

ENVIRONMENTAL ASSESSMENT ACT

SECTION 9

NOTICE OF APPROVAL TO PROCEED WITH THE UNDERTAKING

RE: An Environmental Assessment for a New Landfill Footprint at the West Carleton Environmental Centre (Amended January 21, 2013)

Proponent: Waste Management of Canada Corporation

EA File No.: EA-02-08-02

TAKE NOTICE that the period for requesting a hearing, provided for in the Notice of Completion of the Review for the above-noted undertaking, expired on April 2, 2013.

I received one submission requesting a hearing by the Environmental Review Tribunal.

I consider a hearing to be unnecessary in this case. Having considered the purpose of the Environmental Assessment Act, the approved Terms of Reference, the Amended Environmental Assessment, the Ministry Review of the Environmental Assessment and submissions 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 Amended Environmental Assessment has been prepared in accordance with the approved Terms of Reference.
- (3) On the basis of the proponent's Amended Environmental Assessment and the Ministry Review, the proponent's conclusion that, on balance, the advantages of this 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 prevented, changed, mitigated, or remedied.
- (6) On the basis of the proponent's Amended 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 Aboriginal review of the Amended Environmental Assessment has indicated no outstanding concerns that cannot be addressed through commitments made in the Amended Environmental Assessment, through the conditions set out below, or future additional approvals that will be required.
- (8) The submissions received after the Notice of Completion of the Review was published are being dealt with through commitments made in the Amended Environmental Assessment, through the conditions set out below, or future additional 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:

"CLC" means the Community Liaison Committee.

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

"date of approval" means the date on which the Order in Council was approved by the Lieutenant Governor.

"Director" means the Director of the Environmental Approvals Branch.

"EAB" means the Environmental Approvals Branch of the Ministry of the Environment.

"environmental assessment" means the document titled West Carleton Environmental Centre New Landfill Footprint Environmental Assessment (as amended January 21, 2013).

"ministry" means the Ministry of the Environment.

"Notice" means this Notice of Approval to Proceed with the Undertaking.

"program" means compliance monitoring program.

"proponent" means Waste Management of Canada Corporation.

"Regional Director" means the Director of the ministry's Eastern Regional Office.

"site" means

- o the entire waste disposal site, including the buffer lands, located on Lots 3 and 4, Concession 3, in the former Township of Huntley, formerly in the Township of West Carleton, now the City of Ottawa; and,
- o the contaminant attenuation zone (CAZ), including portions of 2301, 2330, 2104, 2326 and 2300 Carp Road, located on Part of Lot 4, Concession 2, Part of Lot 3, Concession 2, and Part of Lot 2, Concession 2, in the former Township of Huntley, formerly in the Township of West Carleton, now in the City of Ottawa.

"undertaking" means the construction and operation of a new landfill footprint at the site, and as more specifically set out in the environmental assessment.

2. General Requirements

- 2.1 The proponent shall carry out the undertaking in accordance with the environmental assessment which is hereby incorporated in this approval by reference except as provided in these conditions and as provided in any other approval or permit that may be issued for the site.
- 2.2 The proponent shall fulfill all commitments made during the environmental assessment process.
- 2.3 The conditions set out in this Notice do not prevent more restrictive conditions being imposed under other statutes.

3. Public Record

- 3.1 Where a document is required for the public record, the proponent shall provide two copies of the document to the Director: a copy for the public record file maintained for the undertaking and a copy for staff use.

- 3.2 The EAB file number EA-02-08-02 shall be quoted on all documents submitted to the ministry pursuant to this Notice.
- 3.3 For every document submitted to the ministry, the proponent shall clearly identify which condition the document is meant to fulfill
- 3.4 Documents may be provided electronically where appropriate. The ministry may request that the document be provided in hardcopy.

4. Compliance Monitoring Program

- 4.1 The proponent shall prepare and submit to the Director for the public record, an environmental assessment compliance monitoring program.
- 4.2 The program shall be submitted to the Director within one year from the date of approval, or 60 days before the commencement of construction, whichever is earlier.
- 4.3 The program shall include monitoring of the proponent's implementation of the undertaking in accordance with the environmental assessment and the conditions in this Notice with respect to mitigation measures, public consultation, and additional studies and work to be carried out. The program shall also include monitoring of compliance with all commitments made in the environmental assessment and the subsequent review of the environmental assessment and the 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 program must contain an implementation schedule.
- 4.5 The Director may require the proponent to amend the program. The program, as it may be amended by the Director, must be carried out by the proponent.
- 4.6 The proponent shall make the program documentation available to the ministry or its designate upon request in a timely manner when so requested by the ministry.

