

**Ministry of the
Environment, Conservation
and Parks**

**Ministère de l'Environnement,
de la Protection de la nature
et des Parcs**

Environmental Assessment
Branch

Direction des évaluations
environnementales

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April 22, 2022

MEMORANDUM

TO: Government Review Team List

FROM: Anne Cameron
Project Officer
Environmental Assessment Branch

RE: Biggars Lane Landfill Expansion Environmental Assessment
NOTICE OF APPROVAL
EA File No. EA-03-08-02, EAIMS No. 14119

Approval to proceed with the above undertaking has now been granted, and a copy of the Notice of Approval is attached.

I would like to thank you for your assistance with the review of the environmental assessment.



Anne Cameron

Attachment

c: Matthew D'Hondt, Solid Waste / Wastewater Operations Manager, County of Brant

ENVIRONMENTAL ASSESSMENT ACT

SECTION 9

NOTICE OF APPROVAL TO PROCEED WITH THE UNDERTAKING

RE: An Environmental Assessment for the Biggars Lane Landfill Expansion

Proponent: County of Brant

EA File No.: 03-08-02

EA Reference No.: 14119

TAKE NOTICE that the period for requesting that the application or matters related to the application be referred to the Ontario Land Tribunal for a hearing, provided for in the Notice of Completion of the Review for the above-noted undertaking, expired on January 14, 2022. I received no submissions requesting a hearing by the Ontario Land Tribunal before the expiration date.

Having considered the purpose of the *Environmental Assessment Act*, the approved terms of reference, the environmental assessment, the ministry review of the environmental assessment and submissions received, I hereby give approval to proceed with the undertaking, subject to 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 environmental assessment has been prepared in accordance with the approved Terms of Reference.
- (3) On the basis of the proponent's environmental assessment and the ministry review, the proponent's conclusion that the advantages of this undertaking outweigh its disadvantages appears to be valid.

- (4) The proponent has demonstrated that the environmental effects of the undertaking can be appropriately prevented, changed, mitigated or remedied.
- (5) On the basis of the proponent's 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*.
- (6) The ministry's review of government agency, public and Indigenous Community comments on the environmental assessment and the ministry review has indicated no outstanding concerns that cannot be addressed through commitments in the environmental assessment, through the conditions set out below or through future approvals that will be required.
- (7) I am not aware of any outstanding issues with respect to this undertaking which suggest that a hearing should be required; as such, a hearing is unnecessary and would cause undue delay to the implementation of the undertaking.

CONDITIONS

Approval to proceed with the undertaking is subject to the following conditions:

1. Definitions

For the purposes of these conditions:

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

"Date of Approval" means the date on which the Order in Council pertaining to the approval of the undertaking was signed by the Lieutenant Governor in Council.

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

"District Manager" means the Manager of the ministry's Guelph District Office.

"environmental assessment" means the document titled Biggars Lane Landfill Expansion Environmental Assessment, dated January 2021, and submitted to the ministry on February 15, 2021.

"Environmental Compliance Approval" means an approval issued under Part II.1 of the *Environmental Protection Act*.

"ministry" means the Ministry of the Environment, Conservation and Parks.

"program" means compliance monitoring program.

"proponent" means the County of Brant.

"site" means the Biggars Lane Landfill located at 128 Biggars Lane in the County of Brant.

“undertaking” means the planning, design, construction, and operation of a horizontal expansion of the Biggars Lane Landfill to provide an additional waste disposal capacity of 1.13 million cubic metres for solid non-hazardous municipal waste and industrial, commercial, and institutional waste.

2. General Requirements

- 2.1 The proponent shall implement the undertaking in accordance with the environmental assessment, which is hereby incorporated into this Notice of Approval by reference, except as provided in the conditions of this Notice of Approval and as provided in any other approval or permit that may be issued for this site.
- 2.2 Should the proponent wish to make changes to any document required by these conditions after the document has been accepted or approved by the ministry, the proponent shall obtain the written approval for the proposed changes from the ministry decision-maker in the condition requiring the document.
- 2.3 For any document required by these conditions to be prepared, submitted and/or posted publicly by the proponent, the Director may determine that the proponent is no longer required to prepare, submit or post the document. The Director shall provide written notice of the decision to the proponent. Until such time as the proponent has received written notice from the Director, the proponent must continue to prepare, submit and/or post the document as required by the conditions.
- 2.4 The conditions of the Notice of Approval do not prevent more restrictive conditions being imposed under other statutes.

3. Public Record and Submission of Documents

- 3.1 Where a document is required to be submitted, the proponent shall provide one hardcopy and an electronic copy of the document to the Director.
- 3.2 The environmental assessment Reference Number 14119 and File Number 03-08-02 shall be quoted on all documents submitted to the ministry pursuant to this Notice of Approval.
- 3.3 For every document submitted to the ministry, the proponent shall clearly identify which condition of approval the document is meant to fulfill.

4. Compliance Monitoring Program

- 4.1 The proponent shall prepare and submit to the Director for approval an environmental assessment compliance monitoring program.
- 4.2 The compliance monitoring program shall be submitted to the Director up to one year from the Date of Approval or such other date agreed upon by the Director in writing.

