



**WASTE MANAGEMENT
OF CANADA CORPORATION**

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May 17, 2007

DELIVERED BY FAX (613) 521-5437

Director (Provincial Officer Orders)
Ministry of the Environment
Ottawa District Office
2430 Don Reid Drive
Ottawa, Ontario
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Dear Sirs/Mesdames:

Re: Provincial Officer's Order No. 5830-6RZ2PPW

We acknowledge receipt of the Order on May 11, 2007. We hereby request a review by the Director of the Order in its entirety. The reasons for the request for a review are set out below.

The Order deals primarily with measures intended to address odour discharges from the WM Landfill Site located at 2301 Carp Road in Ottawa. We have been actively engaged in identifying and implementing measures to address odour discharges from the Ottawa Landfill for a considerable period of time. We have implemented those measures and have continued to implement additional measures on a voluntary basis, without intervention from the Ministry of Environment.

We have actively engaged the MOE, both with the intention of continuing to keep MOE informed as to the measures being undertaken, and also to seek the assistance of MOE. We are of the opinion and believe, that MOE agrees, that the odour discharges are largely unrelated to current operations and are primarily associated with the historic disposal of waste. These are largely issues inherited by Waste Management following acquisition of the Ottawa Landfill by Waste Management. We understand from our many meetings with MOE, that MOE shares our opinion that the activities to date have resulted in a noticeable reduction in odours from the landfill, evidencing the fact that our own actions are addressing the issue. We think that the Order is unnecessary. We have consistently demonstrated our company's commitment to address odour discharges from the Ottawa Landfill and to involve MOE to the greatest extent possible in determining and implementing measures required to address those odour discharges. We are prepared to continue to pursue additional measures, on a voluntary basis. The commitment of Waste Management to address odour issues as demonstrated by past performance, and is demonstrated by our ongoing efforts to address odour discharges strongly suggest that the issuance of the Order is unnecessary.

Further, in the course of discussions with MOE, we identified additional measures designed to address odour discharges from the Ottawa Landfill. These additional measures were proposed to be implemented on a voluntary basis. These additional measures are now the items in the Order. For example Item 1 requires submission of a Summary Actions Report. We have been providing a summary of all of our activities in managing landfill gas to the MOE since June 5, 2006. The most recent formal action report was provided to the MOE in a e-mail dated April 16, 2007. This only further confirms that this Item is unnecessary. Similarly, Item 2 requires us to retain a Qualified Person (is defined in the Order). We have already provided a list of Qualified Persons to MOE in a separate letter dated June 8, 2006.

Our Development & Operations Update Report for the Ottawa Landfill was submitted to MOE for approval over four years ago. That Plan contemplates the implementation of further activities intended to address operational issues. MOE has not approved the Plan. To the extent that odour issues result from operational issues, we cannot realistically be held to be responsible, and, accordingly, it would not be appropriate for MOE to issue this Order now.

In summary, it is unnecessary and therefore inappropriate to issue an Order, which requires us to do what we have already agreed to do. This is a concern insofar as there is no evidence that we failed to do what we committed to do. The issuance of the Order therefore is prejudicial, and in the realm of public opinion paints a picture, which is damaging to the reputation of Waste Management, suggesting that Waste Management has not taken responsible action to address odour issues. We therefore request that the entire Order be revoked.

In addition to our general concerns regarding the Order, we also have specific concerns with respect to the individual Items specified in the Order. The submissions in respect of those individual Items are set out below.

Item 2: The definition of "Qualified Person" is vague. We previously provided MOE with a letter dated June 8, 2006 providing a list of consultants proposed to be retained in respect of odour discharges from the Ottawa Landfill. While no disagreement was evidenced by MOE, we would appreciate confirmation that the consultants listed in the June 8, 2006 letter are "Qualified Persons" with in the definition set out in Item 2.

Item 5: The reporting requirements set out in the Order are duplicative and the dates for the submission of the reports should be coincident in order to avoid duplication. For example, Item 5 requires an Ambient Air Monitoring Report to be prepared in accordance with the RWDI February 16, 2007 letter. The reporting discussed in that letter includes recommendations on reduction of odour sources. This report is due August 31, 2007. The same information is required in the Odour Sources Survey Report required by Item 3.

It is recommended that the date for submission of the Odour Survey Report in Item 3 coincide with the date for the production of the Ambient Air Monitoring Report, i.e. August 31, 2007.

Last, *Ontario Regulation 419/05* does not apply to the Ottawa Landfill. Therefore there is no reporting obligation in respect of any measured exceedence. Further for the purposes of compliance *Ontario Regulation 346* applies and only exceedences of *Regulation 346* Point of Impingement concentrations may be reported.

We do not believe that the requirement to provide notices of exceedences utilizing *Ontario Regulation 419/05* is appropriate and, accordingly, request that this requirement be specifically deleted.

Item 6: We are concerned by the requirement to complete the study set out in Item 6. The need for specific monitoring will be determined by the Ambient Air Monitoring Report required in respect of Item 5. It is therefore requested that Item 6 be deleted and that the results of the monitoring required to be provided in the various Reports be assessed following the submission of those reports for the purpose of identifying future monitoring requirements.

Item 10: We request that the last sentence in Item 10 be deleted. That sentence requires completion of a Contingency Report which includes "a description and evaluation of the possibility of ceasing the acceptance of waste at the WMCC Landfill Site..." All of the discussions to date with MOE have focused on odour issues arising from older parts of the Ottawa Landfill. No issues have arisen, to our knowledge with respect to the deposit of any fresh waste. It is therefore submitted that there is no rationale for including the language in the last sentence in Item 10 and that it should therefore be deleted.

Items 11, 12, 13 and 14:

In each case we are prepared to make the identified information available to the public at specified locations but not on the identified website. The requirement to make this information available on the website only reinforces the impression that we have done something bad, which, of course, is not the case.

These are our submissions in respect of the Order. Please let me know if you have any questions or comments.

Yours truly,

WASTE MANAGEMENT OF CANADA CORPORATION



Michael Walters
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