5. Compliance Reporting

- 5.1 The proponent shall prepare an annual compliance report which describes the proponent's compliance with the conditions in this Notice and the results of the program.
- 5.2 The annual compliance report shall be submitted for the public record on or before March 31 of each year, with the first report being due in 2014, and shall cover all activities of the previous calendar year.
- 5.3 The proponent shall submit annual compliance reports until all conditions are satisfied.
- 5.4 When all conditions have been satisfied, the proponent shall indicate in the annual compliance report that it is the final annual compliance report.
- 5.5 The proponent shall retain, either on site or in another location approved by the Director, copies of the annual compliance reports for each reporting year and any associated documentation of compliance monitoring activities.

- 5.6 The proponent shall make the compliance reports and supporting documentation available to the ministry or its designate upon request in a timely manner when requested to so by the ministry.

6. Community Liaison Committee

- 6.1 The proponent shall establish and maintain a CLC in respect of the undertaking to provide a forum for public concerns to be raised and for mitigation measures to be discussed where appropriate.
- 6.2 If there is no interest from the public in continuing the existing CLC or establishing and participating in a new CLC (once sufficient notice has been given) it may be discontinued. If discontinued the proponent shall publish a notice at least annually inviting expressions of interest in establishing or re-establishing the CLC.
- 6.3 If continued or re-established, the CLC shall serve as the focal point for dissemination, review and exchange of information and monitoring results relevant to the undertaking.
- 6.4 If there is interest in forming a CLC and members are willing to serve, the CLC shall be established.
- 6.5 The proponent shall provide administrative support for the CLC including, at minimum:
- a) providing CLC meeting space;
 - b) preparing and publishing meeting notices;
 - c) recording minutes of each meeting; and,
 - d) preparing an annual report to be submitted as part of Compliance Reporting as required by Condition 5.

7. Complaint Protocol

- 7.1 The proponent shall prepare and implement a protocol on how it will deal with and respond to inquiries and complaints with respect to the undertaking.
- 7.2 The proponent shall submit the Complaint Protocol to the Director at least 6 months prior to the start of construction.
- 7.3 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.
- 7.4 The proponent shall submit the amended Complaint Protocol to the Director within the time period specified by the Director.
- 7.5 The proponent shall implement the Complaint Protocol and any amendments to it.

8. Groundwater and Surface Water Monitoring Plan

- 8.1 The proponent shall prepare and submit to the Regional Director a draft Groundwater and Surface Water Monitoring Plan for review and comment prior to the commencement of construction of the undertaking. The Regional Director may require the proponent to amend the plan.
- 8.2 The proponent shall post the draft Groundwater and Surface Water Monitoring Plan on the proponent's website for the undertaking for a period of thirty days for review and public comment. The proponent shall take any comments received into consideration prior to finalizing the plan. Once finalized, the proponent shall implement the plan.
- 8.3 Any monitoring reports prepared by the proponent in accordance with the Groundwater and Surface Water Monitoring Plan shall be made publicly available on the proponent's website for the undertaking.

9. Species at Risk Mitigation, Compensation and Monitoring Plans

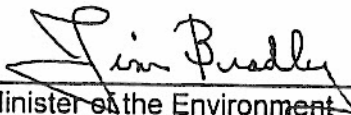
- 9.1 The proponent shall develop and implement a Bank Swallow Mitigation, Compensation and Monitoring Plan in consultation with Environment Canada and the Ontario Ministry of Natural Resources prior to the commencement of construction of the undertaking.
- 9.2 The Bank Swallow Mitigation, Compensation and Monitoring Plan shall include measures to mitigate impacts of the undertaking on the species, compensate for unavoidable adverse impacts and detail monitoring requirements.
- 9.3 The proponent shall conduct on-site surveys to determine the presence of Barn Swallow habitat on-site in consultation with the Ontario Ministry of Natural Resources.
- 9.4 Should Barn Swallow habitat be present, the proponent shall comply with the requirements of the Endangered Species Act, 2007.
- 9.5 The proponent shall conduct on-site surveys to determine the presence of Flooded Jellyskin habitat on-site in consultation with the Ontario Ministry of Natural Resources prior to the commencement of construction of the undertaking.
- 9.6 Should the presence of Flooded Jellyskin habitat be present, the proponent shall comply with the requirements of the Endangered Species Act, 2007.

10. Property Value Protection Plan

- 10.1 The proponent shall implement the Property Value Protection Plan as described in Appendix D – Community Commitments of the environmental assessment.

- 10.2 Should additional studies required for future approvals under the Environmental Protection Act indicate potential impacts to the value of a property; the proponent shall identify the potentially impacted properties by municipal address in the Property Value Protection Plan and shall notify the owners of the properties.

Dated the 16th day of August 2013 at TORONTO.


Minister of the Environment
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto, Ontario
M7A 2T5

Approved by O.C. No. 1228/2013

Date O.C. Approved August 28, 2013