

Appendix F Summary of Comments and Responses

	Comment	Response
<p>First Open House, April 29, 2009 Written Comments</p>	<p>Must control landfill odours before any expansion. Odour on Waterworks Side Road 2 miles east of site very bad and getting worse over last 20 years.</p>	<ul style="list-style-type: none"> Clean Harbors is aware of, and working to address, periodic odours generated at the Lambton Facility. The odours are largely associated with organic wastes received at the landfill and from the landfill leachate ponds. In the short term, Clean Harbors has recently tested what it hopes will be a more effective odour control agent for the leachate ponds. Reductions of odour from organic wastes will be realized with the implementation of pretreatment processes for organic wastes by January 1, 2010. This is a requirement of the Land Disposal Restrictions regulation in Ontario. Clean Harbors is proposing to implement thermal desorption technology at the facility to treat organic solid waste prior to disposal. In the future, the organic wastes which cannot be pre-treated by Clean Harbors will not be accepted at the site, further reducing any potential for odours.
	<p>Air quality has improved over the years but we still have some odour at times.</p>	<ul style="list-style-type: none"> Clean Harbors is aware of, and working to address, periodic odours generated at the Lambton Facility. The odours are largely associated with organic wastes received at the landfill and from the landfill leachate ponds. In the short term, Clean Harbors has recently tested what it hopes will be a more effective odour control agent for the leachate ponds. Reductions of odour from organic wastes will be realized with the implementation of pretreatment processes for organic wastes by January 1, 2010. This is a requirement of the Land Disposal Restrictions regulation in Ontario. Clean Harbors is proposing to implement thermal desorption technology at the facility to treat organic solid waste prior to disposal. In the future, the organic wastes which cannot be pre-treated by Clean Harbors will not be accepted at the site, further reducing any potential for odours.
	<p>Just because it meets the environmental standards doesn't mean it is healthy for us living close by.</p>	<ul style="list-style-type: none"> The Lambton Facility is operating in compliance with Ministry of Environment air quality standards which are based on the protection of human health and the environment. The air, groundwater and surface water at the Facility is carefully monitored to ensure it does not create any off-site adverse impacts. Clean Harbors has conducted long-term biomonitoring of the area surrounding the Lambton Facility that indicates the surrounding environment has not changed over time, and is typical of conditions in similar rural environments elsewhere in Ontario.
	<p>What will our children inherit when you leave? Our property values have declined because of proximity to Clean Harbors.</p>	<ul style="list-style-type: none"> Clean Harbors is committed to the ensuring the long-term protection of the environment at the site, and has provided the Ministry of Environment with financial assurance based upon the predicted closure and post closure costs associated with the site. The facility has a Certificate of Approval that requires routine re-evaluation of these costs. Clean Harbors has had in place for many years a Good Neighbour Program which protects the market value of properties within the vicinity of the landfill. The company intends to maintain the Good Neighbour Program should approval for the landfill capacity expansion be received. The program will be updated and clarified as appropriate in consultation with stakeholders.

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	Our concern is that you will fill the property that you own and then leave the people in St. Clair Township to bear the brunt of the problems that can occur in future.	<ul style="list-style-type: none"> Clean Harbors is committed to the ensuring the long-term protection of the environment at the site, and has provided the Ministry of Environment with financial assurance based upon the predicted closure and post closure costs associated with the site. The facility has a Certificate of Approval that requires routine re-evaluation of these costs. The company will be required to ensure the proper closure and post closure care of the site.
	I am opposed to any expansion. No community would want such a facility. If expansion is inevitable then a higher level of compensation is required for the host municipality.	<ul style="list-style-type: none"> The company believes that this is the only reasonable option available to it to provide this needed infrastructure for Ontario. The landfill supports local industry requiring disposal services, provides local employment and community support. The existing site infrastructure and geologic environment make this an ideal and safe site. Under the Good Neighbour Program both landowners in the vicinity of the site and St. Clair Township receive annual payments, which are among the most generous of such policies in the Province.
