

TO:	CHAIR AND MEMBERS WASTE MANAGEMENT WORKING GROUP MEETING ON APRIL 18, 2019
FROM:	JAY STANFORD, M.A., M.P.A. DIRECTOR - ENVIRONMENT, FLEET & SOLID WASTE
SUBJECT:	UPDATE REPORT #12: PROPOSED AMENDED TERMS OF REFERENCE

RECOMMENDATION

That, on the recommendation of the Director, Environment, Fleet and Solid Waste, this report **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Relevant reports that can be found at www.london.ca under City Hall (Meetings) include:

- Proposed Terms of Reference - Environmental Assessment of the Proposed W12A Landfill Expansion (September 25, 2018 meeting of the Civic Works Committee (CWC), Item #3.1)
- Draft Proposed Terms of Reference – Environmental Assessment of the Proposed W12A Landfill Expansion (April 17, 2018 meeting of the CWC, Item #3.3)
- Appointment of Consulting Engineer for Various Technical Studies as part of the Environmental Assessment Process for the Proposed Expansion of the W12A Landfill Site (July 17, 2017 meeting of the CWC, Item #6)
- Update and Next Steps – Resource Recovery Strategy and Residual Waste Disposal Strategy as part of the Environmental Assessment Process (February 7, 2017 meeting of the CWC, Item #10)

Relevant reports that can be found at www.london.ca under City Hall (Meetings – Advisory and other Committee Meetings) include:

- Proposed Terms of Reference (August 15, 2018 meeting of the Waste Management Working Group (WMWG), Item #2.1)
- Draft Proposed Terms of Reference (July 13, 2018 meeting of the WMWG, Item #3.2)
- Preliminary Proposed Draft Terms of Reference (March 8, 2018 meeting of the WMWG, Item #2.1)
- Terms of Reference Outline and Next Steps (January 18, 2018 meeting of the WMWG, Item #9)
- General Framework for the Community Engagement Program for the Resource Recovery and Residual Waste Disposal Strategies as part of the Environmental Assessment Process (January 19, 2017 meeting of the WMWG, Item #7)

STRATEGIC PLAN 2015-2019 AND DEVELOPMENT OF COUNCIL'S 2019-2023 STRATEGIC PLAN

Municipal Council has recognized the importance of solid waste management, climate change, other related environmental issues and innovation in its previous Strategic Plan (2015-2019) and to “complete [the] waste disposal strategy including the Environmental Assessment for the expansion of the W12A Landfill” and “Increase waste reduction, diversion, and resource recovery” in the development of its 2019-2023 Strategic Plan for London. This work touches on three Areas of Focus:

- Building a Sustainable City
- Growing our Economy
- Leading in Public Service

BACKGROUND

PURPOSE:

This report provides the Waste Management Working Group (WMWG) with an update on the status of the Proposed Amended Terms of Reference.

CONTEXT:

An Environmental Assessment (EA) under the EA Act is a planning study that assesses environmental effects and advantages and disadvantages of a proposed project. The environment is considered in broad terms to include the natural, social, cultural and economic aspects of the environment.

The first phase of the Individual EA process, used for large-scale projects like landfill sites, is the development and approval of a Terms of Reference (ToR) by the Minister of the Environment, Conservation and Parks. The ToR becomes the framework or work plan for the preparation and review of the Individual EA. The ToR allows the proponent to produce an EA that is more direct and easier to be reviewed by interested persons.

The second phase of the Individual EA process is completion and approval of an EA. The proponent completes the EA in accordance with the approved ToR.

DISCUSSION

ToR Development Process

The development process for the ToR is summarized in Table 1. It is noted that the ToR has a different title depending how far along it is in the approval process.

