



**MUNICIPALITY OF McDOUGALL
DISTRICT OF PARRY SOUND**

PROPOSED TERMS OF REFERENCE

**FOR AN ENVIRONMENTAL ASSESSMENT
OF ONE OR MORE WASTE DISPOSAL SOLUTIONS
FOR THE MUNICIPALITY OF McDOUGALL AND
OTHER AREA MUNICIPALITIES**

RECORD OF PUBLIC CONSULTATION

**MARCH 2004
REF. NO. 31807 (4)**

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This is a Record of Public Consultation undertaken during the preparation and review of Draft Terms of Reference for an Environmental Assessment of one or more Waste Disposal Solutions for the Municipality of McDougall and a number of other area municipalities.

This Record, which accompanies and supports but is not a part of the Proposed Terms of Reference, contains copies of the following documents:

- Copies of newspaper Notices published in the *Parry Sound North*;
- Record of Public Information Open House (January 13, 2004);
- Copy of the Draft Terms of Reference distributed to the public and agencies in January, 2004, and made available on the Municipality of McDougall web site;
- Figure: Study Area – "Waste Disposal Environmental Assessment";
- Figure: "Existing conditions – McDougall Landfill Site";
- Sign-in Sheet (January 13, 2004, Public Information Open House);
- Letters received from Brian Oxley and Dan and Kim Burton;
- Responses by Conestoga-Rovers & Associates to Oxley and Burton letters;
- Comments on the Draft ToR from C. McLennon (MOE EAAB);
- Agencies and Municipalities Contact List; and
- Copies of response letters from:
 - District Municipality of Muskoka,
 - Township of Lake of Bays,
 - Department of Fisheries and Oceans Canada,
 - Transport Canada (February 13, 2004),
 - Transport Canada (March 3, 2004), and
 - Ontario Native Affairs Secretariat.

Copies of the Draft ToR were also sent to the following area First Nations, however no replies were received.

- Wasauksing First Nation;
- Shawanaga First Nation;
- Magnetawan First Nation; and
- Wahta Mohawks First Nation.

The Proponent is committed to continuing contact with these First Nations through the conduct of the EA and will invite additional input from the Moose Deer Point First Nation, Henvey Inlet First Nation and Dokis First Nation if such input is found to be necessary during conduct of the EA.

As noted in the Proposed Terms of Reference, the Draft ToR were revised in response to comments received from members of the public and agencies, including the MOE Environmental Assessment and Approvals Branch.

APPENDIX A

DRAFT TERMS OR REFERENCE



**MUNICIPALITY OF McDOUGALL
DISTRICT OF PARRY SOUND**

DRAFT TERMS OF REFERENCE

**FOR AN ENVIRONMENTAL ASSESSMENT
OF WASTE DISPOSAL ALTERNATIVES FOR THE
MUNICIPALITY OF MCDUGALL AND OTHER AREA
MUNICIPALITIES**

**JANUARY 2004
REF. NO. 31897 (2)**

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1.0 INTRODUCTION

These Draft Terms of Reference (ToR) provide the framework for the preparation of an Environmental Assessment (EA) of waste disposal alternatives with the objective of ensuring that the Municipality of McDougall and a number of other municipalities in Parry Sound District and Muskoka District will continue to have local, secure, waste disposal capacity available to them. The existing McDougall Landfill Site (Site), which is currently used by the Municipality of McDougall and a number of other municipalities in Parry Sound and Muskoka Districts, will reach its approved capacity limit in 2006.

The proponent of the undertaking is the Corporation of the Municipality of McDougall (Municipality).

These Draft ToR have been prepared in accordance with clause 6.(2)(a) and subsection 6.1(2) of the *Environmental Assessment Act* (EA Act) and set out the commitments of the Municipality of McDougall for the preparation of the EA. These Draft ToR have been prepared having regard for the "Guide to Preparing Terms of Reference for Environmental Assessments" and with consultation with the Ministry of the Environment (MOE), other government agencies and the public.

2.0 BACKGROUND

In December, 1988, a number of municipalities in Parry Sound District, including the Municipality of McDougall, commenced a study of waste management in Parry Sound District. The goal of the study was to develop a plan for the management of solid waste for the study area (i.e., Parry Sound District) having the following characteristics:

- a comprehensive review of all reasonable waste management technologies and processes;
- integration of source separation as a waste management system component;
- effective and meaningful public and review agency consultation throughout the study process; and
- recommendation of a preferred waste management system that is the best alternative from the perspective of the broad definition of the "environment" set out in clause 1(c) of the *Environmental Assessment Act* (EA Act).

In January of 1993 a draft Stage 2B Report for the Parry Sound and Area Waste Management Master Plan (WMMP) was released. The report recommended that the Study Area participants proceed with System E, consisting of the following components:

- Waste reduction practices;
- Centralized/de-centralized recycling (materials recovery) and composting;
- Household Hazardous Waste Collection Program;
- Transfer Stations; and
- New landfill capacity.

The Study recommended carrying forward a number of identified landfill sites (including Site McD-7b, the existing McDougall Landfill Site) for further detailed site study. Evaluation (i.e., "site proofing") criteria were proposed. The public and review agencies were extensively consulted throughout the 5-year process leading to the draft Stage 2B Report.

Following release of the report the WMMP process was halted by the participants and the steering committee was disbanded.

Since then the participating municipalities have, to varying degrees, implemented some of the proposed WMMP system components. With regard to waste disposal the municipalities continued to use the remaining capacity in their respective landfill sites.

This included the Municipality of McDougall and a number of other area municipalities, which continued to send their waste to the McDougall Landfill Site (Site). The following is an overview of the Site, and is provided as context for the need for the long-term waste disposal capacity that is the subject of the EA that is proposed under these ToR.

2.1 EXISTING MCDUGALL LANDFILL SITE

The Site, located in part Lots 11 and 12, Concession 4 in the Township of McDougall, District of Parry Sound, is a municipal waste management facility owned by the Corporation of the Municipality of McDougall. The Site has, since 1976, served as the solid non-hazardous waste disposal facility for the Municipality of McDougall, and several area municipalities, including the Town of Parry Sound, the Township of The Archipelago and Seguin Township. Seguin Township includes the former Townships of Christie, Foley and Humphrey and the Village of Rosseau, as well as the western portion of the unorganized Township of Monteith, some of which used the Site prior to their integration into Seguin Township.

The Site was originally owned and operated by a private company, however in October of 1989 the Ontario Ministry of Environment (MOE) required the Municipality of McDougall to assume ownership of the Site. As such, the MOE issued Emergency Provisional Certificate of Approval (C. of A.) No. A522101 to the Municipality of McDougall on September 25, 1989, which came into force on October 1, 1989. This C. of A. provided for the continued operation of the Site for a period of 2 years, ending September 28, 1991. Subsequent amendments to the Site's C. of A. have allowed the continuing operation of the Site.

The Site is approved for the use and operation of a 7.2 hectare waste disposal (landfilling) area within a total site area of 74.0 hectares. Although several hectares of the Site were historically utilized for aggregate extraction activities, approximately 90% or 63 hectares of the Site remains undeveloped for waste management purposes. Several abutting properties to the south and southeast of the Site are also owned by the Municipality of McDougall.

The Site was originally designed and operated as a natural attenuation landfill over the 7.2 hectare area. Subsequently, the landfill was mined and the waste remaining after exhumation was placed in an engineered landfill cell with an approximate area of 3.5 hectares. A soil by-product of the landfill mining operation, referred to as "fines", was utilized as daily cover, a final cover amendment and to recontour and fill areas on Site.

The existing engineered landfill is a lined landfill with an integral leachate collection system. The collected leachate is pumped to a holding tank and transported by truck to the Parry Sound Wastewater Treatment Plant. In addition, a groundwater extraction well (BHA-2) is located southeast of the landfill and pumps leachate-impacted groundwater to the leachate holding tank. Stormwater is collected in a perimeter ditch and conveyed to a stormwater management pond located at the northwest corner of the landfill.

A Compliance Plan is being developed, in consultation with MOE, to address residual groundwater and surface water quality issues at McDougall Road in the vicinity of the Site. As all waste has been relocated and secured within the engineered landfill cell, the water quality issues are residual from previous operation of the Site as a natural attenuation landfill for the management of leachate.

As noted above, it is anticipated that the Site will reach its approved capacity in 2006.

3.0 DESCRIPTION AND PURPOSE OF THE UNDERTAKING

The undertaking will be the identification of local, secure, long-term (e.g., approximately 25 years) waste disposal capacity for the Municipality of McDougall and a number of other area municipalities.

3.1 NEED AND "ALTERNATIVES TO"

The need for the undertaking will be identified and described in the EA.

The decision to pursue an environmental assessment of waste disposal alternatives is based on the need to provide continued local, secure, non-hazardous solid waste disposal capacity for a long-term period (i.e., approximately 25 years) to the Municipality of McDougall and a number of its neighbouring municipalities. The need for this waste disposal capacity stems from the fact that the existing McDougall Landfill Site will reach the limit of its approved capacity in 2006.

At the time of preparation of these Draft ToR, current users of the existing McDougall landfill site, and therefore being in need of long-term waste disposal capacity, include:

- Municipality of McDougall;
- Township of the Archipelago;
- Township of Carling;
- Township of Seguin;
- Township of McKellar;
- Town of Parry Sound;
- Muskoka Container Services (MCS); and
- Local commercial businesses.

In addressing the question of need the EA will include an identification of public and private waste disposal facilities and services and remaining waste disposal capacity in these and other communities in the District of Parry Sound and the District of Muskoka.

A number of neighbouring municipalities who expect to be soon in need of waste disposal capacity have expressed formal interest (by way of Council resolutions) in continuing with or entering into new waste disposal contracts with the Corporation of

the Municipality of McDougall for use of the existing and future landfill capacity. At the time of submittal of these Draft ToR the partners include:

- Town of Parry Sound;
- Township of Carling;
- Township of the Archipelago; and
- Township of McKellar.

Taken together these areas served by the existing McDougall Landfill Site, and for which the long-term waste disposal capacity being evaluated under the EA is of critical interest, represent a year-round population of about 14,000 people, plus a seasonal population of approximately 20,000 people.