	Good Neighbour Program should be indexed to cost of living or inflation.	<ul style="list-style-type: none"> Under the Good Neighbour Program both landowners in the vicinity of the site and St. Clair Township receive annual payments, which are among the most generous of such policies in the Province. The Good Neighbour Program and municipality payments are presently indexed to inflation.
	Clean Harbors has an excellent open door policy for neighbours and concerned citizens. Information is available at all times.	<ul style="list-style-type: none"> Comment acknowledged.
	Look after chemical valley first, other areas (provinces and states) try not to dispose their waste so that at least our area and province can.	<ul style="list-style-type: none"> The North American hazardous waste industry is integrated across provincial and international borders. Wastes move both ways across the border to the most appropriate facility, pursuant to a Canada – U.S. agreement. Clean Harbors is seeking adequate waste disposal capacity to service their customers largely from Ontario and the Great Lakes region.
	Public consultation is key. More effort to ensure people are made aware of opportunities to participate.	<ul style="list-style-type: none"> Notices of Open Houses and any other consultation events will, as appropriate, be advertised in local newspapers, posted on the EA web site, and directly communicated to key stakeholders by letter.
	I think it is a good, required site. Lots of information to absorb, good!	<ul style="list-style-type: none"> Comment acknowledged.
	Clean Harbors has an excellent history of safely managing hazardous waste.	<ul style="list-style-type: none"> Comment acknowledged.
	Try to always stay ahead of MOE regulations and limitations.	<ul style="list-style-type: none"> Clean Harbors makes every effort to operate in compliance with the conditions of its Certificate of Approval and Ministry of Environment (MOE) regulations and requirements. Clean Harbors monitors proposed changes in legislation and rigorously monitors landfill operations to ensure it meets and exceeds regulatory requirements.
	Suggested Additional Criteria <ul style="list-style-type: none"> Traffic volume on Petrolia Line. Impact on property values of the undertaking. Impact on human health. 	<ul style="list-style-type: none"> Traffic volume is not included in the criteria list since the proposed undertaking is the "status quo" and will not change the volume of traffic generated by the site. It is intended that the landfill continue to operate at historical annual average rates. Nor would traffic distinguish between the two options under consideration. Property values are not included in the criteria list as Clean Harbors has in place a Good Neighbour Program which protects the market value of properties in the vicinity of the landfill. The company intends to maintain the Good Neighbour Program should approval for

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		<p>the landfill capacity expansion be received. The program will be updated and clarified as appropriate in consultation with stakeholders.</p> <ul style="list-style-type: none"> Human health is not specifically included in the criteria list as: <ul style="list-style-type: none"> the expansion options for the landfill will be assessed against Ministry of Environment requirements and standards, which are based on the protection of human health and the environment; a human health risk assessment was carried out with respect to the facility in connection with the last landfill expansion and did not identify any issues; and, long-term biomonitoring of the area surrounding the Lambton Facility indicates that the surrounding environment has not changed over time, and the levels recorded for a broad range of chemicals are typical of conditions elsewhere in Ontario.
<p>Second Open House, June 17, 2009 Written Comments</p>	<p>Important to consider seasonal variations in air emissions and odours.</p>	<ul style="list-style-type: none"> Clean Harbors recognizes that there are seasonal variations in air emissions and odours. Generally these may be higher in the summer months due to the higher ambient temperatures that affects the generation of odours in particular. Potential air emissions and odours will be assessed for the different expansion alternatives in the EA, and seasonal variations will be considered. Clean Harbors is aware of, and working to address, periodic odours generated at the Lambton Facility. The odours are largely associated with organic wastes received at the landfill and from the landfill leachate ponds. In the short term, Clean Harbors has recently tested what it hopes will be a more effective odour control agent for the leachate ponds. Reductions of odour from organic wastes will be realized with the implementation of pretreatment processes for organic wastes by January 1, 2010. This is a requirement of the Land Disposal Restrictions regulation in Ontario. Clean Harbors is proposing to implement thermal desorption technology at the facility to treat organic solid waste prior to disposal. In the future, the organic wastes which cannot be pre-treated by Clean Harbors will not be accepted at the site, further reducing any potential for odours.