Table 1 - ToR Development and Tentative Schedule

Development Step		Tentative Schedule
Initial Community Engagement	Seek feedback from the Government Review Team (GRT), public, Indigenous communities and other stakeholders.	Completed January 2018
Preliminary Draft Proposed ToR	An early draft of the Draft Proposed ToR. The Ministry of the Environment, Conservation and Parks (MECP) does a preliminary screening of the Preliminary Draft Proposed ToR to ensure all documentation requirements have been met. Preliminary Draft Proposed ToR is revised to address comments.	Completed March 2018
Draft Proposed ToR	The Draft Proposed ToR is submitted to the GRT, public, Indigenous communities and other stakeholders for review and comment. Draft Proposed ToR is revised to address comments.	Completed August 2018
Proposed ToR	Public participation meeting (September 25, 2018) and Council approval of Proposed ToR (October 2, 2018). Formal submission of Proposed ToR to the MECP for approval.	Completed October 2018
(Final) Amended ToR	MECP 30 day review period (October 12, 2018 to November 12, 2018) for stakeholders to provide comments to MECP on Proposed TOR.	Completed November 12, 2018
	City requests a "time-out" to amended Proposed ToR to address comments from MECP and from stakeholders during the review period.	Completed December 14, 2019

Table 1 - ToR Development and Tentative Schedule

Development Step		Tentative Schedule
We are here	City submits Proposed Amended ToR	Completed February 7, 2019
	Decision from the Minister of the Environment, Conservation and Parks to approve or reject Proposed Amended ToR. If approved, it is called Amended ToR (and represents the final document).	By March 29, 2019 (or shortly thereafter)

Proposed Amended ToR

As noted above, a Proposed Amended TOR was submitted to the MECP on February 7, 2019 to address comments received by the MECP and from stakeholders during the government 30 day review period. Residents, stakeholders, First Nations and the Government Review Team had an opportunity to comment during the government review period.

The MECP process required that a request for a “time-out” to amend the Proposed TOR be received prior to January 4th, 2019 and that the Proposed Amended TOR be submitted within seven weeks of the time-out request (February 7, 2019).

There were no significant changes made between the Amended Proposed ToR and the Proposed ToR (e.g., same 25 year site life, proposed expansion areas, technical studies, community engagement, etc.) Minor, clarity-type changes included:

- information from one of the supporting documents, *W12A Landfill Area Plan* (IBI Group, 2008), on the rationale why expansion of the W12A Landfill was the preferred alternative was included in the main body of the Proposed Amended Terms of Reference;
- a statement that the proposed regional service area will be further assessed during the EA; and,
- the list of commitments (Section 11.1) was expanded to include additional key activities that were mentioned in the Proposed ToR.

A black-line copy that shows all the changes that were made to the original Proposed ToR was also prepared. The Amended Proposed TOR and the black-lined copy are available on the project website (www.getinvolved.london.ca/WhyWasteDisposal).

A black-line copy of the Executive Summary is provided in Appendix A.

The MECP process requires the Minister to make a decision on whether to approve or reject a Proposed Amended ToR with seven weeks of submission (March 29, 2019 for City's Proposed Amended ToR Submission). A decision by the Minister after March 29, 2019 is still valid.

ACKNOWLEDGEMENTS

This report was prepared with assistance from Mike Losee, Division Manager, Solid Waste Management and Jane Kittmer, Solid Waste Planning Coordinator.

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Appendix A – Black-line Copy of Executive Summary from Proposed Amended Terms of Reference

Appendix A

Black-line Copy of Executive Summary from Proposed Amended Terms of Reference

Proposed Amended Terms of Reference for the Environmental Assessment of the
Proposed W12A Landfill Expansion, City of London

Executive Summary

Phase 1: Preparation of a Terms of Reference:

An Individual Environmental Assessment (EA) for expansion of the W12A Landfill site is being undertaken by the City of London and requires approval under the provincial *Environmental Assessment Act*. The first phase in the EA process is preparation of a Terms of Reference (ToR). Work on the ToR started in March, 2017. The ToR becomes the framework for carrying out the EA.

This is an Executive Summary of the content of the proposed ToR, which has been prepared by the City and ~~has been will be~~ circulated to government review agencies, Indigenous communities, a number of City committees and the public for comment. ~~The comments received will be considered by the City of London in making revisions and preparing the proposed ToR, which will then be submitted to the Minister of Environment, Conservation and Parks (Minister) for a decision.~~ Once approved by the Minister of Environment, Conservation and Parks, the ToR provides the framework or work plan that must be subsequently completed to prepare the EA, and the basis for review and approval.

