
- *a description of the proposed project and rationale,*
- *alternatives to the undertaking,*
- *alternative methods,*
- *proposed EA evaluation process and criteria,*
- *the consultation plans for the ToR and EA,*
- *next steps and project contact information.*

Project team members were in attendance to facilitate discussions and answer questions.

A total of 10 attendees participated at the Open House. As members of the public arrived, they were asked to sign-in and were then given a comment sheet which included questions regarding the information presented. The members of the public were given the option of filling out the forms on-site or providing their comments via mail, email or fax to the project team.

All presentation material at the Open House was available in both French and English. Bilingual staff were also present at the Open House.

All individuals and/or agency representatives who signed in with their contact information were added to the project contact list. This contact list will be used during the EA to contact and inform interested public and key stakeholders of study issues and events.

*Comments received at the Open House and how they were considered are documented in the Open House Summary Report (**Appendix B**). As well, a summary of the comments received at the Open House is included in the report.*

4.1.2 Project Website, Email and Telephone Number

A project specific website (www.leic.com/projects) was launched as part of the commencement of the ToR. The website was established to provide clear and accurate information to stakeholders as well as opportunities for participants to give feedback to Lafleche.

The website includes up-to-date information about the project, notices of upcoming events, details and summary of previous consultation events. Materials and notices will continue to be added to the website as the project progresses.

All notification and project materials identify the email address and telephone number for the Lafleche contact person.

4.1.3 Consultation with Aboriginal Communities

As discussed in Section 3.1, the following Aboriginal communities and organizations were contacted during development of the ToR:

- Mohawks of Akwesasne*
- Algonquins of Ontario*
- Mohawks of the Bay of Quinte*
- Huron Wendat Conseil de la Nation huronne-wendat*
- Metis Nation of Ontario - Ottawa Métis Council*

Consultation activities associated with Aboriginal communities included the following:

- *A letter was sent to the above mentioned Aboriginal communities along with a copy of the Notice of Commencement and an invitation to attend the February 25, 2015 Open House.*

*No responses have been received from these Aboriginal communities in response to the above correspondence. Copies of the above correspondence is included in **Appendix C**.*

4.1.4 Council Meetings

Host Community – Township of North Stormont

*The President of Lafleche (Brian King) presented on February 17th, 2015 to the Host Community – Township of North Stormont Council Meeting. The presentation discussed the proposed expansion of Stage 3B and 4. No issues were raised by Council and attendees, all in attendance were supportive of the Project. With the support of the Mayor and full Council members, a resolution was passed. An earlier letter from Council was received on August 07, 2014, showing their support of the Stages 3B and 4 expansion of the landfill. A copy of the resolution and letter is attached in **Appendix E**.*

Nation Municipality

*The President of Lafleche (Brian King) presented at the March 30th, 2015 Nation Municipality Council Meeting, where he presented the proposed expansion of Stages 3B and 4. No issues were raised by Council and meeting attendees. With the support of the Mayor and full Council members, a full support resolution was passed. A copy of the Council motion showing their support of the Stage 3B/4 expansion of the landfill is attached in **Appendix E**.*

4.1.5 Community Liaison Committee Meetings

On December 3^d, 2014, the Community Liaison Committee (CLC) met and held a discussion of the proposed expansion project. The purpose of the meeting was to provide the CLC with notice of the proposed project and its announcement. The Committee was explained the EA process and the various steps of the process where their input and comments would be encouraged. The CLC discussed the support and need to have the landfill site.

4.1.6 EOWHF tours and presentations

Since 1999, Lafleche has conducted several hundred presentations and tours of the EOWHF with numerous groups over the past year, including educational scholarly tours, municipal groups, special interest groups, government agencies, clients, the general public, etc. Tours include a physical tour of the 500-acre site and installations (i.e. BioReactor landfill, compost facilities and waste water treatment plant). All tours were preceded or succeeded by a presentation and discussion of the various EOWHF activities and planned projects such as recycling initiatives and the proposed expansion of Stages 3B and 4. During these presentations and tours, there were no negative issues or concerns identified about the development of Stages 3B and 4.

4.1.7 In-person meetings

The President and staff of Lafleche conduct ongoing meetings with community members, neighbours, public agencies and proactively discuss the projects and planned activities at the EOWHF including the development of Stages 3B/4.

As a follow-up to the Open House on February 25, 2015, a meeting was held with adjacent property owners to discuss and clarify the municipal By-law regarding the Zone of Influence around the landfill. The Zone of Influence is a municipal by-law imposed by the Township of North Stormont limiting development within a specified distance of the EOWHF boundaries.

5. Comments Received and Their Consideration in the Terms of Reference

The preceding consultation activities resulted in a range of comments being received from stakeholders. A summary of these comments and how they were considered in preparing the proposed ToR is provided in this section.

