ENVIRONMENTAL ASSESSMENT ACT

SECTION 9

NOTICE OF APPROVAL TO PROCEED WITH THE UNDERTAKING

(AND ORDER UNDER SUBSECTION 12.4(3))

RE: An Environmental Assessment for the Expansion of the Green Lane Landfill located in Southwold Township, Elgin County and the Material Recovery Facility located on Wellington Road South, City of London

Proponent: St. Thomas Sanitary Collection Services Limited and Advance Container of Canada Limited, a division of Green Lane Environmental Group Ltd.

EA File No.: PR-GL-02

TAKE NOTICE that the period for requiring a hearing, provided for in the Notice of Completion of the Review for the above noted undertaking, expired on October 31, 1997. The ministry received approximately 150 submissions before the expiration date and four submissions after the expiration date. Most of the submissions requested that approval for the undertaking not be given or required a hearing by the Environmental Assessment Board.

The public, including the submitters, had been advised that the Minister was considering applying section 9 of the Environmental Assessment Act (EAA) with respect to the Environmental Assessment (which has the effect of eliminating the acceptance decision which was necessary prior to January 1, 1997) and were invited to make submissions on that proposal. The majority of the 150 submissions requested that the unamended Act should apply to this undertaking, however, I am of the opinion that it is in the public interest to apply section 9 of the amended Act to this proposal.
Pursuant to subsection 12.4(3) of the amended EAA I order that the provisions of section 9 (other than paragraph 9(2)2 and other than the reference to subsection 6.4(2) in paragraph 9(2)5) apply with respect to the Environmental Assessment.

The proponent has indicated that it is prepared to abandon the request to remove limitations on the quantity of material which can be processed at their material recovery facility located on Wellington Road, City of London, from the undertaking for which EAA approval is sought.

I do not consider it advisable or necessary to hold a hearing. Having considered the purpose of the Act, the Environmental Assessment, the Review and submissions received, I hereby give approval to proceed with the undertaking, subject to conditions set out in this Notice.

**REASONS:**

My reason for applying section 9 of the amended Act is:

1. There were no compelling arguments why the acceptance decision should not be eliminated. The public was given two opportunities to make submissions on the environmental assessment and the undertaking. All comments submitted have been taken into consideration in my decision to approve this undertaking.

My reasons for giving approval are:

1. On the basis of the proponent's Environmental Assessment and the Review, the proponent's conclusion that, on balance, the advantages of this undertaking outweigh its disadvantages appears to be valid.

2. No other beneficial alternative method of implementing the undertaking was identified.

3. On the basis of the proponent's Environmental Assessment, the Review and the conditions of approval, the construction, operation and maintenance of the undertaking will be consistent with the purpose of the Act (section 2).

4. The Government Review Team has indicated no outstanding concerns that can not be addressed through conditions of approval. The public review of the Environmental Assessment did not identify any outstanding concerns which can not be addressed through the following conditions of approval or conditions of an
Environmental Protection Act (EPA) Provisional Certificate of Approval.

5. The submissions received from the public are being dealt with through conditions where appropriate. I am not aware of any outstanding issues with respect to this undertaking which suggest that a hearing should be required.

6. The Corporations of the Township of Southwold, the County of Elgin and the City of St. Thomas support the proposal and have indicated that, after reviewing the documentation, they are satisfied that any outstanding issues or concerns can be adequately addressed within the conditions of a Provisional Certificate of Approval, and that an EAA hearing is unnecessary in their opinion.

7. I do not consider it necessary for the proponent to reiterate the site selection process to address the concerns identified in the submissions.

8. The concerns identified by Oneida First Nation are best addressed through the EPA Provisional Certificate of Approval conditions and through an EAA condition which requires on-going review and dissemination of information from the proponent to Oneida First Nation.

CONDITIONS:

This approval is subject to the following Conditions:

1.0 Definitions

For the purpose of these Conditions:

1.1 "Proponent" means St. Thomas Sanitary Collection Services Limited and Advance Container of Canada Ltd., a Division of Green Lane Environmental Group Ltd. and includes its administrators, successors and assigns;

1.2 "Site" refers to the Green Lane Landfill Site;

1.3 "MRF" refers to Advance Container of Canada Ltd.'s material recovery facility located on Wellington Road South, City of London;

1.4 "MOE" refers the Ministry of the Environment;

1.5 "PLC" refers to the Public Liaison Committee;
1.6 "EAA" refers to the Environmental Assessment Act;

1.7 "EPA" refers to the Environmental Protection Act;

1.8 "OWRA" refers to the Ontario Water Resources Act;

1.9 "year" refers to a calendar year; and,

1.10 "waste" refers to municipal waste, domestic waste, commercial waste, solid non-hazardous industrial waste and sewage sludge from municipal sewage treatment plants.