The City of London has implemented many waste diversion programs over the years and has achieved 45% diversion of its residential waste stream (Figure 1). This diversion rate is comparable to other medium to large size municipalities in Ontario with the exception of communities with Green Bin programs. The City has commenced the development of its long-term Resource Recovery Strategy. The first component of the strategy is to complete a 60% Diversion Action Plan to determine how best to increase residential waste diversion to 60% by 2022.

In parallel, and recognizing that despite measures to maximize diversion there will still be waste requiring disposal, expansion of the W12A Landfill site is the approach the City is

Figure 1 – Residential Waste Diversion



taking for the long term Residual Waste Disposal Strategy for materials that cannot be diverted.

The W12A Landfill Site

The W12A landfill site is located in the south portion of the City of London, within the western part of the block of land bounded by Manning Drive, Scotland Drive, White Oak Road and Wellington Road South (Figure 2). The site is currently licensed by the Province of Ontario to dispose of waste within a 107 hectare disposal area, which is located within a 142 hectare property. There is an approved site capacity of 12,500,000 cubic metres for waste (about 10,000,000 tonnes), cover soil and final cover.

The site is allowed to accept solid non-hazardous waste from a specified area, consisting of the City of London, the Municipality of Thames Centre, the Lake Huron and Elgin Area water treatment plants and Try Recycling Facilities located adjacent to the City's northern boundary. The site can also accept Municipal Hazardous or Special Waste from the City of London, the County of Elgin and the County of Middlesex for transfer off-site for recycling or disposal. The areas described above are referred to as the site's current service area.

The landfill property is located within the Waste Management Resource Recovery Area, which is a large area of City-owned land identified within the City's Official Plan for future waste management facilities. A City-owned Material Recycling Facility (MRF) is located within these lands just east of the landfill site.

The W12A Landfill Site has been in operation since 1977. The majority of the wastes that it receives are from London residences and some businesses. The remainder of the businesses within the city export their waste for disposal to facilities outside the City. As of January 2018, the remaining approved airspace is approximately 2.5 million m³, which is equivalent to approximately 1.85 million tonnes of disposal capacity. At current disposal rates, the W12A Landfill is expected to reach its approved capacity at the beginning of 2025.

Figure 2 – W12A Landfill Location



The landfill is divided into two phases (Figure 3). Phase 1 occupies the eastern portion of the disposal area and was filled to capacity in the first 25 years of operation. Phase 2 occupies the remaining western portion and has been constructed with a number of engineering design and operational upgrades (i.e., modern landfill design), and is the active area being used for the residual waste materials generated and requiring disposal. There are engineered collection systems for the leachate (the contaminated liquid produced by precipitation contacting the waste) produced at the site.

Figure 3 – W12A Landfill



For Phase 1 there is a leachate collection system around the perimeter of the disposal area, while for Phase 2 there is a full underdrain collection system below the entire base area. The collected leachate is sent off-site through a piping system for treatment at the Greenway Wastewater Treatment Plant. There is an active landfill gas collection system installed within the completed areas that have received final cover. The collected gas is flared. This gas management system reduces greenhouse gas and odour emissions from the landfill site. There is also a stormwater management system to control the quality and quantity of runoff discharged from the site.

The landfill property and surrounding area is underlain by an extensive deposit of low permeability clayey glacial till soil that provides a natural barrier to control migration of leachate into the groundwater. There are two permeable aquifer zones within the till deposit that are used for water supply from private wells by residences, agricultural and other business purposes in this rural area of the City.

Based on the results from ongoing groundwater and residential well monitoring programs, there is no evidence of leachate effects on the aquifer zones and the W12A Landfill is operating in accordance with the province's requirements in terms of effects on groundwater quality at the property boundary. The W12A Landfill is not having an effect on off-site water well quality.

The ongoing surface water quality monitoring program indicates that the surface water discharged via the stormwater management system meets provincial requirements. The landfill gas monitoring program indicates that landfill gas is not migrating off-site through the subsurface.

