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**Sent:** Thursday, May 2, 2024 11:19 AM  
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**Subject:** ToSM Landfill Exp EA Approved - Memo and Notice of Approval

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Hi Government Review Team Members,

Thank you for the technical review you provided during the Town of St Marys landfill expansion EA.

Please find attached a memorandum and Notice of Approval outlining the decision to approve the St. Marys Future Solid Waste Disposal Needs Environmental Assessment to expand the existing St Marys landfill.

If you have any questions or would like to discuss, please do not hesitate to contact me by email or phone at 289-980-0466.

Thanks,  
Kendrick

**Kendrick Doll**

Senior Project Evaluator | Environmental Assessment Branch  
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**Ministry of the Environment,  
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**Ministère de l'Environnement, de la  
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May 1, 2024

## MEMORANDUM

**TO:** Government Review Team List

**FROM:** Kendrick Doll  
Senior Project Evaluator  
Environmental Assessment Branch

**RE:** St. Marys Future Solid Waste Disposal Needs Environmental  
Assessment  
NOTICE OF APPROVAL  
EA File No. EA-03-08-01, EAIMS No. 09212

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After a detailed review and consultation, the Minister of the Environment, Conservation and Parks has approved the St. Marys Future Solid Waste Disposal Needs Environmental Assessment (EA) for an expansion of the St. Marys landfill. A copy of the Notice of Approval is attached.

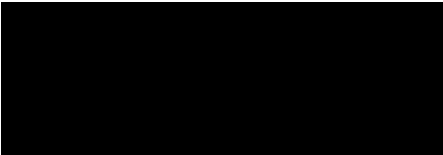
In deciding, the Minister carefully considered the concerns raised by Indigenous communities and government reviewers, and a detailed technical review by ministry staff.

The Minister imposed standard conditions of approval, such as compliance monitoring, as well as conditions that respond to comments raised during the environmental assessment process. These include a requirement that the Town conduct additional surface and groundwater monitoring to minimize effects of potential contaminants, generate an updated stormwater management plan and hydrogeological study, and develop an adaptive management framework to address any issues that may arise during construction or operation.

The Town must ensure that the undertaking is designed, constructed, and operated in accordance with the EA, including the commitments in the EA, and the conditions in the attached Notice of Approval.

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

Should you have any questions, please contact me at 289-980-0466 or [kendrick.doll@ontario.ca](mailto:kendrick.doll@ontario.ca).



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Kendrick Doll  
Senior Project Evaluator  
Environmental Assessment Branch

Attachment

c: Dave Blake, Environmental Services Manager, Town of St. Marys

# ENVIRONMENTAL ASSESSMENT ACT

## SECTION 9

### NOTICE OF APPROVAL TO PROCEED WITH THE UNDERTAKING

RE: An Environmental Assessment for St. Marys Future Solid Waste Disposal Needs  
Amended Environmental Assessment

Proponent: Town of St. Marys

EA File No.: 03-08-01

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 July 7, 2023. I received zero submission(s) requesting a hearing by the Ontario Land 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 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) 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 managed and mitigated.
- (6) 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*.

- (7) The government agency, public and Indigenous community review of the environmental assessment has indicated no outstanding concerns that cannot be addressed through commitments made in the environmental assessment, through conditions set out below, or through future approvals that will be required.
- (8) 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:

**“construction”** means the 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.

**“District Manager”** means the manager of the ministry’s London district office;

**“EAB”** means the Environmental Assessment Branch of the Ministry of the Environment, Conservation and Parks.

**“environmental assessment”** means the document titled Town of St Marys Future Solid Waste Disposal Needs Amended Environmental Assessment.

**“Director”** means the Director of the Environmental Assessment Branch.

**“Indigenous communities”** means the following Indigenous communities: Aamjiwnaang First Nation (formerly Chippewas of Sarnia First Nation), Caldwell First Nation, Walpole Island First Nation (Bkejwanong Territory), Chippewas of Kettle and Stony Point First Nation, Oneida Nation of the Thames, Chippewas of the Thames First Nation, and Six Nations of the Grand River (both the Six Nations of the Grand River elected council and the Haudenosaunee Confederacy Chiefs Council (represented by the Haudenosaunee Development Institute (HDI)).

**“Manager of Municipal Water and Waste Water Approvals”** means the Manager of Municipal Water and Waste Water Approvals of the Environmental Permissions Branch of the ministry.

**“ministry”** means the Ministry of the Environment, Conservation and Parks.

**“PLC”** means the Public Liaison Committee.

**“program”** means compliance monitoring program.

**“Proponent”** means Town of St. Marys

**“Regional Director”** means the director of the ministry’s Southwestern Regional Office.

**“Signing Director”** means a Director appointed under section 5 of the *Environmental Protection Act* for the purposes of Part II.1 of the act.

**“Species at Risk”** means the species that are on the Species at Risk in Ontario List in O. Reg. 230/08 made under the *Endangered Species Act, 2007*.