2.0 General Requirements

2.1 The Proponent shall comply with the provisions of the environmental assessment, all of which are hereby incorporated by reference, except as amended by these conditions and by any requirement of the Part V, Environmental Protection Act, Provisional Certificate of Approval for the site, and any other approvals or permits that may be issued.

2.2 These conditions do not prevent more restrictive conditions being imposed under other statutes.

2.3 Where these conditions require a document to be filed with the Public Record, the Proponent shall provide to the Director of the Environmental Assessment Branch, MOE, for filing in the Public Record maintained for this undertaking. Additional copies of all such documents will be provided by the proponent to the London District Manager, MOE and the Director, Southwestern Region MOE, the Clerks of The Corporations of the Township of Southwold and Elgin County and the Public Liaison Committee.

3.0 Material Recovery Facility

3.1 This approval does not extend to the Proponent’s request to remove restrictions on the amount of material which can be processed at the material recovery facility (MRF) as originally proposed as part of this undertaking.

3.2 This approval does not extend to the Proponent’s request to remove service area restrictions in respect of disposal of unrecycled materials from the MRF.
4.0 Green Lane Landfill

4.1 All financial liabilities and other responsibilities that are associated with the design, development, operation, closure, monitoring, leachate and gas collection, and remedial measures related to the site are binding on the Proponent. Remedial measures include the restoration of water supplies affected by the proponent's landfill operations.

4.2 The landfill may only accept waste (including contaminated soil and waste material which may be used, as cover material) generated within Ontario.

4.3 The Green Lane Landfill site operation can utilize a maximum 350,000 cubic metres of "air space" for waste disposal per year. The Proponent shall provide in the annual report four quarterly land surveys of the bottom and top contours of the "air space" used for waste disposal in order to determine the quarterly fill rate for the cells. The quarterly "air space" survey for the cells shall be conducted by a Professional Ontario Land Surveyor and a copy of the survey report shall be kept on site to allow MOE personnel, or a MOE representative(s) to inspect and make a copy of the document to assess that the fill rates/ "air space" consumption rates are in compliance with the terms and conditions of the Provisional Certificate of Approval. The proponent shall ensure for the operation life of the site that the municipal waste service contracts/obligations relating to the geographical Counties of Elgin and Middlesex, including the City of St. Thomas, shall at all times receive first priority and precedence to the allocated "annual air space", for their waste, upon meeting this requirement first, then the balance of the available "annual air space" can be used for waste disposal from all the other waste streams. If the first period of site operations is only a portion of the calendar year, the quantity of 350,000 cubic metres of "air space" shall be adjusted on a per diem basis.

4.4 This approval only permits the disposal of waste to fill an air space of 5,850,000 cubic meters (including daily cover material) and any approval under Part V, EPA shall be so restricted.

4.5 In determining the volume limits for purposes of conditions 4.3 and 4.4, any volume occupied by cover material, whether waste or not, shall be deducted from
the limit for other waste material which may be disposed at the Site.

4.6 For purposes of conditions 4.3 to 4.5, uncontaminated soil use for final cover at or above the upper contour establishing the 5,850,000 cubic metre limit need not be deducted.

4.7 Each year, until the fifth year after the completion of the closing the site, the Proponent shall issue an annual report which describes compliance with these and any other conditions of approval. This report may be combined with any report required under the EPA and, shall be filed with the Public Record.

5.0 Public Liaison Committee

5.1 The Proponent shall make every reasonable effort to establish and maintain a Public Liaison Committee. The PLC shall serve as a focal point for dissemination, review and exchange of information and monitoring results relevant to the operation of the landfill.

5.2 Within six months of the date of this EAA approval, a Terms of Reference for the PLC prepared in consultation with the public shall be submitted to the Director, Southwestern Region, MOE, for approval. The Terms of Reference for the Committee shall provide for the following representation: one representative from the Proponent, one representative from The Corporation of the Township of Southwold, one representative from The Corporation of the County of Elgin, one representative from The Corporation of the City of St. Thomas, one non-voting representative from the Ministry of the Environment, one representative from Southwold Against Dumping (SAD), one representative from Oneida First Nation and one or more neighbours of the site. The Director may amend the Terms of Reference submitted to him, including the composition of the Committee membership as required by this Condition, before approving them and may amend them from time to time. When approved a copy shall be filed with the Public Record.