Rationale for Expanding the W12A Landfill Site

Since 1969, the City has undertaken a number of waste management planning studies to be able to provide secure, long-term waste management infrastructure for the city. The continued operation of the W12A Landfill site has been a component of the City's long-term plan to provide waste management services since 1977. In 1991 a provincially-appointed arbitrator addressed the City's request to annex additional lands in the Township of Westminster. The arbitrator reported that the W12A Landfill was the most desirable location for a landfill site and that the adjacent lands were likely suitable for an additional landfill site. In the City's 'Vision 96' strategic planning process, it was concluded that the W12A Landfill was a key component of the City's long-term waste management infrastructure.

From 1995 to 1999 the City of London and County of Middlesex were involved in a cooperative long term waste management planning exercise referred to as the London/Middlesex Waste Management plan. This project was 50% funded by the Province. Outcomes of the planning exercise included the approval of the City's long term strategy known as the Waste Management Continuous Improvement System and expansion of the City's Household Special Waste depot to serve the County of Middlesex.

The City commenced the W12A Landfill Area Plan study process in 2005 to study the evolution of the W12A Landfill facility within an overall integrated waste management centre with a planning horizon of 40 years. The study compared seven alternatives that included closing the W12A Landfill and either establishing a new landfill within London or exporting the waste for disposal outside its boundaries, and expanding the W12A Landfill. Technical background studies were completed for the area studied, which was bounded by White Oak Road, Wellington Road South, Scotland Drive and Manning Drive (Figure 2). The alternatives were evaluated and compared qualitatively based on the categories of natural environment, social/cultural, technical/economic and regulatory/administrative. Both numeric and qualitative

rating and ranking were applied to the evaluation. This study, which included public consultation events, concluded in 2008 and identified the preferred approach as an integrated resource recovery centre including expansion of the W12A Landfill. This was followed by establishment and designation of the Waste Management Resource Recovery Area in the City's Official Plan, and additional public consultation to develop a Community Enhancement and Mitigative Measures Program to involve the community in the site operations and to benefit the community in the area of the landfill site. Expansion of the W12A Landfill site remains the preferred approach for the City's Residual Waste Disposal Strategy.

Previous waste management studies concluded that expansion of the W12A Landfill is the most appropriate disposal option. Consequently, the City is proposing not to look at other disposal alternatives as part of the EA.

It is proposed that additional assessment of long-term waste disposal alternatives (known as 'Alternatives To' the undertaking) will not be part of the EA.

Description of the Project

Based on previous community engagement activities and ongoing input received, Guiding Principles were developed by the City and approved by City Council to direct the development of the Residual Waste Disposal Strategy. Among these guiding principles, the most support was received for making waste reduction the highest priority, being socially responsible and ensuring that the solution is financially sustainable. In addition, there was support for London managing its waste within its own boundaries.

The W12A Landfill site expansion project will be defined by:

- A 25 year planning period beyond 2025, i.e., until 2050.

- Consideration is being given to expanding the service area ~~will be expanded~~ to neighbouring municipalities to create a regional service area: The City of London and the Counties of Huron, Perth, Elgin and Lambton and Middlesex are proposed to ~~will~~ be included in the regional service area. If approved, ~~The~~ City of London Council will have the authority to decide which, if any, of these other municipalities will be allowed to use the W12A Landfill for disposal of their wastes, and under what conditions. The regional service area will be confirmed and assessed during the EA.

At current disposal rates, the site is expected to reach its approved capacity at the beginning of 2025. An additional 13,600,000 cubic metres of airspace at the W12A Landfill site, which will about double the current approved capacity, will be required to satisfy disposal requirements for residual waste for the next 25 year period.

Proposed [Amended](#) Terms of Reference for the Environmental Assessment of the
Proposed W12A Landfill Expansion, City of London