4.0 EA METHODOLOGY

As noted above, this landfill expansion EA will be conducted under S. 6.(2)(a) and S. 6.1 (2) of the *Environmental Assessment Act*.

Under the Act:

"6.(2) The proposed terms of reference must,

- (a) indicate that the environmental assessment will be prepared in accordance with the requirements set out in subsection 6.1 (2)";

and

"6.1(1) The proponent shall prepare an environmental assessment for an undertaking in accordance with the approved terms of reference. 1996, c. 27, s. 3.

Contents

- (2) Subject to subsection (3), the environmental assessment must consist of,
 - (a) a description of the purpose of the undertaking;
 - (b) a description of and a statement of the rationale for:
 - (i) the undertaking,
 - (ii) the alternative methods of carrying out the undertaking, and
 - (iii) the alternatives to the undertaking.
 - (c) a description of:
 - (i) the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly,
 - (ii) the effects that will be caused or that might reasonably be expected to be caused to the environment, and
 - (iii) the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment,
- by the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking;

- (d) an evaluation of the advantages and disadvantages to the environment of the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking; and
- (e) a description of any consultation about the undertaking by the proponent and the results of the consultation. 1996, c. 27, s. 3".

In meeting these requirements of the *EA Act* for this EA the following actions will frame the methodology for conduct of the EA:

- 4.1 The need for the undertaking will be described and a rationale provided;
- 4.2 A methodology to be followed in the EA for evaluating "Alternatives To" and "Alternative Methods" will be developed, in consultation with the public, and described. This will include the development and application (e.g., my way of one or more comparative matrices) of criteria for evaluating alternatives;
- 4.3 The existing environment within the Study Area will be studied and described;
- 4.4 The January 1993, draft Stage 2B Report for the Parry Sound and Area Waste Management Master Plan (WMMP) will be reviewed and relevant aspects of its contents updated and incorporated into the EA;
- 4.5 "Alternatives to" the undertaking will be identified and evaluated, including:
 - (i) Alternative landfill sites,
 - (ii) Incineration,
 - (iii) Enhanced waste diversion strategies, systems and facilities,
 - (iv) Export of waste to one or more landfill sites beyond the Study Area,
 - (v) Expansion of the existing McDougall Landfill Site, and
 - (vi) The "Do Nothing" scenario;
- 4.6 A preferred alternative will be identified and technically described;
- 4.7 "Alternative methods" of implementing the undertaking will be identified and evaluated;

- 4.8 Environmental effects that could potentially arise from the undertaking will be identified and described;
- 4.9 Measures for mitigating the potential environmental effects will be identified and described;
- 4.10 The net environmental effects that are anticipated will exist following mitigation will be identified and described;
- 4.11 Advantages and disadvantages of the undertaking to the environment will be identified and described;
- 4.12 As set out in section 8.0 of these Draft ToR, the EA will provide a plan aimed at monitoring the outcomes of the EA (e.g., actual net effects over time); and
- 4.13 As described in section 6.0 of these Draft ToR, the EA will include a program for consulting with members of the public (i.e., individuals and interest groups), area municipalities and First Nations and interested Provincial and Federal government agencies.

5.0 DESCRIPTION OF THE ENVIRONMENT AND POTENTIAL EFFECTS

5.1 STUDY AREA

The Study Area for the EA consists of the District of Parry Sound and the District of Muskoka. Figure 1, attached, illustrates the extent of the Study Area. A localized Study Area (approximately 1 km in radius) will be established for detailed study of one or more preferred waste disposal alternatives that may be identified in the EA.

5.2 GEOLOGY/HYDROGEOLOGY

Generalized geologic and hydrogeologic features and conditions within the Study Area will be reviewed and evaluated in relation to the waste disposal alternatives listed in Section 4.5 of these ToR.

5.3 GROUNDWATER

Groundwater features and conditions within the Study Area will be reviewed and potential environmental effects evaluated in relation to the waste disposal alternatives listed in Section 4.5 of these ToR.

5.4 SURFACE WATER

Surface water features and conditions within the Study Area will be reviewed and potential environmental effects evaluated in relation to the waste disposal alternatives listed in Section 4.5 of these ToR.

5.5 BIOLOGY

Existing biological features and conditions (e.g., terrestrial and aquatic flora and fauna) in the Study Area will be reviewed and potential effects evaluated in relation to the waste disposal alternatives listed in Section 4.5 of these ToR.

5.6 ARCHAEOLOGY AND HERITAGE

An overview of archaeological and heritage features and conditions in the Study Area will be conducted and potential effects evaluated in relation to the waste disposal alternatives identified in Section 4.5 of these ToR.

5.7 SOCIO-ECONOMIC

The EA will include a study of population distribution within the Study Area and an evaluation of potential effects of the waste disposal alternatives on economic activities in the Study Area.

5.8 LAND USE

5.8.1 EXISTING

The EA will include an overview of existing land uses within the Study Area and an evaluation of potential effects of waste disposal alternatives on those existing uses.

5.8.2 PLANNED

The EA will include an overview of planned land uses (e.g., active applications and approved, but not yet implemented/developed, Consents, Plans of Subdivision/Condominium, Official Plan amendments, Zoning By-law amendments, within the Study Area and an evaluation of potential effects of waste disposal alternatives on those planned uses.

5.8.3 PROVINCIAL POLICY STATEMENT

The EA will include a review of waste disposal alternatives within the context of the Provincial Policy Statement.

5.9 TRAFFIC

Existing traffic patterns in relation to waste disposal alternatives will be identified and potential effects evaluated.

5.10 AGRICULTURE/FORESTRY

An overview of agricultural and forestry activities within the Study Area will be conducted and potential effects on those activities arising from the waste disposal alternatives will be evaluated.

5.11 AIR QUALITY

The potential effects of the waste disposal alternatives on air quality will be identified and evaluated.

6.0 CONSULTATION PLAN

Consultation is an essential component of the EA planning process. It enables stakeholders to participate in making decisions that affect them and provides the Proponent with input that can enhance the quality of the planning process and the undertaking.

6.1 DRAFT TOR CONSULTATION

The Municipality of McDougall completed a consultation program during the preparation of these Draft ToR. That program consisted of:

- the publishing of a notice announcing the commencement of the Draft ToR and EA processes;
- availability of copies of the Draft ToR on the Municipality's web site and in printed form at the McDougall municipal office and other area municipal offices;
- conduct of a Public Information Open House during which public and agency comments were solicited on the Draft ToR; and
- formal review of the Draft ToR by MOE, agencies and the public (via the mandated public review period).

Copies of documentation pertaining to the public and agency consultation conducted during preparation of these ToR may be found in the document "Consultation Record for the Proposed Terms of Reference". That document accompanies and supports, but is not part of, these ToR.

6.2 EA CONSULTATION

Conduct of the EA will include a consultation program based on the following principles:

- (a). The EA consultation process will be open by making all reasonable efforts to ensure that potentially affected or interested parties are given the opportunity to make their views known;

- (b). The EA consultation process will be transparent by documenting the consultation process that is carried out for the development of the EA so that the process can be understood and traced;
- (c). The EA consultation process will be responsive by providing opportunities for stakeholders to comment on the EA at key stages and by ensuring that such comments are addressed in the EA;
- (d). The EA consultation process will be meaningful by identifying how comments and concerns have been considered throughout the EA process; and
- (e). The EA consultation process will be flexible by allowing response to new issues that emerge as the EA proceeds.

The EA consultation process will include the following activities:

- 1. Publishing of a newspaper notice in the Parry Sound *North Star* announcing the approval of the ToR, commencement of the EA and providing notice of Public Information Open House #1 during which the objectives of the proposed expansion will be presented along with draft evaluation criteria;
- 2. Maintenance of contact (e.g., by way of a published telephone number and e-mail address) with Study Area landowners/tenants, other interested groups and agencies to receive new information/comments on an ongoing basis;
- 3. Publication of a notice in the *Parry Sound North Star* explaining that the Draft EA Report has been completed and is available for review and comments, explaining where copies of the Draft EA Report are available for viewing, explaining how public comments can be made, the deadline for comments and who to address them to and providing the date, time and location of the public information open house;
- 5. Posting of a similar notice on the Municipality of McDougall's web site (www.municipalityofmcdougall.com) for the duration of the comment period;
- 6. Posting of a printed copy of the newspaper notice at the Municipal office for the duration of the comment period;
- 7. Conduct of Public Information Open House # 2 to provide information about the Draft EA Report and to seek public comment. The public's comments will be reflected in the Final EA Report. The Public Information Open House will involve:
 - Display boards summarizing the Draft EA Report,
 - A Sign-In Sheet,
 - Hand-out material made available for distribution,

- Comment Sheets,
 - The Public Information Open House will be conducted in a local facility that is easily accessible by interested parties,
 - Technical/Expert Staff standing by to answer any questions pertaining to the Draft EA Report, and
 - Reference copies of the Draft EA Report and related documents will be available for viewing during the event;
8. Comments on the Draft EA Report will be considered in preparation of the Final EA Report. Comments can be made at the Public Information Open House or can be directed to the Municipality or its consultant any time within the comment period;
 9. Copies of the Draft EA Report, in printed or electronic format, will be placed in several location accessible by the public for viewing, including:
 - McDougall municipal office,
 - McDougall municipal web site,
 - Other area municipal offices, and
 - Ministry of the Environment Sudbury District Office;

All review agencies identified on the contact list will receive a copy of the Draft EA Report by mail along with their individually addressed letter;
 10. After the Draft EA Report comment period, the report will be revised if and as necessary to reflect the agency/stakeholder comments and concerns and the Final EA Report will be produced. A revised stakeholder list will be prepared following completion of the initial round of agency/stakeholder consultation for the Draft EA Report. This revised list will be provided to the Ministry of the Environment for its use in the formal EA Review; and
 11. Upon completion and submittal of the Final EA Report the Ministry of the Environment will conduct its formal review of the Final EA Report.