**“undertaking”** means the planning, design, construction, operation, and closure of the vertical and horizontal expansion of the St. Marys Landfill to provide an additional waste disposal capacity of 708 thousand cubic metres for industrial, commercial, institutional and residential waste over a 40-year planning period ending in 2056.

## **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 undertaking.
- 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 For any program or plan required by these conditions to be developed and implemented by the Proponent, the Director or District Manager, as appropriate, may determine that the Proponent is no longer required to implement the program or plan. The Director or District Manager, as appropriate, 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 implement the plan or program as required by the conditions.
- 2.5 The Proponent shall fulfill all commitments made in the environmental assessment.
- 2.6 The conditions of the Notice of Approval 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 post the document on the Proponent's website and shall provide one hardcopy and an electronic copy of the document to the Director.
- 3.2 The environmental assessment Reference Number 09212 and File Number 03-08-01 shall be quoted on all documents in any form submitted to the ministry pursuant to this Notice of Approval.
- 3.3 For every document submitted to the ministry in any form, 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 and for the public record an environmental assessment compliance monitoring program.
- 4.2 The compliance monitoring program shall be submitted to the Director within one year from the Date of Approval or such other date agreed upon by the Director in writing. At a minimum, the compliance monitoring program shall be submitted 90 days prior to the start of construction.
- 4.3 The compliance monitoring program shall include a description of how the Proponent will:
  - a. monitor implementation of the undertaking to ensure that it is implemented in accordance with the environmental assessment, including 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 to ensure all commitments made in the environmental assessment with respect to mitigation measures, public consultation, and additional studies and work to be carried out are fulfilled.
- 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 If the Director requires the Proponent to amend the compliance monitoring program, 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.

## **5. Compliance Reporting**

- 5.1 The Proponent shall prepare an annual compliance report outlining the results of the compliance monitoring program (Condition 4) and comprehensive monitoring program (Condition 11).
- 5.2 The first compliance report shall be submitted to the Director for review and for the public record one year following the Date of Approval. Each subsequent annual compliance report shall be submitted to the ministry for review and for 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 or such period agreed to by the Director.
- 5.3 The Proponent shall submit annual compliance reports until all conditions in this Notice of Approval are satisfied or the Proponent is instructed otherwise in writing by the Director.
- 5.4 The Proponent shall notify the Director in writing when the final annual compliance report is being submitted. The ministry will confirm whether the annual compliance reporting requirements in Conditions 5.1-5.3 have been fulfilled and the Director will confirm this in writing to the Proponent.
- 5.5 The Proponent shall retain, either in the Proponent's office 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. The Proponent shall post the annual compliance reports for each reporting year on its website.
- 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 and implement a complaint protocol for managing and responding to inquiries and complaints during all stages of the undertaking. The complaint protocol shall include a procedure for notifying the Regional Director of any complaints received by the Proponent.
- 6.2 The Proponent shall share the complaint protocol with Huron Perth Public Health (HPPH) and provide HPPH with a minimum of 15-days to review, raise questions with and provide comments on the complaint protocol to the proponent prior to submitting the complaint protocol to the Director for approval and for placement on the public record. The protocol shall be provided to the Director at least 90 days before the start of construction or such other date as may be specified 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 If the Director requires the Proponent to amend the complaint protocol, the Proponent shall submit an amended complaint protocol to the Director within the time period specified by the Director in the notice.
- 6.5 The Proponent shall implement the complaint protocol and any amendments to it.
- 6.6 The Proponent shall include a summary of the complaints received and how they were addressed in each of the annual compliance reports required by Condition 5.

## **7. Public Liaison Committee**

- 7.1 Within one year of the start of construction or such other date agreed upon by the Director in writing, the Proponent shall use best efforts to establish a Public Liaison Committee (PLC) in respect of the site to ensure that public concerns are addressed, and mitigation measures are undertaken where appropriate.
- 7.2 The Proponent shall give appropriate and sufficient notice to the public about the establishment of the PLC and the time and place of any meetings of the PLC. In particular, notice shall be provided directly to any person that raised concerns regarding the site and shall be placed on the Town's website.
- 7.3 If appropriate and sufficient notice regarding the establishment and operation of the PLC has been provided to the public at least one time per 12 month period for 5 consecutive years, and there is no interest from the public in establishing or participating on a committee during this time, the proponent shall notify the Director and the Director may at their sole discretion direct in writing that the proponent need only provide such notices at such increased intervals as the Director may decide or that no further notices need be given.
- 7.4 The proponent shall not change the frequency of the notices required by condition 7.3 above unless permitted by the Director in writing.
- 7.5 If established, the PLC shall serve as the focal point for dissemination, review and exchange of information and monitoring results relevant to the site.