- 4.3 The compliance monitoring program shall include a description of how the proponent will:
- a. monitor implementation of the undertaking in accordance with the environmental assessment with respect to mitigation measures, public consultation, and additional studies and work to be carried out;
 - b. monitor compliance with the conditions in this Notice of Approval; and
 - c. monitor compliance with all commitments made in the environmental assessment with respect to mitigation measures, public consultation, and additional studies and work to be carried out.
- 4.4 The compliance monitoring program shall include an implementation schedule for monitoring activities to be completed.
- 4.5 The Director may require the proponent to amend the compliance monitoring program at any time. Should an amendment be required, the Director will notify the proponent in writing of the required amendment and the date by which the proponent must complete and submit the amendment to the Director.
- 4.6 The proponent shall submit the amended compliance monitoring program to the Director within the time period specified by the Director in the written notice.
- 4.7 The proponent shall implement the compliance monitoring program, including any amendments to it.
- 4.8 The approved compliance monitoring program and any amended compliance monitoring program shall be included as part of the public record.

5. Compliance Reporting

- 5.1 The proponent shall prepare an annual compliance report outlining the results of the compliance monitoring program (Condition 4 above) and the report shall be included as part of the public record.
- 5.2 The first compliance report shall be submitted to the Director for review and included in the public record no later than one year following the Date of Approval. Each subsequent annual compliance report shall be submitted to the ministry for review and be included in the public record on the date that is the anniversary of the Date of Approval thereafter or such other date as agreed to by the Director. Each report shall cover the previous year.
- 5.3 The proponent shall submit annual compliance reports until all conditions in this Notice of Approval are satisfied.
- 5.4 The proponent shall notify the Director in writing when the final annual compliance report is being submitted. The ministry will confirm whether all conditions have been satisfied in writing to the proponent.

- 5.5 The proponent shall retain, either on the site or in another location approved by the Director, copies of the annual compliance reports for each reporting year and any associated documentation regarding compliance monitoring activities.
- 5.6 The proponent shall make the compliance reports and associated documentation available to the Director or a designate in a timely manner when requested to do so by the ministry.

6. Complaint Protocol

- 6.1 The proponent shall prepare a complaint protocol for addressing inquiries and complaints during all stages of the undertaking. The complaint protocol shall include a procedure for notifying the District Manager of any complaints received by the proponent.
- 6.2 The proponent shall submit the complaint protocol to the Director for approval at least 60 days before the start of construction or such other date agreed to by the Director in writing.
- 6.3 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.
- 6.4 The proponent shall submit an amended complaint protocol to the Director within the time period specified by the Director.
- 6.5 The proponent shall implement the complaint protocol and any amendments to it.
- 6.6 The approved complaint protocol and any amended complaint protocol shall be included as part of the public record.

7. Odour

- 7.1 The proponent shall submit to the Director of the Environmental Permissions Branch either (i) at the time of submission of their application under Part II.1 of the *Environmental Protection Act* or (ii) during detailed design an Odour Best Management Practices Plan or updated plan if a plan has already been prepared for the existing site. The Odour Best Management Practices Plan or updated plan must be prepared following the ministry's technical bulletin "Best Management Practices for Industrial Sources of Odour". The Odour Best Management Practices Plan or updated plan must be updated and maintained in accordance with the technical bulletin.
- 7.2 The proponent shall verify the odour estimates/assumptions in the environmental assessment with an odour sampling program that meets the requirements of paragraph 2 of subsection 11(1) in O. Reg. 419/05 made under the *Environmental Protection Act*. Sampling must be conducted before the start of construction to document existing odour conditions and following construction to confirm the impact of the project on odour and to ensure the site is in compliance

with ministry odour guidelines. The proponent shall submit to the Director of the Environmental Permissions Branch the pre-expansion sampling and dispersion modelling results either (i) at the time of submission of their application under Part II.1 of the *Environmental Protection Act* or (ii) during detailed design.

8. Archaeological Assessment

- 8.1 The proponent shall prepare and submit to the Ministry of Heritage, Sport, Tourism and Culture Industries for review a Stage 3 Archaeological Assessment during the detailed design stage if construction occurs within proximity of the existing archaeological site identified in the Stage 2 Archaeological Assessment. The Stage 3 Archaeological Assessment should indicate if a Stage 4 Archaeological Assessment is required.

9. Changes/Amendments

- 9.1 The proponent shall implement any changes to the undertaking in accordance with the Act including the waste screening process under the Waste regulation as may be applicable.

10. Duration of Approval

- 10.1 If construction of the undertaking has not commenced within 10 years of the Date of Approval, this Notice of Approval expires and the undertaking may not proceed pursuant to this Notice of Approval unless this expiry is otherwise extended by the Director.

Dated the 6 day of April 2022 at TORONTO.



Minister of the Environment, Conservation and Parks
777 Bay Street, 5th Floor
Toronto ON M7A 2J3

Approved by O.C. No. 996 / 2022

Date O.C. Approved April 14, 2022