7.0 EA WORK PLAN

The following is a summary of the key tasks to be followed in completing the EA:

- identification and evaluation of Need;
- review and, as appropriate, updating of background data, including the January, 1993, draft Stage 2B Report for the Parry Sound and Area Waste Management Master Plan (WMMP);
- establishment of evaluation criteria for assessing potential environmental impacts;
- conduct of Public Information Open House # 1 to present information about and to receive comments on proposed evaluation criteria;
- conduct of EA studies to describe the existing environment;
- evaluation of "Alternatives To" and "Alternative Methods";
- conduct of net impact analysis (and advantages/disadvantages) of the undertaking;
- development of an EA monitoring plan;
- preparation of Draft EA report;
- conduct of Public Information Open House # 2 to provide information about and receive comments on the Draft EA Report;
- finalization of EA Report; and
- submission of Final EA Report to MOE.

8.0 EA MONITORING PLAN

A monitoring plan will be developed as part of the EA proposed under these Draft ToR. The purpose of the plan will be to provide for post-EA monitoring of net effects identified during the conduct of the EA.

9.0 OTHER APPROVALS

In addition to approval of this EA under the *Environmental Assessment Act*, applications will be made, as necessary, under a number of Provincial statutes for approval to implement the waste disposal undertaking, including but not being limited to:

- *Environmental Protection Act*;
- *Ontario Water Resources Act*; and
- *Planning Act*.

During the conduct of the EA, any Federal approvals that may be applicable to the undertaking will be identified by way of consultations with relevant Federal agencies.

10.0 FLEXIBILITY OF THESE TERMS OF REFERENCE

Once approved by the Minister of the Environment, these Draft ToR will provide the framework for preparing the EA Report and will serve as a benchmark for reviewing the EA Report.

It is understood that, given the nature of ToR, they are not intended to present every detail of all the activities that will occur when preparing the EA. It is therefore possible that in carrying out the work contemplated by these Draft ToR it may become evident that certain modifications to the Draft ToR may be necessary. It is envisioned that such changes may include the following types of activities:

- requirements for additional or expanded studies or work to ensure that the nature and magnitude of the environmental effects are accurately identified;
- changes in methodology or an alteration in the level of detail of the studies contemplated by these Draft ToR. This may be in response to studies that showed environmental effects to be greater or less than previously estimated; or
- modifications to the proposed public consultation program given the above changes.

The list is not intended to be exhaustive. It is simply to set out, by example, the types of changes that will be considered routine and/or that are likely to result in an insignificant impact on the environment, and that could be accommodated within the framework of the Draft ToR.

In the event of uncertainty as to whether a proposed change should be considered routine or of note, the MOE will be consulted through the Project Officer.

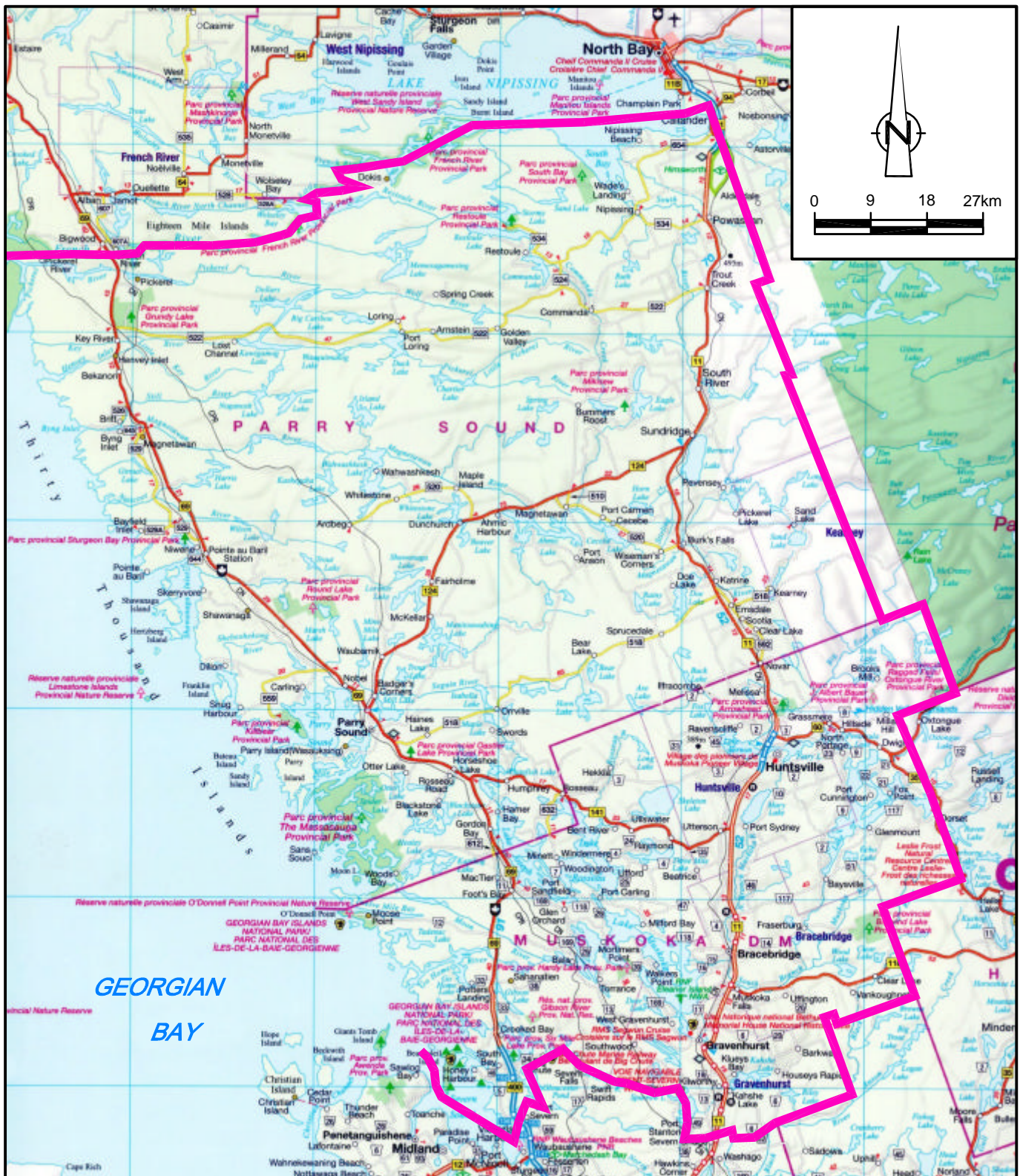
11.0 SUMMARY

The Municipality of McDougall Landfill Site is currently entering the final 2 years of its available capacity, necessitating the identification of one or more feasible alternatives to ensure the availability of local, secure, long-term waste disposal capacity for the Municipality of McDougall and a number of other area municipalities.

These Terms of Reference for an Environmental Assessment represent the framework for the conduct of the EA. Once approved by the Minister of the Environment, the EA studies and other activities identified in Sections 5.0, 6.0 and 7.0 of these Draft ToR will commence.

FIGURE 1

STUDY AREA



SOURCE: MAPART; MAP OF ONTARIO

 LIMIT OF STUDY AREA



figure 1
STUDY AREA
WASTE DISPOSAL ENVIRONMENTAL ASSESSMENT
TERMS OF REFERENCE
MUNICIPALITY OF McDOUGALL
Parry Sound District

APPENDIX B

RECORD OF PUBLIC INFORMATION OPEN HOUSE (JANUARY 13, 2004)

Record of Public Information Open House

Draft Terms of Reference

For an Environmental Assessment of Waste Disposal Alternatives
for the Municipality of McDougall and Other Area Municipalities

Municipality of McDougall Council Chambers, Nobel, Ontario

Tuesday, January 13, 2004

1. PURPOSE

The purpose of the Public Information Open House was to provide information to and receive comments from members of the public about the Draft Terms of Reference for an Environmental Assessment of Waste Disposal Alternatives for the Municipality of McDougall and other area municipalities.

2. NOTIFICATION

The Public Information open House was publicized by way of a notice published in the *Parry Sound North Star* on Wednesday, January 7 and Saturday, January 10, 2004. A copy of the notice was also posted on the Municipality of McDougall web site (www.municipalityofmcdougall.com). Copies of the notice and a letter were also mailed directly to the owners and tenants of land within approximately 1 km of the existing McDougall Landfill Site.

The Draft ToR were posted on the McDougall web site on January 7, 2004, and printed copies were delivered by hand to the offices of area municipalities. Printed copies were also available at the front desk of the Municipality of McDougall.

3. DATE, PLACE, TIME

The Public Information Open House was held from 3:00pm to 8:00pm on Tuesday, January 13, 2004, in the Municipality of McDougall Council Chambers, located at #5 Fire Route 113, in Nobel, Ontario. The room was set up in an open space format with a table at the entrance containing sign-in sheets, comment sheets, copies of a Project Flow Chart and copies of the Draft ToR. Two plan-size display boards were arranged in the room, one showing the

proposed Study Area for the EA (i.e., all of Parry Sound and Muskoka Districts) and the other showing "Existing Conditions" at the existing McDougall Landfill Site.

4. SUMMARY OF COMMENTS

A total of 12 people attended the Open House, the majority being owners/occupants of lands located within approximately 1 to 1 ½ km of the existing McDougall Landfill Site. Some people sent comments/questions to CRA or called CRA in the 1 – 2 weeks after the Open House.

4.1 Open House questions/comments.

There were a few questions at the Open House pertaining to the Draft ToR for the proposed Waste Disposal EA. Examples include:

- Incineration is listed as a possible waste disposal alternative. Is incineration truly financially and technically feasible as a solution in McDougall Township?
- What is proposed under "Enhanced Waste Diversion"?
- Is McDougall going to look for a new landfill site in the area? What about the Waste Management Plan that was done in the late 1980s, then dropped before it was completed?

The majority of questions and comments during the Open House pertained to the existing Landfill Site. Some attendees expressed opinions about issues relating to:

- the Site's past operation, contamination of adjacent lands, groundwater and surface water;
- effects on property values;
- rumours about the condition of the liner, when it was installed; and
- current operational issues such as blowing litter.

4.2 Post-Open House questions/comments.

a) Dan and Kim Burton

A fax received from Dan and Kim Burton outlined a number of concerns, the majority of which, deal specifically with the Compliance Plan which is a separate, but parallel ongoing project at the current landfill Site. A response was drafted by CRA staff and was mailed to Dan and Kim Burton on February 3, 2004.

b) Mr. Brian Oxley

Mr. Brian Oxley emailed his comments to CRA on January 14, 2004. Mr. Oxley directed his efforts at editing the draft ToR that was presented at the Public Open House on January 13, 2004. After discussions with McDougall officials, it was determined the majority of the comments related to the existing landfill site and were not directly relevant to the draft ToR.