## **8. Consultation with Indigenous Communities**

- 8.1 The Proponent shall prepare, in consultation with Indigenous communities, an Indigenous consultation plan that sets out:
  - a) How the Proponent will consult with Indigenous communities and provide them with opportunities to be involved in environmental monitoring, archaeological assessments, and re-naturalization activities.
  - b) How the Proponent will notify Indigenous communities, using a notification protocol, if archaeological resources or Indigenous remains are encountered.
  - c) How the Proponent will notify Indigenous communities, using a notification protocol if there are changes to the landfill's ECA throughout the operational period.

- d) How the Proponent will notify Indigenous communities if there are any emergency or spill-related situations that pose a risk to the environment.
  - e) How the Proponent will issue notices and updates to Indigenous Communities.
  - f) How changes to the plan may be made if needed.
- 8.2 Within six (6) months from the Date of Approval or by such other date as may be agreed to in writing by the Director, the Proponent shall submit the Indigenous consultation plan to the Director for approval together with a summary of how the Proponent consulted with identified Indigenous communities and any concerns raised by an Indigenous community with respect to the plan.
- 8.3 Once the Director has accepted the Indigenous consultation plan, the Proponent shall implement the Indigenous consultation plan and any amendments to the plan.

## **9. Species at Risk**

- 9.1 A qualified professional on behalf of the Proponent shall train staff in the identification of Bank Swallows and other Species at Risk known to be within the general vicinity of the site. Training shall include Species at Risk awareness, the protections species and habitat receive under the *Endangered Species Act, 2007*, and the appropriate steps to take upon encountering a Species at Risk. In the event that a Species at Risk is found on site, all activities that could potentially harm the animal shall cease and a qualified professional shall be consulted for appropriate next steps. The ministry's Species at Risk Branch may be contacted at [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca) for additional guidance under the *Endangered Species Act, 2007*. All Species at Risk observations shall be reported to the Natural Heritage Information Centre within 5 business days.

## **10. Odour and Dust**

- 10.1 As part of the application submitted to the ministry pursuant to Part II.1 of the *Environmental Protection Act* for the Project, the Proponent will review and provide updated modelling of potential odour impacts based on detailed design plans. Based on the modelling, the Town will identify and develop plans for additional mitigation, monitoring, and contingency measures for odour to the satisfaction of the ministry's signing Director.

## **11. Surface Water, Ground Water and Leachate Monitoring Program**

- 11.1 Before submitting an application to the ministry pursuant to Part II.1 of the *Environmental Protection Act* for the Project, the Proponent shall prepare a comprehensive surface water, groundwater and leachate monitoring program (comprehensive monitoring program), including trigger values and appropriate mitigation measures which would minimize impacts to the environment, and shall submit the comprehensive monitoring program to the District Manager for review and approval.

- 11.2 The Director may require the Proponent to amend the 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.
- 11.3 If the Director requires the Proponent to amend the comprehensive monitoring program, the Proponent shall submit the amended comprehensive monitoring program to the Director within the time period specified by the Director in the written notice.
- 11.4 The Proponent shall implement the comprehensive monitoring program, including any amendments to it.

## **12. Hydrogeological Study**

- 12.1 Before submitting its application to the ministry pursuant to Part II.1 of the *Environmental Protection Act* for the Project, the Proponent shall prepare and submit an updated hydrogeological study to the Upper Thames River Conservation Authority for review and comment; and to the District Manager for review and approval.
- 12.2 The proponent shall include the approved study as part of its application submitted to the ministry pursuant to Part II.1 of the *Environmental Protection Act*.

## **13. Stormwater Management**

- 13.1 Prior to submitting its application to the ministry pursuant to Part II.1 of the *Environmental Protection Act* for the Project, the Proponent shall prepare and submit to the Upper Thames River Conservation Authority a stormwater management plan for review and comment; and to the Manager of Municipal Water and Wastewater Approvals for review and approval.

## **14. Watercourse realignment**

- 14.1 Prior to submitting its application to the ministry pursuant to Part II.1 of the *Environmental Protection Act* for the Project, the Proponent shall prepare and submit a Watercourse Realignment Plan, Erosion and Sediment Control Plan and Channel Design Brief to the Upper Thames River Conservation Authority and Fisheries and Oceans Canada.


## **15. Waste Diversion Opportunities**

- 15.1 The Proponent shall evaluate waste management services, including diversion initiatives, every four (4) years from the Date of Approval. The compliance monitoring program required by Condition 4 shall include the results of the evaluation required by this condition.

**16. Changes and Amendments**

16.1 When implementing any proposed changes to the undertaking, the Proponent shall determine what *Environmental Assessment Act* requirements are applicable to the proposed changes and shall fulfill those *Environmental Assessment Act* requirements. If a contemplated change to the undertaking would result in no new net effects, it shall be considered a minor amendment. In such cases, the Proponent will be required to provide an Addendum to the ministry to document the change and demonstrate that there are no new net effects associated with it. The Proponent shall consult with the ministry about any consultation requirements that may apply, and whether any changes can be permitted without an amendment to the environmental assessment.

Dated the 6 day of February 2024 at TORONTO.

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

Approved by O.C. No.: 282 / 2024

Date O.C. Approved: February 15, 2024