

NOTICE OF SUSPENSION TO ENVIRONMENTAL COMPLIANCE APPROVAL

Number A420009

November 9, 2017

United Counties of Leeds & Grenville
P.O. Box 729, Court House
Brockville, Ontario
K6V 5V8

Site: Lots 14 and 15, Concession 4
Location: Edwardsburgh/Cardinal Township, United Counties of Leeds and Grenville

You are hereby notified that, pursuant to my authority under sections 20.7 and 20.13(c) of the *Environmental Protection Act*, I have suspended Conditions 10 and 11 related to the construction and operation of a waste disposal site (landfill), in Environmental Compliance Approval No. A420009 ("ECA") issued on June 24, 1998 to The Corporation of the United Counties of Leeds and Grenville ("Owner") for the use and operation of a waste disposal site (landfill) for final disposal of solid non-hazardous waste located at the Parts of Lots 14 and 15, Concession IV in the Township of Edwardsburgh

The following outlines the key background facts, issues and concerns on which my decision is based:

1. On January 20, 1998, the Minister of the Environment issued to the Corporation of the United Counties of Leeds and Grenville (Owner), a Notice of Approval to Proceed with the undertaking known as the Environmental Assessment (EA) for Leeds and Grenville Waste Management System Plan Environment Assessment (EA File No. MU-0476-02).
2. On June 24, 1998 after a thorough technical review, the Ministry of the Environment issued an Environmental Compliance Approval (ECA) (ECA No. A420009) for the construction and operation of a 14.0 hectare landfilling site within a total site area of 66.0 hectares known as Site ED-19.
3. In nearly 20 years since obtaining these approvals, the Owner has not implemented the undertaking as described in the EA and ECA and has not commenced any construction

activities in respect of Site ED-19.

4. On March 30, 2017, Mansoor Mahmood, Director (A), Environmental Approvals Branch, Ministry of the Environment and Climate Change sent a letter addressed to Mr. Andy Brown, CAO, The Corporation of Leeds and Grenville requesting that prior to any construction for the landfill commencing that a report be provided which assesses whether the conditions and assumptions made in the EA for the proposed Site ED-19 are still valid and that the currently proposed design is still appropriate.
5. On September 21, 2017, the Owner decided to move forward with negotiations for the sale of Site ED-19 and its associated approvals to a private waste operator.
6. On September 21, 2017, the ministry sent a letter to the Owner to advise it of an EBR Application for Review that the ministry had received in respect of the ECA issued for Site ED-19, and to provide the Owner with the opportunity for comment on the issues raised by the applicants.
7. On October 11, 2017, the Owner responded to the ministry's September 21, 2017 letter stating that there is a possibility that Site ED-19 may not be developed for an extended period of time. The Owner indicated that a review of the ECA now is premature and that the public interest is not served by the ministry and the Owner expending further resources in proceeding with an EBR review. As well, the Owner indicated that if Site ED-19 remains undeveloped, it poses no risk to the environment.
8. Given the above, and taking into account the environmental protection purposes of the *Environmental Protection Act*, the public interest, the passage of time since the ECA was issued, and the fact that no construction has commenced at Site ED-19 to-date, the ministry considers it necessary in the circumstances to temporarily suspend the construction and operation of the waste disposal site as approved by the ECA until such time as the Owner (or any future ECA-holder) confirms that the conditions, assumptions and circumstances that were made in the EA are still applicable, and that the proposed landfill design is still appropriate based on the recommendations of the EA.

For the reasons outlined above, I have suspended conditions 10 and 11 of the ECA pursuant to my authority under Sections 20.7 and 20.13(c) of the *Environmental Protection Act*.

In accordance with Section 139(1)(e) of the Environmental Protection Act, you may by written Notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

1. *The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;*
2. *The grounds on which you intend to rely at the hearing in relation to each portion appealed.*

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The environmental compliance approval number;
6. The date of the environmental compliance approval;
7. The name of the Director, and;
8. The municipality or municipalities within which the project is to be engaged in.

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

AND

The Director appointed for the purposes of Part II.1 of the
Environmental Protection Act
Ministry of the Environment and Climate Change
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or www.ert.gov.on.ca

This instrument is subject to Section 38 of the Environmental Bill of Rights, 1993, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at www.ebr.gov.on.ca, you can determine when the leave to appeal period ends.

The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.

* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 314-3717 or www.ert.gov.on.ca

DATED AT TORONTO this 9th of November, 2017



Dale I. Gable, P.Eng.

Director

appointed for the purposes of Part II.1 of
the *Environmental Protection Act*

DG/

c: District Manager, MOECC Kingston - District

n/a