A response was drafted to address the concerns Mr. Oxley expressed and was mailed to him on February 3, 2004.

c) Mr. Roger Sherwin

Mr. Sherwin was not present at the Public Open House and later stated that he was not aware of the event. A letter and notice of the Public Information Open House had been mailed to him directly, however, as his property is within 1 km of the existing landfill site. Mr. Sherwin called CRA and requested that he be sent a copy of the draft ToR and comment sheet. The information was mailed to him on January 16, 2004.

Mr. Sherwin's oral questions and concerns, relayed during his telephone call, related to the existing landfill site and were not directly relevant to the draft ToR.

5. AGENCY CONSULTATION

Subsequent to the Public Information Open House letters were sent to provincial and federal government inviting comment on the draft ToR.

NOTICE

Municipality of McDougall Long-term Waste Disposal

Terms of Reference for Environmental Assessment

The Municipality of McDougall proposes to conduct an environmental assessment (EA) of long-term waste disposal capacity alternatives.

As required by the *Environmental Assessment Act* the municipality has prepared Draft Terms of Reference (ToR) which are now available for public and agency review and comment until February 4, 2004. An electronic copy of the Draft ToR may be viewed on the Municipality of McDougall web site (www.municipalityofmcdougall.com). Printed copies of the Draft ToR may be viewed at the following locations:

- McDougall municipal offices
- Parry Sound municipal offices
- Carling municipal offices
- McKellar municipal offices
- Archipelago municipal offices
- Seguin municipal offices

Following receipt of comments the Draft ToR will be finalized and submitted to the Ministry of the Environment for approval. When approved, the ToR will form the framework for conduct of the environmental assessment during 2004-05.

Public Information Open House

As part of the public and agency review of the Draft ToR, a drop-in Public Information Open House will be held as follows:

Date: Tuesday, January 13, 2004
Place: McDougall municipal offices, # 5 Fire Route 113, Nobel, Ontario
Time: 3:00 pm – 8:00 pm

Municipal staff and representatives of Conestoga-Rovers & Associates, the municipality's engineering consultants, will be available to provide information and answer questions about the Draft ToR and proposed environmental assessment.

For further information call:

- Municipality of McDougall: (705) 342-5252
- Conestoga-Rovers & Associates: (519) 884-0510 (Douglas J. Robertson, extension 2266)

APPENDIX C

NEWSPAPER NOTICE

NOTICE

Municipality of McDougall Long-term Waste Disposal

Terms of Reference for Environmental Assessment

The Municipality of McDougall proposes to conduct an environmental assessment (EA) of long-term waste disposal capacity alternatives.

As required by the *Environmental Assessment Act* the municipality has prepared Draft Terms of Reference (ToR) which are now available for public and agency review and comment until February 4, 2004. An electronic copy of the Draft ToR may be viewed on the Municipality of McDougall web site (www.municipalityofmcdougall.com). Printed copies of the Draft ToR may be viewed at the following locations:

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Following receipt of comments the Draft ToR will be finalized and submitted to the Ministry of the Environment for approval. When approved, the ToR will form the framework for conduct of the environmental assessment during 2004-05.

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Time: 3:00 pm – 8:00 pm

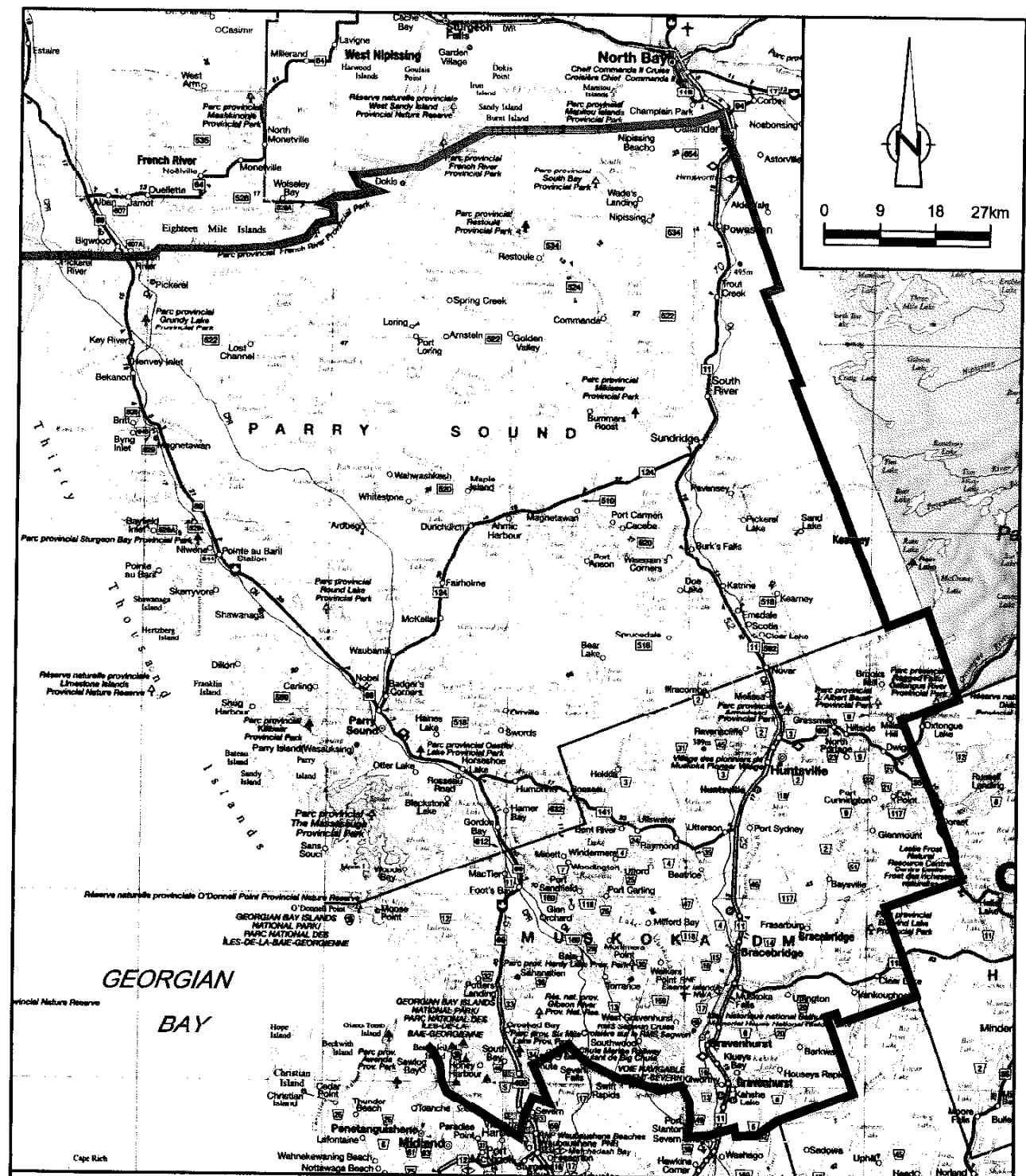
Municipal staff and representatives of Conestoga-Rovers & Associates, the municipality's engineering consultants, will be available to provide information and answer questions about the Draft ToR and proposed environmental assessment.

For further information call:

- Municipality of McDougall: (705) 342-5252
- Conestoga-Rovers & Associates: (519) 884-0510 (Douglas J. Robertson, extension 2266)

APPENDIX D

FIGURE - STUDY AREA



— LIMIT OF STUDY AREA



**STUDY AREA
WASTE DISPOSAL ENVIRONMENTAL ASSESSMENT
TERMS OF REFERENCE
MUNICIPALITY OF McDOUGALL
*Parry Sound District***

APPENDIX E

FIGURE - EXISTING CONDITIONS, McDOUGALL LANDFILL SITE

APPENDIX F

SIGN-IN SHEET, JANUARY 13, 2004, PUBLIC INFORMATION OPEN HOUSE

SIGN-IN SHEET

DRAFT TERMS OF REFERENCE

For an Environmental Assessment of waste disposal alternatives
for the Municipality of McDougall and other area municipalities

Public Information Open House

Municipality of McDougall Council Chambers, Nobel, Ontario

Tuesday, January 13, 2004

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Simon Oxley	259 McDougall Rd	746-4942
GATTOAU OTTO	5845 RR 3 Staffville Amara Rd	PH-505 640 1807
Doug Swilch	RR #1 Nobel	342-9527
Peter Spadzinski	72 Pineridge Dr Nobel (RR#3 P.S. BAZW9)	342-5863
Dana Bean	Box 216 P2A-2X3	705 746-2294
Joe Jansen	RR#1 Parry Sound	705 389-2499
DAVID MOORE	Box 251 McKEWEN	705 389-3070
Graham Stone	Lot 10 Conc II	705 746-7180
Claudia Willet	Lot 10 Conc. 2	705 746-7180
J. ARMSTRONG	#1 PARRY SOUND	746 4121
Kim Burben	R R #1	746-9785
RE POTRESS	1 OAKRIDGE DR.	746 8385

Please note: your participation in this event is an important part of the public consultation process for the Terms of Reference, and resulting Environmental Assessment, as required under the Ontario Environmental Assessment Act. To ensure full transparency of the consultation process, therefore, your questions, comments and any information you provide will become part of the public record for this project.