Comments were received from the public primarily at the Open House. While approximately 30 agencies were contacted during the ToR stage of this EA, only 3 agencies provided comments – the Ministry of Tourism, Culture and Sport, the Ministry of Natural Resources (Kingston District), and the Canadian Environmental Assessment Agency. None of the Aboriginal communities contacted responded.

*As required by Section 4.3.1 of the Ministry's Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario, **Table 5.1** groups the comments received from the public by issue along with how they have been considered in preparing the proposed ToR. Comments received from the Government Review Team and how they were considered are included in **Table 5.2**.*

*Copies of correspondence received are included in **Appendix D**.*

Table 5.1 Summary of Public Comments or Issues Raised and their Consideration

No.	Public Comment or Issue Raise	Lafleche Response
1	Off-site litter control	<p>Lafleche will continue to control litter through a number of methods. Portable litter fences will continue to be used around the active working face. The fences are placed immediately downwind of the working area to maximize the capture of windblown litter. The portable litter fence units are mounted on skids so that they may be moved by landfill equipment on a daily basis to remain downwind of the working face. Their location is determined based on the prevailing wind conditions. During windy conditions, waste will be stockpiled to prevent off-site litter.</p> <p>Drivers of waste trucks are required to properly cover their loads to prevent escape of waste and cannot only remove tarpaulins once on site.</p> <p>As there are no controls that will completely stop blowing litter on windy days, a regular program of litter pick-up is operated at the site. Extra staff is assigned to litter collection after windy days and in the spring, after the snowmelt. Litter collection off-site on adjacent properties is conducted on an as required basis.</p>
2	Vector control	<p>The presence of animals at the landfill site is of concern because of their potential to create a nuisance to surrounding residences and agricultural activities. Animals may be attracted to a landfill because it provides a suitable foraging habitat. Consequently they could move onto the landfill temporarily or permanently. Because the working area is compacted and covered daily with soil, rodents and insects do not survive at modern landfills and do not create problems.</p> <p>Birds such as seagulls may become a nuisance by attending adjacent or nearby properties, creating noise and fouling those sites. The landfill operates with a program to exclude birds from the site. The program is based on habitat management, and, as a contingency measure, the use of pyrotechnics.</p> <p>Specific control measures include:</p> <ul style="list-style-type: none"> • Falconry program; • Daily cover of waste; • Minimize size of working face; • Minimize areas of bare ground; • Encourage growth of tall grass (discourage loafing); • Vegetated banks at the stormwater management ponds; • Canadian Wildlife Service - Scare Permit (annual renewal); • Use of scare pistols (bangers, crackers) to discourage seagulls at tipping faces, overhead, and in loafing areas; and, • Daily observation and recording of seagull numbers. <p>LEI has a bird kill permit from the Canadian Wildlife Service.</p>
3	Location of future greenhouses	<p>While Lafleche still anticipates to construct and operate greenhouses on site, their location has not yet been determined.</p>
4	Noise from the compactors and other equipment/activities	<p>Sources of noise include the operation of waste trucks, excavation equipment, and compactors. Recognizing the existing operations (peat extraction) both on-site, and on surrounding (soil farming) lands, and the proximity to a major 400 series highway (Highway 417), noise from landfill operations produces a minimal increase in noise beyond the background noise levels. Standard landfill noise control practices are sufficient and the site is operated in accordance with the MOECC "Noise Guidelines for Landfill Site". Below is a listing of measures which are practised:</p> <ul style="list-style-type: none"> • U-shaped working berm to provide an obstacle to break the line-of-sight between the noise sources and the closest receptor; • Screening berms (west and north perimeters); • Development stages sequences to place equipment and haul routes behind the landfill mound; • Equipment is maintained to manufacturer specifications to ensure that undue noise does not occur (e.g. mufflers maintained); • Construction activities are limited to site hours of operation under normal conditions (unless usual weather conditions dictate otherwise); and, • Ongoing tree planting is carried out to enhance their noise screening.
5	Placement of daily cover	<p>At the end of each working day the entire working face is graded smooth and compacted. Exposed waste is covered by approximately 0.15 metres of suitable cover material or appropriate approved alternative cover, as described above, on a daily basis. Areas not visited for more than 6 months are covered with a minimum of 0.3 metres of cover material. Daily or interim cover is removed, as much as possible, prior to resuming placement of waste in an area.</p>

Table 5.2 Summary of Comments from Government Review Team Members and their Consideration

GRT Agency	Comment	Lafleche Response
<i>Ministry of Tourism and Culture - Cultural Services Unit</i>	<i>Attached in Appendix D.</i>	<i>Comment noted.</i>
<i>Canadian Environmental Assessment Agency</i>	<i>Attached in Appendix D.</i>	<i>Comment noted.</i>
<i>Ministry of Natural Resources, Kingston District</i>	<i>Attached in Appendix D.</i>	<i>Comment noted.</i>

Table 5.3 Summary of Comments from Aboriginal Communities and Organizations and their Consideration

Aboriginal Community or Organization	Comment	Lafleche Response