	<p>My concern if Clean Harbors goes bankrupt who takes responsibility for perpetual care? Five million won't put a fence around the site and give it a paint job. Please add property values to your list of criteria.</p>	<ul style="list-style-type: none"> Clean Harbors is committed to the ensuring the long-term protection of the environment at the site, and has provided the Ministry of Environment with financial assurance based upon the predicted closure and post closure costs associated with the site. The facility has a Certificate of Approval that requires routine re-evaluation of these costs. The company will be required to ensure proper closure and post closure care of the site. Property values are not included in the criteria list as Clean Harbors has in place a Good Neighbour Program which protects the market value of properties in the vicinity of the landfill. The company intends to maintain the Good Neighbour Program should approval for the landfill capacity expansion be received. The program will be updated and clarified as appropriate in consultation with stakeholders.
	<p>As part of mitigation steps, increase natural habitat corridors on CH property by protecting existing trees and planting new trees or prairie plantings. Could be part of eventual cap & trade carbon tax system presented by government.</p>	<ul style="list-style-type: none"> The woodlot area at the southeast corner of the existing Lambton Facility will be preserved and opportunities to enhance natural corridors and linkages will be considered by Clean Harbors.

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	I don't want this expansion. Period.	<ul style="list-style-type: none"> • Comment acknowledged.
	At some point I would like to see CH consider scrubbing the flue gas from the incinerator stack.	<ul style="list-style-type: none"> • Currently the flue gas from the incinerator passes through a spray dryer to neutralize any acid gases (like sulphur dioxide). A powder-activated carbon system removes trace contaminants and a baghouse removes particulate. As a result, emissions from the incinerator unit are up to 50 times cleaner than required by current regulations.
	Please install a biodiversity wetland for plants and animals.	<ul style="list-style-type: none"> • The utility of the development of a biodiversity wetland as a mitigation measure will be considered by Clean Harbors during the environmental assessment.
	<p>Suggested Additional Criteria:</p> <ul style="list-style-type: none"> • Impact on property values of the undertaking. • Impact on human health. 	<ul style="list-style-type: none"> • Property values are not included in the criteria list as Clean Harbors has in place a Good Neighbour Program which protects the market value of properties in the vicinity of the landfill. The company intends to maintain the Good Neighbour Program should approval for the landfill capacity expansion be received. The program will be updated and clarified as appropriate in consultation with stakeholders. • Human health is not specifically included in the criteria list as: <ul style="list-style-type: none"> • the expansion options for the landfill will be assessed against Ministry of Environment requirements and standards, which are based on the protection of human health and the environment; • a human health risk assessment was carried out with respect to the facility in connection with the last landfill expansion and did not identify any issues; and, • long-term biomonitoring of the area surrounding the Lambton Facility indicates that the surrounding environment has not changed over time, and the levels recorded for a broad range of chemicals are typical of conditions elsewhere in Ontario.
<p>Walpole First Nations Open House – June 16, 2009 Written Comments</p>	Safe water is necessary to life - human and animal.	<ul style="list-style-type: none"> • Clean Harbors agrees with this statement. The existing site is operating in compliance with Ministry of Environment requirements and is carefully monitored to ensure the safety of groundwater and surface water in the area. Potential impacts upon surface water and groundwater will be considered when comparing the expansion alternatives as part of the environmental assessment.