APPENDIX G

AGENCIES AND MUNICIPALITIES CONTACT LIST

**Municipality of McDougall
Waste Disposal Solution Environmental Assessment
Agencies Contact List**

Authority/Agency	Contact Name	Address
Muskoka Parry Sound Health Unit (Head Office)	Peter Jekel	5 Pineridge Gate Gravenhurst, ON, P1P 1Z3
Muskoka Parry Sound Health Unit (Parry Sound Office)	Peter Jekel	74 Church St., Parry Sound ON, P2A 1Z1
Member of Parliament	Andy Mitchell	House of Commons, Ottawa ON K1A 0A6
Member of Parliament	Andy Mitchell	530 Muskoka Beach Rd. Unit 1, Gravenhurst ON, P1P 1M9
Member of Provincial Parliament	Norm Miller	rm 445 Main Legislative Building, Toronto, ON M7A 1A8
Member of Provincial Parliament	Norm Miller	17 James St. Parry Sound, ON P2A 1T4
Ministry of Transportation	Bob Bird, Environmental Planner	447 McKeown Ave, Suite 301 North Bay, ON P1B 9S9
Ministry of the Environment	Catherine McLennon, Project Officer , EA Project Coordination Section, Environmental Assessment & Approvals Branch	2 St. Clair Ave. W Floor 12A, Toronto, ON M4V 1L5
Municipal Affairs & Housing	Laurie Brownlee, Municipal Planning Adviser	suite 401, 159 Cedar St. Sudbury, ON P3E 6A5
Native Affairs Secretariat	David Pickles, Sr. Policy Adviser, Policy Analysis and Project Management Section, Corporate Aboriginal Policy and Management Branch	4th Floor, 720 Bay St. Toronto ON M5G 2K1
Natural Resources	Rick Calhoun, District Planner	North Bay MNR, 3301 Trout Lake Road, North Bay ON
Natural Resources	Dorothy Shaver, District Planner	Parry Sound MNR, Parry Sound, ON
Environment Canada	Rob Dobos, Head, Environmental Assessment Section, Ontario Region	867 Lakeshore Road Burlington, Ontario L7R 4A6
Parks Canada: Georgian Bay Islands National Park	Hugh Brember, Acting Superintendent	Box 9, 901 Wye Valley Rd. Midlan, ON L4R 4K6
Indian Affairs and Northern Development Canada	Zane Bell, Environmental Officer, Lands in Trust, Environmental Unit,	25 St. Clair East, 8th Floor, Toronto, ON M4T 1M2
Fisheries & Oceans Canada: Ontario Great Lakes Area	Lisa Perry	28 Waubeek St. Parry Sound, ON P2A 1B9

Authority/Agency	Contact Name	Address
Transport Canada, Ontario Region	Monique Mosseau, Regional Manager, Environment & Engineering	4900 Yonge St. 4th Floor, Toronto ON, M2N 6A5
Municipality of Callander	Judith Gauthier, CAO	280 Main St. North, P.O. Box 100, Callander, P0H 1H0
Municipality of Magnetawan	Brenda Fraser, CAO/ Clerk	P.O. Box 70, 4304 Hwy #520, Magnetawan, P0A 1P0
Municipality of Powassan	Roger Labelle, CAO/Clerk	466 Main St. Powassan ON P0H 1Z0
Municipality of Whitestone	Liliane Nolan CAO/Clerk	21 Church St. Dunchurch, ON P0A 1G0
Town of Kearney	Elwood Varty, Clerk/CAO	P.O. Box 38, 8 Main St. Kearney, ON K0A 1M0
Town of Parry Sound	Rob Mens CAO	52 Seguin St. Parry Sound, ON P2A 1B4
Township of Armour	Wendy Whitwell, Clerk	P.O. Box 533, 56 Ontario St. Burk's Falls, ON P0A 1C0
Township of Carling	Susan Murphy, Clerk Administrator	RR#1 Nobel ON P0G 1G0
Township of Joly	Heather Marchand, Clerk/Treasurer	871 Forest Lake Rd. P.O. Box 519 Sundridge ON P0A 1Z0
Township of Machar	Brenda Sinclair Paul, Clerk/Treasurer	P.O. Box 70, 73 Municipal Rd. N. South River, ON P0A 1X0
Township of McKellar	Shawn Boggs	701 Highway 124, P.O. Box 69, McKellar, ON P0G 1C0
Township of McMurrich/Monteith	Cheryl Marshall, Deputy Clerk / Treasurer	31 William St. P.O. Box 70, Sprucedale, ON P0A 1Y0
Township of Nipissing	Cindy Piper, Clerk	General Delivery, Nipissing ON P0H 1W0
Township of Perry	Susan Boonstra, Clerk / Treasurer	Box 70, 90 Old Government Rd. Emsdale, ON P0A 1J0
Township of Ryerson	Judy Kosowan, Clerk	RR#1 Burk's Falls, P0A 1 C0
Township of Seguin	Donna Besman, CAO / Clerk	RR#2, 5 Humphrey Dr., Parry Sound, ON P2A 2W8
Township of Strong	Diana Georgie, Clerk / Treasurer	1713 Highway #11
Township of The Archipelago	Stephen Kaegi, CAO / Clerk	9 James St. Parry Sound, ON P2A 1T4
Village of Burk's Falls	Jarvis Osborne	P.O. Box 160, 172 Ontario St., Burk's Falls ON P0A 1C0
Village of South River	Martin Parker, Clerk, CAO	P.O. Box 310, 93 Ottawa Ave South River, ON P0A 1X0

Authority/Agency	Contact Name	Address
Village of Sundridge	Lillian Fowler, Clerk	110 Main St. P.O. Box 129, Sundridge ON P0A 1Z0
The District Municipality of Muskoka	James Green, CAO	70 Pine Street, Bracebridge, ON P1L 1N3
The Town of Bracebridge	R. Murray Clarke, CAO	23 Dominion St, Bracebridge ON P1L 1R6
The Town of Gravenhurst	Cindy Anne Maher, CAO	190 Harvie St, Gravenhurst, ON P1P 1S9
The Town of Huntsville	Kathleen Gilchrist, Clerk	37 Main St. E, Huntsville, ON P1H 1A1
The Township of Georgian Bay	Susan Shannon, CAO/Clerk	99 Lone Pine Rd. Port Severn, ON L0K 1S0
The Township of Lake of Bays	Don Chevalier, Clerk/CAO	1012 Dwight Beach Rd. RR#1 Dwight, ON P0A 1H0
The Township of Muskoka Lakes	James McDivitt, Administrator/Clerk- Treasurer	P.O. Box 129, Port Carling ON P0B 1J0

APPENDIX H

COPIES OF COMMENT LETTERS AND RESPONSES

February 5, 2004

Reference No. 31807-20

«FirstName» «LastName»
«JobTitle»
«Company»
«Address1»
«Address2»
«City», «State» «PostalCode»

Dear «Salutation» «LastName»:

Re: Municipality of McDougall
Waste Disposal Environmental Assessment
Draft Terms of Reference

As you may know the Municipality of McDougall proposes to conduct an environmental assessment (EA) of waste disposal alternatives within a Study Area consisting of the Districts of Parry Sound and Muskoka. Approved waste disposal capacity at the McDougall Landfill Site (Site) is anticipated to be used up late in 2006, thereby precipitating the proposed study of waste disposal alternatives for the Municipality and other users of the Site.

Conestoga-Rovers & Associates (CRA), consulting Engineers, has been engaged by the Municipality to undertake the EA.

As required by the Ontario *Environmental Assessment Act* the Municipality of McDougall has prepared Draft Terms of Reference (ToR) for the proposed EA and is now circulating them to the public, government agencies and other municipalities in the EA Study Area. Upon receipt of any comments the Draft ToR will be revised and submitted as "Proposed Terms of Reference" to the Ministry of the Environment (MOE) for formal review and approval.

Enclosed is a copy of the Draft ToR for your review and comment. An electronic version of the Draft ToR may also be found on the McDougall web site (www.municipalityofmcdougall.com).

If you have any comments on the enclosed Draft ToR please forward them to CRA at the following address (via regular mail, fax or e-mail) by February 27, 2004. As noted above, you will have an additional opportunity to comment on the Proposed ToR during the formal MOE review period following formal submittal.

February 5, 2004

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Reference No. 31807-20

Douglas J. Robertson, B.A., M.C.I.P., R.P.P.
Senior Environmental Planner
Conestoga-Rovers & Associates
651 Colby Drive
Waterloo, ON, Canada N2V 1C2
Phone: (519) 884-0510, ext. 2266
Fax: (519) 884-0525
drobertson@croworld.com

Thank you for your attention to this and we look forward to your response.

Yours truly,

CONESTOGA-ROVERS & ASSOCIATES

Douglas J. Robertson, B.A., M.C.I.P., R.P.P.
Senior Environmental Planner

DJR/cb/FL1

Encl.

c.c.: Garfield Eaton, CAO, Clerk-Treasurer, Municipality of McDougall
Catherine McLennon, Project Officer, Ministry of the Environment, Environmental
Assessment and Approvals Branch

SENT BY FAX TO: 519-884-0525

January 23, 2004

CONESTOGA-ROVERS & ASSOCIATES
651 Colby Drive
Waterloo, Ontario
N2V 1C2

Dear Sirs:

Re: Municipality of McDougall Landfill Site

With regards to the draft Terms of Reference, I have the following questions:

1. Will the fines that have been stored outside of the cells be placed into the new cells and if not how does this affect the ground water?
2. What precautions will be taken to ensure that no contaminated soil (the fines) are removed from the site? It is my understanding that fines had previously been removed from the site and taken to the public beach in Nobel.
3. Will the Certificate of Approval limit the municipalities permitted to use the landfill or could we end up with garbage from Barrie or Toronto in the future?
4. The OMB has still not scheduled a hearing with regards to appeals relating to the proposed holding zone of properties affected by the McDougall Landfill Site. Can this proposed expansion be passed prior to the OMB hearing?
5. The holding zone was defined by the Municipality of McDougall of properties affected by contamination of the McDougall Landfill Site. If the contamination is affecting adjoining lands, should this problem not be resolved prior to even considering expanding the present landfill site.
6. What type of monitoring will be done with regards to groundwater? What will be the perimeter of the study area?
7. What buffer zone around the McDougall Landfill Site will be required? Will the Municipality of McDougall be required to purchase the properties in the buffer zone?
8. Will the Terms of Reference include any considerations for residents in the area of the landfill site as follows:
 - (1) Mandatory testing of wells in a specified perimeter.
 - (2) The option of having the Municipality of McDougall purchase residential properties within a specified perimeter.
 - (3) Compensation for a decrease in property value due to the landfill site.