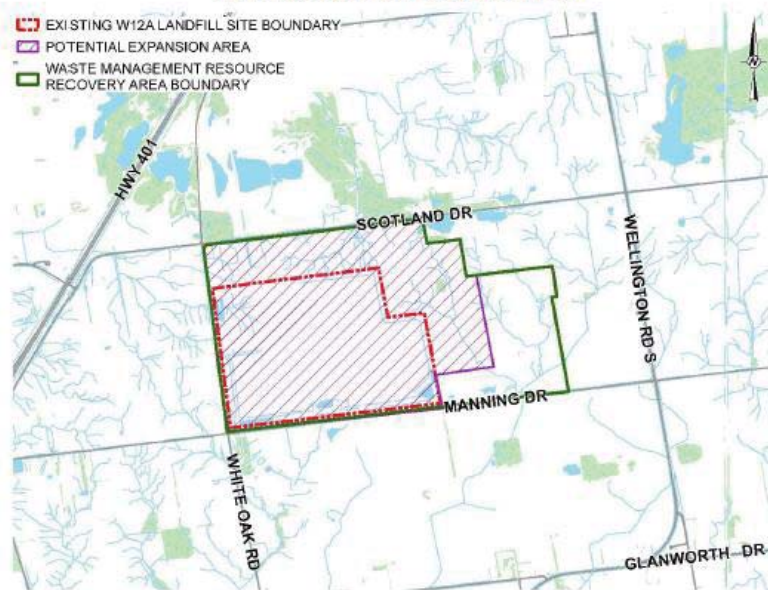
- Reduction in the maximum allowable annual tonnage that can be accepted at the landfill from 650,000 tonnes to 500,000 tonnes.
- Achieving 60% residential waste diversion by 2022.

To satisfy these disposal requirements, expansion of the W12A Landfill should allow for an additional landfill capacity of 13,600,000 cubic metres.

The different ways in which this additional airspace can be achieved on the W12A Landfill site are known as 'Alternative Methods'. The alternative methods of expanding the W12A Landfill site will be developed and described during the EA and will consist of a vertical expansion above the existing waste disposal area and/or a horizontal expansion to the north and/or to the east within a portion of the Waste Management Resource Recovery Area (Figure 4).

The area proposed for horizontal expansion extends beyond the current landfill site about 300 metres northward to Scotland Drive, and eastward about 420 metres. These expansion alternatives will consist of variations in and combinations of landfill height, landfill area and configuration. Different landfill expansion alternatives will be developed at a conceptual level to cover the range of possible alternatives whose characteristics are different enough for comparison purposes, their potential effects on the environment will be assessed, and the alternatives then compared to identify the overall preferred expansion alternative.

Figure 4 – Potential Expansion Area



Phase 2: Environmental Assessment

The EA work will be undertaken in a series of nine steps:

- Step 1** – Characterize the existing environmental conditions
- Step 2** – Identify the 'Alternative Methods' of landfill expansion (and incorporate conceptual design mitigation measures)
- Step 3** – Qualitative evaluation of 'Alternative Methods'
- Step 4** – Compare the 'Alternative Methods' for landfill expansion and identify the preferred alternative
- Step 5** – Determine the net effects of the preferred alternative
- Step 6** – Describe the preferred 'Alternative Method' for landfill expansion;
- Step 7** – Consideration of climate change
- Step 8** – Cumulative Impact Assessment
- Step 9** – Preparation of the EA Study Report

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The EA study area is the area within which activities associated with the proposed project will occur and where potential environmental effects will be studied. Three preliminary generic study areas (Figure 5) for the assessment, which may be refined and will be confirmed during the EA, have been identified as follows:

Site-viceinity Study Area – The lands in the area immediately adjacent to the Site Study Area that have the potential to be directly affected by the landfill expansion and activities with the Site Study Area. The extent of the Site-viceinity Study Area will be determined for each of the environmental components. For most environmental components, a Site-viceinity Study Area of 500 metres from the Site Study Area is appropriate.

Wider Study Area – An area that takes on the broader community generally beyond the immediate site vicinity and for specific environmental components may include the entire Municipality.

The components and sub-components of the environment that will be evaluated during the EA such that the potential effects of the proposed landfill expansion alternatives are determined and compared using a set of comparative evaluation criteria, are:

- Environmental Components:**
 - Atmosphere (air and noise)
 - Geology and Hydrogeology (groundwater quality)
 - Surface Water (quality and quantity)
 - Biology (aquatic and terrestrial)
- Socio-Economic Components:**
 - Land Use
 - Agriculture
 - Archaeology and Cultural Heritage
 - Socio-economic
 - Visual Impacts
- Technical Components:**
 - Design & Operations
 - Transportation

The ToR provides technical work plans for each of these components and sub-components that will be undertaken during the EA study.