	Disruptions in ecosystems cause problems everywhere. A smear has already been seen on our nation.	<ul style="list-style-type: none"> • Clean Harbors has conducted long-term biomonitoring of the area surrounding the Lambton Facility that indicates the surrounding environment has not changed over time, and the levels recorded for a broad range of chemicals are typical of rural conditions elsewhere in Ontario. Clean Harbors will assess potential effects on both the aquatic and terrestrial ecosystems as part of the comparison of alternatives during the environmental assessment.
	Concern for health of environment and humans. Is there potential for long term impacts from this initiative?	<ul style="list-style-type: none"> • The landfill is operating in compliance with Ministry of Environment requirements and standards which are based on the protection of human health and the environment. The air, groundwater, surface water and plant life around the landfill are monitored on an ongoing basis to ensure it continues to operate safely and without adverse effects.
	We rely on the ecosystem as a food source.	<ul style="list-style-type: none"> • The comment is acknowledged. Please see the responses above which also address this comment. Clean Harbors will assess potential effects on air and on the aquatic and terrestrial ecosystems as part of the comparison of alternatives during the environmental assessment.

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	Work towards zero discharge from the facility.	<ul style="list-style-type: none"> The company shares this objective. The landfill is carefully monitored to ensure there are not off-site adverse effects from its operation. The monitoring on and off-site confirms the landfill continues to operate safely.
	Will there be employment opportunities for Walpole Island First Nations members?	<ul style="list-style-type: none"> Clean Harbors provides notice of employment opportunities to Walpole Island First Nation.
	No information was provided to our local public library - Bkejnanong First Nation Public Library - about this project.	<ul style="list-style-type: none"> Clean Harbors will provide copies of project related documentation to the First Nation so that it can be placed in the appropriate facilities for review and comment.
	Based on the feedback received from the public, Clean Harbors should share all the questions asked with members of the public.	<ul style="list-style-type: none"> A record of the consultation activities undertaken during the proposed ToR development, including a list of all written comments received and responses to those comments, will be made available to the public as a supporting document to the proposed ToR.
	Clean Harbors should promptly address any deviation from normal operating conditions. Maintenance of the facility and plant equipment is important.	<ul style="list-style-type: none"> The Lambton Facility is operated in compliance with Ministry of Environment requirements. Any deviations from normal operating conditions are addressed promptly by facility staff and the full-time on-site Ministry of Environment inspector.
Aamjiwnaang First Nation Open House – June 18, 2009 Written Comments	I am concerned that Aamjiwnaang has never been consulted for an Impact Benefit Agreement. Ensure that First Nation Communities are engaged thru the process and that Aamjiwnaang be able to receive capacity funding to hire independent technical review of documents.	<ul style="list-style-type: none"> Clean Harbors has discussed with representatives of the Aamjiwnaang First Nation options for peer review of study documents. Clean Harbors will continue to provide appropriate First Nation specific consultation activities at the request of the First Nation. The appropriateness of an impact benefit agreement can be considered in conjunction with that peer review and any identified impacts.
	Lots of risks still involved. Especially with expansion. E.g. - water overflow and potential leakages.	<ul style="list-style-type: none"> Potential environmental effects will be specifically considered when comparing the expansion alternatives.
	Environmental Assessment – will there be training in this area? Benefits to First Nation - NONE.	<ul style="list-style-type: none"> Clean Harbors will support appropriate peer review funding for the Aamjiwnaang First Nation.
	What are you proposing to the First Nation in benefits to us? E.g. Jobs, scholarships.	<ul style="list-style-type: none"> Clean Harbors provides notice of employment opportunities to First Nations. The company anticipates addressing the issue of benefits further with the Aamjiwnaang First Nation.
	Suggested Additional Criteria: <ul style="list-style-type: none"> Air Emissions criteria – need to add indicator “impact on waterways (creeks, ponds, rivers)” 	<ul style="list-style-type: none"> These potential impacts are already addressed in the proposed air quality assessment, which will consider predicted air quality in relation to Ministry of Environment standards.