-2-

- (4) Lower Assessed values due to a drop in property value.
 - (5) Any other type of compensation for residents affected by landfill site?
9. Will the Municipality be required to reduce the amount of garbage:
- (1) on the sides of McDougall Road.
 - (2) blowing off the site onto adjoining lands.
10. Will the municipality be responsible for any preventive measures regarding the increase of bears and seagulls in the area due to the site.

I look forward to your response to our letter at your earliest convenience.

~~Yours truly,~~

~~Dan and Kim Burton~~
~~R.R. #1~~
~~197 McDougall Road~~
~~Parry Sound, ON~~
~~P2A 2W7~~

Phone Home: (705)746-9785
Phone Work: (705)746-7760
Fax: (705)746-7551

February 3, 2004

Reference No. 31807-20

Dan and Kim Burton
R.R. # 1
197 McDougall Road
Parry Sound, ON P2A 2W7

Dear Mr. and Ms. Burton:

Re: Municipality of McDougall Waste Disposal Environmental Assessment
Terms of Reference – Existing McDougall Landfill Site Questions/Comments

Thank you for your letter of January 23, 2004, which you faxed to Conestoga-Rovers & Associates. Our review of your letter indicates that the majority of your questions relate to issues concerning the existing McDougall Landfill (Site). As discussed during the Public Information Open House on January 13, 2004, and as indicated in the Draft Terms of Reference (ToR) for the proposed Environmental Assessment (EA) of Waste Disposal alternatives, the potential expansion of the Site is identified as only one of the alternatives that will be evaluated under the proposed EA. As a result, while we have attempted to answer all of your questions, it should be noted that the answers to the questions related to issues specific to the Site are provided outside the context of the Draft ToR and proposed EA.

Considering the foregoing we provide the following answers to your questions:

Question 1:

Will the fines that have been stored outside of the cells be placed into the new cells and if not how does this affect the ground water?

Answer:

As required by the Ministry of the Environment the fines are considered a waste and therefore must be placed within the approved limits of the landfill. This requirement has been complied with.

Question 2:

What precautions will be taken to ensure that no contaminated soil (the fines) are removed from the site? It is my understanding that fines had previously been removed from the site and taken to the public beach in Nobel.

Answer:

In its review of municipal and MOE files pertaining to the Site CRA has encountered no information about fines having been removed from the Site. Apparently some sand material was extracted from another part of the Site (not the waste disposal area) and transported to a beach (not the one mentioned). With respect to precautions, the Site is locked outside of operating hours and during operating hours the site is attended at all times by municipal personnel.

Question 3:

Will the Certificate of Approval limit the municipalities permitted to use the landfill or could we end up with garbage from Barrie or Toronto in the future?

Answer:

This question assumes that the expansion of the existing Site will be identified and approved under the proposed Environmental Assessment as the preferred waste disposal alternative. Assuming this is the case, the Site Service Area will be addressed during application for expansion of the Site. Regardless of the waste disposal alternative chosen and approved, the intention of the Municipality of McDougall, as noted in Draft ToR, is to conduct "....an Environmental Assessment (EA) of waste disposal alternatives with the objective of ensuring that the Municipality of McDougall and a number of other municipalities in Parry Sound District and Muskoka District will continue to have local, secure, waste disposal capacity available to them."

Question 4:

The OMB has still not scheduled a hearing with regards to appeals relating to the proposed holding zone of properties affected by the McDougall Landfill Site. Can this proposed expansion be passed prior to the OMB hearing?

Answer:

The Municipality of McDougall has indicated that it will continue to seek approval of Official Plan (O.P.) Amendment No. 55 from the Ministry of Municipal Affairs and Housing. The purpose of the O.P. amendment is "to identify an area of land in close proximity to the McDougall Landfill Site that may be impacted by leachate migrating from the site, and to add policies to the existing Official Plan that will apply to this "Landfill Impact Area".

The municipality has also indicated that it will participate in any upcoming OMB hearing(s) concerning outstanding appeals of the proposed zoning by-law whose intent is to implement the proposed Official Plan amendment.

This action will continue independent from the proposed Waste Disposal Environmental Assessment with the intent that the proposed O.P. designation and policies and implementing zoning will prevail on lands around the Site regardless of the waste disposal alternative that may ultimately be approved under the EA.

Question 5:

The holding zone was defined by the Municipality of McDougall of properties affected by contamination of the McDougall Landfill Site. If the contamination is affecting adjoining lands, should this problem not be resolved prior to even considering expanding the present landfill site.

Answer:

To clarify, the holding zone was developed by the Municipality of McDougall in order to include properties which, as a result of development, could potentially have a further negative impact on groundwater quality. As a result, the existence of the holding zone would not necessarily indicate that the identified lands are contaminated or impacted. As well, it serves to protect landowners, the Municipality and all taxpayers from liabilities that may arise from development occurring prior to establishing the groundwater quality.

Independent from the Official Plan amendment application and the EA ToR, the Municipality of McDougall is developing a Compliance Plan, in consultation with the Ministry of the Environment (MOE). The objective of the Compliance Plan is to present a scope of work that will be completed to address existing compliance issues identified at the Site.

Question 6:

*What type of monitoring will be done with regards to groundwater?
What will be the perimeter of the study area?*

Answer:

See answer to question 7.

Question 7:

What buffer zone around the McDougall Landfill Site will be required? Will the Municipality of McDougall be required to purchase the properties in the buffer zone?

Answer:

The answers to questions 6 and 7 will result from the preparation and approval of the Compliance Plan. With regard to groundwater monitoring there is an existing monitoring program that includes sampling and analysis two times per year and includes groundwater monitoring wells and domestic water wells. It is anticipated that changes will be made to the existing monitoring program as a result of the implementation of the Compliance Plan. Additional detailed information concerning the existing groundwater monitoring program can be provided on request.

Question 8:

Will the Terms of Reference include any considerations for residents in the area of the landfill site as follows:

- (1) Mandatory testing of wells in a specified perimeter.*
- (2) The option of having the Municipality of McDougall purchase residential properties within a specified perimeter.*
- (3) Compensation for a decrease in property value due to the landfill site.*
- (4) Lower Assessed values due to a drop in property value.*
- (5) Any other type of compensation for residents affected by landfill site?*

Answer:

In evaluating the disposal alternatives identified in Section 3.1 of the Draft ToR each alternative will be evaluated using criteria relating to each of the categories set out in Section 5.0 of the Draft ToR. During that process potential environmental impacts, including the kind you refer to in your five considerations, above, will be identified and evaluated and potential measures identified to mitigate those potential impacts.

For the preferred alternative that is ultimately approved under an EA those measures are typically implemented by way of conditions of the Minister's EA approval and through conditions of the Certificate of Approval, issued under the *Environmental Protection Act*. During the EA you will have opportunities to make recommendations relating to the five considerations you have listed above, specific to the alternatives being evaluated.

Question 9:

Will the Municipality be required to reduce the amount of garbage:

- (1) *on the sides of McDougall Road.*
- (2) *blowing off the site onto adjoining lands.*

Answer:

See answer to question 10.

Question 10:

Will the municipality be responsible for any preventive measures regarding the increase of bears and seagulls in the area due to the site.

Answer:

The issues raised in questions 9 and 10 will be addressed through the operation and management of the Site. Problems with litter, bears and gulls are normally dealt with as an operational issue and if not addressed may become a compliance issue. If formal complaints are made to MOE, not responding to and addressing such complaints concerning litter and animals can become a compliance issue.

February 3, 2004

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Reference No. 31807-20

Accordingly, the issue of complaints will be addressed in the Compliance Plan. This may include the adoption of a formalized complaint procedure in the Design and Operations Plan for the Site. It should be noted again that the Compliance Plan and, by extension, mechanisms to address litter and animals, will proceed regardless of whether the Site is chosen as the preferred waste disposal alternative under the EA.

As previously indicated to you, while there have been some problems with the Site in the past the Municipality is committed to dealing with those problems through approval and implementation of the Compliance Plan, and through improvements to the management of the Site.

Thank you again for your interest in the ToR and the proposed Waste Disposal EA process. In addition, please note that your constructive questions and comments concerning the operation and management of the landfill are always welcome, as they help the Municipality to better manage the Site.

Yours truly,

CONESTOGA-ROVERS & ASSOCIATES

Douglas J. Robertson, B.A., M.C.I.P., R.P.P.
Senior Environmental Planner

DJR/cb/1

c.c.: Garfield Eaton, CAO, Clerk-Treasurer, Municipality of McDougall
Catherine McLennon, Project Officer, Ministry of the Environment, Environmental
Assessment and Approvals Branch

-----Original Message-----

From: Brian Oxley [mailto:brianoxley@sympatico.ca]

Sent: Wednesday, January 14, 2004 8:33 AM

To: Robertson, Doug; Garfield Eaton

Subject: Edit of ToR

Gentlemen,

As promised, a rewrite of 2.1 of the ToR. Not a formal submission yet, as I have to write a covering note. Pleasant enough meeting yesterday. Dit it stay that way?

Brian

2.1 EXISTING MCDUGALL LANDFILL SITE

The site, located in part lots 11 and 12, Concession 4 in the Township of McDougall, District of Parry Sound, is a municipal waste management facility owned by the Corporation of the Municipality of McDougall. The Site has, since 1976, served as the solid non-hazardous (*although this may be doubtful in view of the fact that the operator allowed unsupervised truck movements during the night and provided access keys to persons unknown*) waste disposal facility for the Municipality of McDougall and several area municipalities, including the Town of Parry Sound, the Township of McDougall, the Township of the Archipelago and Seguin Township. Seguin Township includes the former Townships of Christie, Foley and Humphrey and the Village of Rosseau, as well as the western portion of the unorganised Township of Monteith, some of which used the Site prior to their integration into Seguin.

The site was originally owned and operated by a private company, (*At a public hearing prior to opening of the site in 1976, local taxpayers pointed out the pollution would probably migrate in all directions from the top the hill, towards residences. The MoE, denied this possibility, based on "engineering" advice, adding that if it did, the site would be closed*) however in October of 1989 the MoE required the Municipality of McDougall to assume ownership of the Site. (*because by 1986 it became obvious that the initial engineering advice had in fact been bad. All residences south and east of the site were affected and leachate was entering the Seguin river directly to the North. A popular local camp site had to be closed. Further, the private operator was either unable or unwilling to take corrective action and was open to court action.*) As such, the MoE issued Emergency Provisional Certificate of Approval (C.of A.) No. A522101 to the Municipality of McDougall on September 25th, 1989. This C.of A. provided for continued operation of the Site for a period of 2 years, ending September 28th, 1991. (*Expecting closure, local taxpayers took no action.*) However, subsequent amendments to the Site's C.ofA. have allowed continuing operation of the Site, despite continuing non-compliance.