Consultation (Community Engagement)

The ToR describes the Community Engagement Program prepared and undertaken by the City for the development of this ToR, as well as the program proposed for the subsequent EA process.

Engagement and consultation with the public and other stakeholders is a key component of the EA process. It enables stakeholders to participate in the planning process and enhance the quality of the project. The key instruments in the Community Engagement Program that were used to engage the public and the other stakeholders and elicit feedback during the ToR preparation are summarized in Table 1. Input received from this program was considered by the City in preparing the proposed ToR.

A list of potentially affected Indigenous communities was developed in consultation with the Ministry of Environment, Conservation and Parks (MEPC) during the development of this ToR. A program to engage and consult with the eight identified Indigenous communities was carried out considering their specific needs and specific issues. The Indigenous communities were consulted on how they would like to be involved in the EA process. City staff were available to meet with interested Indigenous communities and discuss the proposed project at any time during the development of the ToR.

**Table 1 – Key Community Engagement Activities
Between March 2017 and January 2018**

Community Engagement Activity	Comments
Open Houses	<ul style="list-style-type: none"> Two sets of open houses (one in May, one in November 2017) Each set had an afternoon and evening sessions at two locations plus a follow-up virtual open house on the project website
W12A Landfill Public Liaison Committee	<ul style="list-style-type: none"> Existing committee Provided updates at six meetings
City of London Advisory Committees	<ul style="list-style-type: none"> Advisory Committee on the Environment, Agricultural Advisory Committee and Environmental and Ecological Planning Advisory Committee Attended and presented at two meetings for each advisory committee
Community Liaison Committee	<ul style="list-style-type: none"> New committee with members representing various stakeholder groups Four meetings
Community Events	<ul style="list-style-type: none"> Booth at 10 community events (e.g., Sunfest, Lifestyle Home Show, etc.)
Project Website	<ul style="list-style-type: none"> Getinvolved.London.ca/WhyWasteDisposal Over 1,300 unique visitors
Letter/email correspondence	<ul style="list-style-type: none"> Contacted 275 nearby property owners and residents, 28 landfill customers, 15 stakeholder groups and over 30 government agencies on three occasions (Notice of Commencement and both sets of open houses)
Newspaper and social media advertisements	<ul style="list-style-type: none"> Numerous ads at various point in the process

To assist in the comparative evaluation of the expansion alternatives during the EA, the public was asked at open house #2 to rank the environmental components that they considered more important, important and less important. Based on the input received, groundwater quality, aquatic ecosystems and terrestrial ecosystems were the environmental components identified as most important, while cultural heritage landscapes, cultural heritage resources and archaeology were ranked less important.

Following approval of this ToR and during preparation of the EA, a consultation program will be continued to engage the public, businesses, the Government review team, Indigenous communities, as well the various groups and committees during the EA process. Input will be

obtained through a number of engagement activities, which will be generally similar to the activities completed during preparation of the ToR.

The Draft EA will be circulated for a seven week public comment period prior to finalization and submission to the MECP for approval. In addition, consultation specific to individual Indigenous communities will also be carried out.

Other Regulatory Approvals

In addition to EA approval, the W12A Landfill expansion will also require approvals under the *Environmental Protection Act*, the *Ontario Water Resources Act* and the *Planning Act*, and perhaps from the Upper Thames and Kettle Creek Conservation Authorities in terms of a permit to undertake specific works associated with the expansion. These approvals processes are expected be undertaken after EA approval is in place.

Overview of the EA Schedule

The following schedule is anticipated:

Circulation of Draft ToR for public and agency review	April/June 2018
Submission of Proposed ToR for Minister's Approval	October 2018
Approval of ToR	Early to Mid -2019
EA Studies and EA Submission for Minister's Approval	2019 and 2020
Approval of EA	Mid-2021
Other Approvals	2021-2022

It is anticipated that all approvals will be in place to allow final design of the preferred landfill expansion and any required construction prior to the W12A Landfill reaching its currently approved capacity, which is predicted at the beginning of 2025.