Walpole Island First Nation Letter dated July 14, 2009	Walpole Island First Nations (WIFN) wishes to be fully engaged in the preparation of the Terms of Reference.	<ul style="list-style-type: none"> Consultation has been and will be undertaken with the Walpole Island First Nation and their representatives.
	Need to assess if the Memorandum of Agreement (MOA) with Walpole Island First Nations and then Safety-Kleen Ltd., has been respectful and productive. This is the first step in determining acceptance of an expansion of the existing facility, and if so, the new terms and conditions for the relationship. To assess the terms of the existing relationship: <ol style="list-style-type: none"> WIFN need to complete a technical review of the existing expansion of the landfill 	<ul style="list-style-type: none"> Clean Harbors will be pleased to consult with Walpole Island First Nation regarding the project and in the assessment of the Memorandum of Agreement. The consultants for the Walpole Island First Nation have detailed information on the landfill performance. If any additional information is required, the company will be pleased to provide it.

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	<p>2. WIFN need to assess the MOA. This will require assessment of the outcome of the negotiations referred to in section 5 of that MOA, reviewing technical reports completed to date and reviewing the work of the Environmental Liaison Committee.</p> <p>WIFN would like to meet with Clean Harbors to review the results of the assessment and determine next steps, and will be in a position to meet by August 13, 2009.</p> <p>WIFN requests that any records that could assist in the assessment be sent to them.</p>	
<p>Ministry of Municipal Affairs and Housing Letter dated May 4, 2009</p>	<p>From our review of this particular matter, it appears that Planning Act application may be required. In addition, this application may have other implications with respect to those matters covered by the Provincial Policy Statement 2005.</p> <p>Environmental Assessment Studies that examine waste management issues including establishment and expansion of landfills should ensure that these systems are provided in a manner that: 1) are of an appropriate size and type to accommodate present and future requirements; 2) facilitate, encourage and promote reduction, reuse and recycling objectives; 3) are located and designed in accordance with provincial standards; and, 4) protects human health and the natural environment.</p> <p>Ensure that any County and Local Official Plan policies regarding municipal waste management are integrated into the assumptions regarding the preferred solution recommended under this evaluation process.</p>	<ul style="list-style-type: none"> • Clean Harbors is aware that Planning Act approvals may be required. The need for these approvals will be identified in the environmental assessment. Any additional approvals required for the proposed undertaking will be sought after the approval of the environmental assessment. • Clean Harbors is seeking waste disposal capacity to maintain the level of service it currently provides to its existing customers. • Clean Harbors offers consultation services to its commercial and industrial clients to identify hazardous waste streams and develop plans to reduce, reuse or recycle this material, where appropriate. • All applicable provincial standards will be adhered to in the development of a site capacity expansion. • Potential impacts related to the environment will be considered when comparing the expansion alternatives. Any project will be undertaken in compliance with MOE requirements and standards which are based on the protection of human health and the environment. • As this is a hazardous waste landfill, municipal waste is not relevant.
<p>Canadian Environmental Assessment Agency Letter dated May 5, 2009</p>	<p>It is uncertain if the Canadian Environmental Assessment Act applies to this project. Proponents should provide a project description including:</p> <ul style="list-style-type: none"> • The nature of the project and its location; • Federal decisions which may be made in relation to the project; and • Whether federal funding is being contemplated or federal lands are required. 	<ul style="list-style-type: none"> • The project description, as part of the proposed ToR, will be forwarded to the Canadian Environmental Assessment Agency. No federal funding is being sought for this project. In addition, no federal lands are required for this project. No federal approvals are believed to be required. There is no CEAA trigger to the knowledge of the company.