The Site is approved for the use and operation of a 7.2 hectare waste disposal (landfilling) area within a total site size of 74.) hectares. Although several hectares of the Site were historically utilized for aggregate extraction activities, approximately 90% or 63 hectares of the Site remains undeveloped for waste-management purposes. Several abandoned abutting properties to the south and southeast of the Site are also now owned by the Municipality of McDougall.

The Site was originally designed and operated as a natural attenuation landfill over the 7.2 hectare area. Subsequently, the landfill was mined and most of the waste remaining after exhumation was placed in an engineered landfill cell with an approximate area of 3.5 hectares. However, fine screened material was stored outside the cell for later use as cover, positioned to continue releasing leachate into surrounding ground. The Township has taken no action to address this problem, nor has emergence of apparent leachate in a new direction been investigated. This situation reveals that the hydrogeology of the site uncertain.

The existing engineered landfill is a lined (*hopefully intact*) landfill with an integral leachate collection system. The collected leachate is pumped to a holding tank and transported by truck to the Parry Sound Wastewater Treatment Plant. In addition, a groundwater extraction well (BHA-2) is located southeast of the landfill and pumps leachate impacted groundwater to the leachate holding tank. Stormwater is collected in a perimeter ditch and conveyed to a stormwater management pond located at the northwest corner of the landfill.

A Compliance Plan is being developed, in consultation with the MoE, to address residual groundwater and surface water quality issues at McDougall Road in the vicinity of the Site. (Delete the closing sentence of this paragraph, which states that all waste has been secured within the engineered site and that all remaining problems are merely residual from the previous operation of the site.)

February 3, 2004

Reference No. 31807-20

Mr. Brian Oxley
259 McDougall Road
R.R. #1
Parry Sound, ON P2A 2W7

Dear Mr. Oxley:

Re: Municipality of McDougall Waste Disposal
Environmental Assessment Terms of Reference

Thank you for your comments on Section 2.1 of the Draft Terms of Reference (ToR), which you sent to Conestoga-Rovers & Associates (CRA) by e-mail on January 14, 2004.

We take your January 14 comments regarding ToR Section 2.1 together with the more general comments about the Draft ToR that you had communicated to CRA via e-mail on January 12, 2004.

At that time you noted the following:

1) **General Comments:**

"I grant you that the general purpose of the document is supposedly to set the stage for a review of all alternatives, but that is not how the document reads in its present form. Nor does it adequately set the stage for such a review, leading as it does towards the conclusion that continuing the site is the way to go".

Response:

We anticipate amending the Draft ToR to provide for conduct of a broader environmental assessment (EA) of waste diversion alternatives in the Parry Sound-Muskoka Study Area. The Proposed ToR which will be submitted to MOE will reflect this change in scope.

2) Specific Comments:

With regard to your comments about Section 2.1 we note that, for the most part, your comments are more expressions of opinion (i.e., editorial in nature) rather than specific suggestions. Some are also reiterations of local rumour that we cannot address in the ToR, insofar as the ToR's purpose is to serve as a framework for conduct of an environmental assessment. In any event, we respond as follows:

1. *Paragraph 1: "...although this may be doubtful in view of the fact that the operator allowed unsupervised truck movements during the night and provided access keys to persons unknown..."*

Response:

There appears to be some conjecture about various aspects of the operation of the Site in the past. In its review of Ministry of the Environment (MOE) and Municipal files CRA has encountered no evidence that substantiates such information. Whatever problems there may have been with the past operation of the Site the Municipality of McDougall is now committed to negotiating a Compliance Plan with MOE. The Compliance Plan, once approved by MOE, will prevail at the Site whether the Site is closed or expanded (should that waste disposal alternative prove to be the preferred alternative that is approved by the Minister of the Environment under the EA).

2. *Paragraph 2: "At a public hearing prior to opening of the site in 1976, local taxpayers pointed out the pollution would probably migrate in all directions from the top the hill, towards residences. The MoE, denied this possibility, based on "engineering" advice, adding that if it did, the site would be closed."*

Response:

See response to Comment 1, above.

3. *Paragraph 2: "...because by 1986 it became obvious that the initial engineering advice had in fact been bad. All residences south and east of the site were affected and leachate was entering the Seguin River directly to the North. A popular local camp site had to be closed. Further, the private operator was either unable or unwilling to take corrective action and was open to court action."*

Response:

See response to Comments 1 & 2, above.

4. Paragraph 2: "*Expecting closure, local taxpayers took no action. However, subsequent amendments to the Site's C.ofA. have allowed continuing operation of the Site, despite continuing non-compliance*".

Response:

See response to Comments 1, 2 & 3, above.

5. Paragraph 3: "*Several abandoned abutting properties to the south and southeast of the Site are also now owned by the Municipality of McDougall*".

Response:

To the best of our knowledge while some properties in the vicinity of the Site are not developed or actively used for residential, industrial, commercial or other approved uses, none is "abandoned". All non-Crown properties are legally owned by individuals or corporations, who maintain their annual property tax payments, and who continue to ensure that their properties conform with municipal by-laws.

6. Paragraph 4: "*Subsequently, the landfill was mined and most of the waste remaining after exhumation was placed in an engineered landfill cell with an approximate area of 3.5 hectares. However, fine screened material was stored outside the cell for later use as cover, positioned to continue releasing leachate into surrounding ground. The Township has taken no action to address this problem, nor has emergence of apparent leachate in a new direction been investigated. This situation reveals that the hydrogeology of the site uncertain*".

Response:

As required by the Ministry of the Environment, the fines are considered a waste and therefore must be placed within the approved limits of the landfill. This requirement will be complied with.

7. Paragraph 5: "*The existing engineered landfill is a lined (hopefully intact) landfill with an integral leachate collection system*".

February 3, 2004

4

Reference No. 31807-20

Response:

From CRA's review of MOE and Municipal files relating to the Site and having inspected the Site we believe that the reconfigured Site is operating as designed and approved by MOE and as constructed. Any additional changes to the Site may be addressed in the Compliance Plan, now being negotiated with MOE, and in any future amended Certificate of Approval.

8. *Last Paragraph: "As all waste has been relocated and secured within the engineered landfill cell, the water quality issues are residual from previous operation of the Site as a natural attenuation landfill for the management of leachate. Delete the closing sentence of this paragraph, which states that all waste has been secured within the engineered site and that all remaining problems are merely residual from the previous operation of the site".*

Response:

The sentence will be amended to reflect the fact that the mined Municipal Solid Waste was placed in the engineered landfill cell and, as required by the Ministry of the Environment, the fines are considered a waste and therefore must be placed within the approved limits of the landfill. The sentence will also note that this requirement will be complied with.

Thank you for your contribution to the Draft Terms of Reference and we look forward to your comments on the Proposed ToR, once they have been submitted to MOE and are released to the public as part of MOE's formal review process.

Yours truly,

CONESTOGA-ROVERS & ASSOCIATES

Douglas J. Robertson, B.A., M.C.I.P., R.P.P.
Senior Environmental Planner

DJR/cb/1

c.c.: Catherine McLennon, Project Officer, Ministry of the Environment, Environmental Assessment and Approvals Branch
Garfield Eaton, CAO, Clerk-Treasurer, Municipality of McDougall

-----Original Message-----

From: Brian Oxley [mailto:brianoxley@sympatico.ca]

Sent: Thursday, February 19, 2004 4:45 PM

To: Robertson, Doug

Cc: minister@ene.gov.on.ca; Dale Robinson; Garfield Eaton; Miller-CO, Norm

Subject: T.o.R. McDougall

Dear Doug,

Believe it or not, I am hurrying to acknowledge receipt of your letter of February 3rd, which reached me on around the 9th. We were in the midst of arranging that wedding I mentioned. All is safely accomplished.

I thank you for the time you took to give my comments serious consideration and I acknowledge your promise to amend the ToR, to broaden and to include reference to placement of the fines within an engineered area. I look forward to seeing the finished document at the earliest opportunity.

Neither of the above changes will answer my main requirement that it should be made clear in the ToR that this site has never been "in compliance" and is not now.

I would be interested to hear how you reached the conclusion that some of my comments were "reiterations of local rumour." To whom did you speak? However, that's all in the past, even though at this late date it could all be proven.

Also, why do you attempt to down-play the word "abandoned?" I meant it in the sense that the original owners, knowing that their property was contaminated or in too close proximity to an operating garbage dump, lost interest in living there or fighting, and sold to the Township.

On the matter of whether the existing engineered pad is still intact and functioning as intended, I have yet to see a convincing mass balance showing that the purge well chemistry supports that assumption. Indeed, my call for analysis of newly emergent pollution has been ignored for two years.

I look forward, albeit without much pleasure, to the next steps. I am, however, sure that your own role will be competently played.

Yours sincerely,

Brian Oxley

03180.7



THE DISTRICT MUNICIPALITY OF MUSKOKA

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
70 PINE STREET, BRACEBRIDGE, ONTARIO P1L 1N3
Telephone (705) 645-2231 Fax (705) 646-2207 1-800-461-4210 (705 area code)
www.muskoka.on.ca

February 26, 2004

Douglas J. Robertson
Senior Environmental Planner
Conestoga-Rovers & Associates
651 Colby Drive
Waterloo, ON N2V 1C2

Dear Mr. Robertson:

Re: Municipality of McDougall
Waste Disposal Draft Terms of
Reference for an EA

In receipt of the Draft Terms of Reference for the Municipality of McDougall Environmental Assessment for waste disposal alternatives, the Muskoka Planning and Economic Development department would request to be included in the circulation of any future notices and/or information.