5.3 The Proponent’s consultants’ reports shall be provided by the Proponent to the Public Liaison Committee.

5.4 The Proponent shall provide for the administrative costs of establishing and operating the PLC including the cost of meeting places and clerical services. These costs may be paid by the Green Lane Community
Trust Fund, as outlined in the agreement between The Corporation of the Township of Southwold and the Proponent dated August 17, 1997, and as provided for in an EPA Certificate of Approval. In the event that the Green Lane Community Trust Fund is not operational, the proponent shall make alternate arrangements to provide for the costs, as approved by the Regional Director, MOE.

6.0 **First Nation Liaison Committee**

The Proponent shall participate on a Liaison Committee established by Oneida First Nation (OFN). The purpose of the Liaison Committee is to serve as a forum for the communication and resolution of OFN concerns, the dissemination, review and exchange of information between OFN and the Proponent including the monitoring results relevant to the operation of the landfill. The responsibilities and function of the Committee are to be resolved by way of agreement between OFN and the proponent. If the OFN determines that it wishes to establish a Liaison Committee and an agreement can not be reached, the Proponent and OFN shall submit to the Regional Director, MOE, a copy of their respective draft agreements. The Director shall appoint an independent arbiter, with such instructions as the Director determines, to finalize the agreement. The Proponent shall pay the costs of the arbiter.

7.0 **Agency Consultation**

The Proponent shall consult with the Kettle Creek Conservation Authority and the Ministry of Natural Resources (Aylmer District Office) during the development of the monitoring program for any EPA and OWRA conditions regarding stormwater management.

8.0 **Haul Route Restrictions**

The Proponent shall enter into an agreement with The Corporations of the County of Middlesex and the Township of Middlesex Centre to satisfy the requirements of a condition in the Part V, EPA Certificate of Approval for the Green Lane Landfill site that prohibits waste vehicles, other than those engaged in local pick-up, from accessing the Site otherwise than via Southminster Bourne to and from Highway 4. For the purposes of this EAA approval,
local pick-up means waste pick-up from the geographic area formerly known as Delaware Township, which is located in the Township of Middlesex Centre, or such other area as the proponents, the Township of Middlesex Centre and the County of Middlesex may otherwise agree. A copy of the final agreement shall be filed with the Public Record. In the event that an agreement cannot be reached, the Proponent and The Corporations of the Township of Middlesex Centre and the County of Middlesex shall submit to the Regional Director, MOE, a copy of their respective draft agreements. The Director shall appoint an independent, arbitrator, with such instructions as the Director determines, to finalize an agreement. The Proponent shall pay the costs of the arbitrator.

9.0 Reimbursement of turn lane costs (MTO)

The proponent shall enter into an agreement with the Ministry of Transportation (or appropriate road authority) to satisfy the requirement of a condition on the Part V, EPA Certificate of Approval for the Green Lane Landfill that addresses reimbursement to the Ministry of Transportation (or appropriate road authority), for the construction of a left hand turn lane for northbound traffic on Highway #4 at its intersection with Southminster Bourne. The agreement shall satisfy the requirements of a condition in the Part V, Environmental Protection Act Certificate of Approval for the Green Lane Landfill site. A copy of the agreement shall be filed with the Public Record. In the event that an agreement cannot be reached, the proponent and the Ministry of Transportation, shall submit to the Regional Director, MOE, a copy of their respective draft agreements. The Director, MOE, shall appoint an independent arbitrator, with such instructions as the Director determines, to finalize an agreement. The proponent shall pay the costs of the arbitrator.

10.0 Property Value Protection Plan

The proponent shall implement a Property Value Protection Plan as described in Schedule A attached to these conditions. The Property Value Protection Plan's existence, conditions and procedure shall be made known by mailed notice to owners, as of the date of this EAA approval, of all property within two (2) kilometres of the Site. Such notification shall be
given within sixty days after the issuance of this approval to the owners of all such properties whose names appear upon the last revised assessment roll of the municipality in which such properties are located.

11.0 On Site Inspector

11.1 Before receiving any waste pursuant to this approval, the proponent of the site will confirm in writing to the Regional Director, his or her agreement to the following three points.

11.2 The proponent will pay the cost, as it is incurred, of a consultant retained by the Ministry to provide an on-site inspector during the hours of operation.

11.3 The details of the on-site inspection activity will be prescribed by the Regional Director.

11.4 The Regional Director may suspend or terminate the continued requirement for the on-site inspection activity at any time.

Dated the ___ day of August, 1998 at TORONTO.

[Signature]

Minister of the Environment
135 St. Clair Avenue West
15th Floor
Toronto, Ontario
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Approved by O.C. No. 1888/98