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<p>Indian and Northern Affairs Canada Letter dated May 6, 2009</p>	<p>Records indicate three active litigations in the vicinity of the subject property involving Walpole Island First Nation, Chippewas of Sarnia and Chippewas of Kettle and Stoney Point. INAC is unable to comment on the possible effect of these claims as the cases have not been adjudicated, and it is recommended that Clean Harbors contact legal counsel as to the effect these claims may have on the lands concerned. Further information on the claims is available and can be obtained from the Court.</p>	<ul style="list-style-type: none"> • Clean Harbors has and will continue to consult with the Aamjiwnaang First Nation (Chippewas of Sarnia) and the Walpole Island First Nation. The company has also contacted the Chippewas of Kettle and Stoney Point (Kettle Point First Nation) regarding the project and will consult with them as appropriate.
<p>Ministry of the Environment Memorandum dated September 23, 2009</p>	<p>While acknowledged that consultation on the draft ToR is not mandatory under the EAA, the MOE strongly encourages proponents to consult with stakeholders, agencies and aboriginal communities on the draft ToR in order to identify issues and concerns before formal submission. We understand you have held public information centres and consulted with government agencies on aspects of the ToR, but these consultation efforts have not included the opportunity for review of the draft ToR itself. Please be advised that amendments to the final ToR can only be made through a formal time-out from the regulated review period and resubmission of the document, or amendment by condition imposed by the Minister of the Environment.</p> <p>For the general public, it is recommended that the ToR describe, at a high level, Ontario's Environmental Assessment (EA) Framework. This would include the role of the ToR and EA and their associated approvals processes. In addition, the ToR should include a section containing a description of the components which will make up the final EA document including a preliminary list of studies and technical material which will be prepared in support of the undertaking.</p> <p>The ToR must identify that a full, detailed description of the preferred alternative with associated technical studies will be provided in the EA. During pre-consultation, Clean Harbors identified that the alternative methods would be described to the level of detail required to obtain a Certificate of Approval (C of A) under the Environmental Protection Act and Ontario Water Resources Act. While the draft ToR states that should one method be determined not able to obtain a C of A it will be abandoned, this is not the same as evaluation of both alternatives to such level of detail. Please address this in the final ToR.</p>	<ul style="list-style-type: none"> • • •

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	<p><u>Section 1.3 – Submission Statement</u></p> <ul style="list-style-type: none"> It is actually the EA that will be prepared in accordance with subsection 6.1(3) of the EAA, not the ToR. Please clarify this in the second sentence of this section. 	<ul style="list-style-type: none">
	<p><u>Section 1.4 – Flexibility of the Terms of Reference</u></p> <ul style="list-style-type: none"> While it is important to accommodate circumstances where Clean Harbors needs to include additional studies or evaluation criteria not foreseen when the ToR was developed, it must be recognized that this flexibility does not allow Clean Harbors to remove commitments made in the ToR. It is requested that all proposed variances be discussed with the MOE to determine whether they can be accommodated within the framework of the ToR. 	<ul style="list-style-type: none">
	<p><u>Section 1.5 – Purpose and Organization of the Terms of Reference</u></p> <ul style="list-style-type: none"> Please reword the first sentence to read “If approved by the Minister of the Environment, the EA must be prepared in accordance with the detailed requirements set out in the approved ToR.” This section identifies the organization of the ToR including Section 7 – Commitments. However, Section 7 of the document provided is “Monitoring”. In addition to monitoring, a section on commitments should be provided, describing Clean Harbors commitments when carrying out the EA itself, as well as any additional commitments it wishes to make to the community. 	<ul style="list-style-type: none">
	<p><u>Section 2.1.1 – Rationale</u></p> <ul style="list-style-type: none"> As part of the Rationale, please describe any technical studies completed demonstrating that the existing Lambton Landfill capacity is insufficient to meet long-term needs. You may wish to remove reference in Section 2.1.2 to Supporting Document No. 1 and place it in this section, as this document apparently provides rationale for the undertaking. In addition, this section identifies the proposed landfill volume requirements. Please relate the total proposed volume to the amount of waste expected to be received at the site based on current fill rates on a daily/yearly basis and whether there will be any increases. 	<ul style="list-style-type: none">