Yours truly,

Karyn McAlpine, BA, B.URPI
Planner

Managing Our Legacy Together



Fisheries and Oceans

Canada

Rec'd CRA

031807

Ontario – Great Lakes Area
Parry Sound District Office

28 Waubeek Street
Parry Sound, Ontario
P2A 1B9

Pêches et Océans
Canada
Secteur de l'Ontario et des Grands Lacs
Bureau de district – Parry Sound

28 rue, Waubeek
Parry Sound, Ontario
P2A 1B9

Your Reference

31807-20

Our Reference:

PS-04-0236

February 18, 2004

Mr. Douglas Robertson
Senior Environmental Planner
Conestoga-Rovers & Associates Ltd.
651 Colby Drive
Waterloo, Ontario
N2V 1C2

Dear Mr. Robertson:

Fisheries and Oceans Canada, Ontario – Great Lakes Area (DFO-OGLA) would like to acknowledge receipt of letter dated February 3, 2004 that pertains to Class EA – Waste Disposal Alternative, Municipality of McDougall. This project has been assigned file number PS-04-0236. Please refer to this file number in future inquiries.

If you have any questions or comments please do not hesitate to contact Lisa Perry of this office at (705) 746-2196 or by fax (705) 746-4820.

Yours truly,

Beverlee A. Brown
Administrative Assistant
Ontario Great Lakes Area

c.c. Mr. Garfield Eaton, CAO, Clerk-Treasurer, Municipality of McDougall
c.c. Catherine McLennon, Project Officer, Ministry of the Environment

Canada



Transport Canada
Ontario Region
Programs and Divestiture

Transports Canada
Région de l'Ontario
Programmes et cession

03/807
Rec'd CRA

FEB 18 2004

4900 Yonge Street
North York, Ontario
M2N 6A5

February 13, 2004

Douglas J. Robertson
Senior Environmental Planner
Conestoga-Rovers and Associates
651 Colby Drive
Waterloo, ON
N2V 1C2

**Re: Municipality of McDougall
Waste Disposal Environmental Assessment
Draft Terms of Reference**

Dear Mr. Robertson:

Thank you for your letter dated February 3, 2004 regarding the environmental assessment of waste disposal alternatives for the Districts of Parry Sound and Muskoka. Transport Canada's Regional Manager of Environment and Engineering, Monique Mousseau, has asked me to respond on her behalf.

As the federal department responsible for maintaining the safety of Canada's transportation systems, Transport Canada is concerned with the risks posed by impacts between aircraft and birds. For this reason, waste facility proposals are regularly reviewed to determine their potential to influence the probability, frequency and severity of this problem. It is our position that all waste facility projects should include the implementation of a bird management plan which addresses aviation safety criteria, and that these facilities should commit to operating as bird-free sites.

I have reviewed the draft Terms of Reference and supporting documents that you provided. Although the Description of the Environment and Potential Effects (Section 5.5) makes reference to a review of terrestrial fauna, detailed criteria was not provided. In order to fulfill our responsibility we ask that the Terms of Reference be revised to include an ecological assessment using the following elements:

Canada

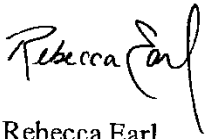
February 13, 2004

- an inventory of bird species associated with existing site operations and corresponding colonies and roosting locations;
- an evaluation of the potential for aviation impacts due to landfill birds;
- recommendations to manage and mitigate potential impacts; and
- recommendations for a bird management program.

I look forward to the opportunity to review the draft and final environmental assessment documents as they are produced.

If you have any questions or require further information, please do not hesitate to contact me.

Yours truly,



Rebecca Earl
Environmental Officer
Tel.: (416) 952-0474
FAX: (416) 952-0514
earlr@tc.gc.ca

cc: Monique Mousseau, Regional Manager, Environment & Engineering, Transport Canada
Garfield Eaton, CAO, Clerk-Treasurer, Municipality of McDougall
Catherine McLennon, Project Officer, Ministry of the Environment, Environment Assessment and Approvals Branch
Bruce MacKinnon, Specialist, Wildlife Control, Transport Canada



Transport Canada
Ontario Region
Programs and Divestiture

Transport Canada
Région de l'Ontario
Programmes et cession

4900 Yonge Street
North York, Ontario
M2N 6A5

March 3, 2004

Garfield Eaton
CAO, Clerk-Treasurer
Municipality of McDougall
RR # 3
Parry Sound, ON
P2A 2W9

**Re: Municipality of McDougall
Waste Disposal Environmental Assessment
Draft Terms of Reference**

Dear Mr. Eaton

Further to our discussion, Transport Canada has determined that a bird hazard assessment is not warranted at this time. Please proceed with the environmental assessment for waste disposal alternatives as described in the draft Terms of Reference. Once the preferred waste disposal alternative has been selected, we would appreciate receipt of a detailed project plan to review and if necessary, make recommendations regarding bird hazard management.

If you have any questions or require further information, please do not hesitate to contact me.

Yours truly,

Rebecca Earl
Environmental Officer
Tel.: (416) 952-0474
FAX: (416) 952-0514
earlr@tc.gc.ca

cc: Catherine McLennon, Project Officer, Ministry of the Environment, Environment
Assessment and Approvals Branch
Monique Mousseau, Regional Manager, Environment & Engineering, Transport
Canada

Canada

031807-20

COMPRISING - THE FORMER TOWNSHIPS OF FRANKLIN, MCLEAN, RIDOUT, SINCLAIR AND FINLAYSON.



Township of Lake of Bays

RR#1, 1012 DWIGHT BEACH RD., DWIGHT,
MUSKOKA, ONTARIO P0A 1H0

PHONE NO. (705) 635-2272
FAX NO. (705) 635-2132

February 26, 2004

Rec'd CRA

MAR - 3 2004

Mr. Douglas J. Robertson, Senior Environmental Planner
Conestoga-Rovers & Associates
651 Colby Drive
Waterloo, Ontario
N2V 1C2

Dear Mr. Robertson:

**Re: Municipality of McDougall – Waste Disposal Environmental Assessment –
Draft Terms of Reference**


Thank you for your letter dated February 5, 2004.

Staff have reviewed your letter and the attached document and would advise that we have no concerns with the draft Terms of Reference for the above noted project.

I trust that the foregoing comments satisfactorily explain our position on this matter.

Should you have any questions, or require further clarification, please do not hesitate to contact the undersigned.

Yours truly,

 Derrick A. Hammond, MA, MCIP, RPP, CMMII
Director of Planning and Building Services

**Ontario Native Affairs
Secretariat**

720 Bay Street
4th Floor
Toronto, ON M5G 2K1

Tel: (416) 326-4740
Fax: (416) 326-4017

websites: www.nativeaffairs.jus.gov.on.ca
www.aboriginalbusiness.on.ca

**Secrétariat des affaires
autochtones de l'Ontario**

720, rue Bay
4 étage
Toronto, ON M5G 2K1

Tel: (416) 326-4740
Fax: (416) 326-4017



Rec'd CRA

MAR - 9 2003 MAR 15 2004

Mr. Douglas J. Robertson, B.A., M.C.I.P., R.P.P.
Senior Environmental Planner
Conestoga-Rovers & Associates
651 Colby Drive
Waterloo, ON
N2V 1C2

Dear Mr. Robertson:

Re: McDougall Waste Disposal – Environmental Assessment

Thank you for your letter of February 3, 2004 regarding the above noted project.

The Ontario Native Affairs Secretariat (ONAS) conducts land claim negotiations and finalizes and implements land claim settlement agreements on behalf of the Province. ONAS is not aware of any First Nation's land claims that will have an impact on this project.

As well, the Government of Canada sometimes receives claims that Ontario does not receive, or with which Ontario does not become involved. For information about possible claims in the area, we suggest you call or write to the following federal contacts:

Barbara de Jong
Portfolio Manager for Research
Policy and Research Directorate
Indian and Northern Affairs Canada
10 Wellington Street
Hull, QC K1A 0H4
Tel: 819-953-2228
Fax: 819-953-4224

Linda MacWilliams
Regional Manager, Land Operations
Ontario Region
Indian and Northern Affairs Canada
25 St. Clair Avenue East, 5th Floor
Toronto, ON M4T 1M2
Tel: 416-973-6923
Fax: 416-954-4328

Dennis Madill
Manager (Acting), Claims Research and Assessment Directorate
Claims and Historical Research Centre
Indian and Northern Affairs Canada
13th Floor, 10 Wellington Street
Hull, QC K1A 0H4
Tel: 819-997-8155
Fax: 819-997-9873

The proposed project may impact or be of interest to Aboriginal people. We suggest, therefore, also contacting the following Aboriginal organization for comments:

Anishanabek Nation
Nippising First Nation
Box 711
North Bay, ON
P1B 8J8
Tel: 705-497-9127
Fax: 705-497-9135

Henvey Inlet First Nation
Pickerel, ON
P0G 1J0
Tel: 705-857-2331
Fax: 705-857-3021

Dokis First Nation
P.O. Box 62
Via-Monetville, ON
P0M 2K0
Tel: 705-763-2200
Fax: 705-763-2087

Shawanaga First Nation
RR#1
Nobel, Ontario
P0G 1G0
Tel: 705-366-2029
Fax: 705-366-2013

Magnetawan First Nation
RR#1, Box 15
Britt, ON
P0G 1A0
Tel: 705-383-2477
Fax: 705-383-2566

Wasauksing First Nation
P.O. Box 250
Parry Sound, ON
P2A 2Z1
Tel: 705-746-2531
Fax: 705-746-5984

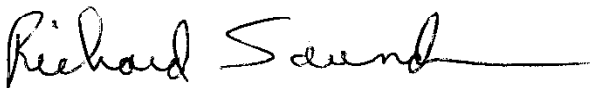
Moose Deer Point First Nation
3719 Twelve Mile Bay Road
P.O. Box 119
Mactier, ON
P0C 1H0
Tel: 705-375-5209
Fax: 705-375-0532

Wahta Mohawks First Nation
P.O. Box 260
Bala, ON
P0C 1A0
Tel: 705-756-2354
Fax: 705-756-2376

Please contact David Pickles of the Ontario Native Affairs Secretariat at 416-326-4757 if you have any further inquiries.

Thank you for this opportunity to comment.

Yours truly,



Richard Saunders
Director
Corporate Aboriginal Policy & Management Branch

c: David Pickles