

**Ministry of the Environment,
Conservation and Parks**
*Drinking Water and Environmental
Compliance Division*

West Central Region

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**Ministère de l'Environnement,
de la Protection de la nature et des Parcs**
*Division de la conformité en matière d'eau
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357-2024-2075

October 23, 2024

Her Worship Andrea Horwath
Mayor
City of Hamilton
Email: mayor@hamilton.ca

Dear Mayor Horwath:

Thank you for your email to the Minister of the Environment, Conservation and Parks regarding the compliance status of the GFL Environmental Inc. (GFL) Stoney Creek Regional Facility, specifically regarding compliance with the Provincial Officer's Order that was issued in April 2024 that requires GFL to reduce the height of the stockpiled waste. I am responding on the minister's behalf.

The Ministry of the Environment, Conservation and Parks recognizes the significant impact that stockpiled waste has had on the surrounding community, particularly its visibility and odour generation. The ministry is committed to ensuring that these issues are addressed in a timely and effective manner.

Currently, there is a significant amount of waste at the Stoney Creek Regional Facility that exceeds the maximum height (final contours) permitted by the environmental compliance approval. To reduce the waste heights at the landfill, the waste must be placed inside an appropriately constructed waste cell. The Provincial Officer's Order issued by the ministry earlier this year sets compliance dates for constructing new waste cells and reducing waste heights.

The ministry recognizes that the 24-month timeline for the overall reduction of waste piles that are above the final contours may seem prolonged to those directly affected. However, the ministry must consider many different factors when setting timelines within an order.

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To clarify and hopefully address the communities' concerns for an expedited approach to reducing waste heights, the order, as written, requires GFL to address the majority of the waste piles that are most visible to surrounding residential areas by the end of 2024. The remaining volume, which is comprised of historical waste deposited prior to the recent issues at the site, must be brought down below the approved final contours by the end of 2025.

It is also important to note that GFL has developed a comprehensive odour management plan to mitigate the impact of any waste relocation activities. This plan includes measures to control and reduce odours while ensuring minimal disruption to the community during the waste relocation process. Since the beginning of waste relocation activities, the ministry has been closely monitoring GFL's activities to ensure compliance with environmental standards and to safeguard the health of the surrounding community. In the case that significant off-site odour impacts are identified, the ministry will continue to utilize the enforcement tools available to us.

I understand that GFL has approached city staff about their new leachate treatment system design, and discussions have begun regarding municipal permitting requirements including the city's expectations for compliance with the sewer use by-law. It is encouraging to hear that progress is being made, with the city working to expedite the necessary approvals and the ministry doing the same on our end. I would like to emphasize that expediting these approvals is crucial to ensuring the system is constructed and operational as soon as possible. The new system is critical to preventing any future incidences of the significant odour challenges experienced during the summer of 2023.

The ministry is committed to ensuring that GFL addresses the compliance matters at the Stoney Creek Regional Facility in a timely manner. We are encouraged by the significant reduction in the odour emissions and community impacts from operations at the facility that have been observed by our Environmental Compliance Officers over the summer. However, this site will continue to be an active landfill for many years. Given the proximity of current and expanding residential development to the active landfill, it is unlikely that GFL will be able to prevent all noise, odour and visual impacts experienced by neighbouring residents.

We have seen several proposals for more new development, including multi-storey residential units, which are planned to be constructed adjacent to the landfill. The ministry does not issue approvals or permits in relation to the planning applications for development, nor do we have the authority to make planning-related decisions. Land use planning decisions are made by local municipalities and local planning authorities. While the D Series Guidelines are not enforceable on their own, the ministry encourages municipalities to incorporate these guidelines into their Official Plans at which time they are enforceable by the municipality in accordance with the *Planning Act*.

Her Worship Andrea Horwath
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Your advocacy on behalf of your community is invaluable. Thank you for your understanding and cooperation as we work towards solutions that benefit the entire community.

Sincerely,

A handwritten signature in cursive script that reads "Lubna Hussain".

Lubna Hussain
Director
West Central Region
Ministry of the Environment, Conservation and Parks

c: Donna Skelly, MPP, Flamborough—Glanbrook