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	<p><u>Section 2.1.3 – Consideration of “Alternatives to”</u></p> <ul style="list-style-type: none"> The second paragraph refers to “The most recent EA” and the alternative technologies considered in that study for managing hazardous waste. The draft ToR does not provide a full reference to this document, it is not contained as a supporting document, nor does it contain a summary of the technologies evaluated and why landfill disposal remains a key disposal technology. Please address. 	<ul style="list-style-type: none">
	<ul style="list-style-type: none"> The last paragraph in this section identifies that the other alternatives were either impractical or would not meet the needs of Clean Harbors or its customers. Please describe why each alternative was considered impractical or doesn't meet the defined needs, as a more complete discussion should be provided to demonstrate the appropriateness of including a limited review of alternatives. This should include a discussion of the impacts of the “do nothing” alternative, as the advantages and disadvantages of the alternatives should be compared to this. 	<ul style="list-style-type: none">
	<p><u>Section 2.2.2 – “Alternative Method” 2 – Shallow Entombment Off-Site</u></p> <ul style="list-style-type: none"> This section identifies that leachate collection would not be required at this site. It is premature to identify at this stage what types of mitigation measures may or may not be necessary and these should be evaluated in detail in the EA. Please update this section accordingly. 	<ul style="list-style-type: none">
	<p><u>Section 3 – Existing Environmental Conditions</u></p> <ul style="list-style-type: none"> Please describe the municipal zoning for the Clean Harbors property as well as the adjacent lands. 	<ul style="list-style-type: none">
	<p><u>Section 4 – Environmental Assessment Methodology</u></p> <ul style="list-style-type: none"> The comparative evaluation method has been identified as the approach by which alternative methods will be evaluated. Please describe this method, how it will be used, and the rationale for its choice. 	<ul style="list-style-type: none">
	<p><u>Section 4.1 – Study Area</u></p> <ul style="list-style-type: none"> The study area is to include all lands which may be affected by the preferred alternative. Appendix B identifies that social impacts will be considered for properties within 1500 meters of the landfill boundary – is this the preliminary study area? The ToR should describe in further detail the preliminary study area and how its boundaries will be identified and refined through the EA process. 	<ul style="list-style-type: none">

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	<ul style="list-style-type: none"> For the shallow entombment alternative, the EA will need to identify the required buffer zone. It is unclear whether existing Clean Harbors-owned lands would provide a sufficient buffer zone and the EA will be required to demonstrate that Clean Harbors can provide a sufficient buffer zone. 	<ul style="list-style-type: none">
	<p><u>Section 4.2 – Evaluation Categories</u></p> <ul style="list-style-type: none"> You may wish to include “property values” under socio-economic factors in the detailed evaluation criteria set out in Appendix B. The draft ToR proposes to exclude traffic impacts from evaluation in the EA, and a supporting document (which was not provided) includes a traffic impact study in support of the rationale for the exclusion of this from the EA. It is inappropriate to screen out any potential impacts at the ToR stage and this information and the associated study should be carried forward to the EA for consideration at that point in time. The MOE will then require documentation confirming that the municipality is satisfied with the findings of the traffic impact study. In addition, please clarify if current volumes of waste transported to the site, on a daily basis, will remain consistent. 	<ul style="list-style-type: none">
	<p><u>Section 4.3 – Description of “Alternative Methods”</u></p> <ul style="list-style-type: none"> Please describe the “assumptions” referred to in the 6th bullet point. Further, the ToR needs to identify that the EA will describe alternative design options for the respective “alternative methods” if design options may reduce or impact mitigation requirements. If they will not be evaluated, the rationale for this should be provided. 	<ul style="list-style-type: none">
	<p><u>Section 4.5 – Predict Effect for Each Alternative</u></p> <ul style="list-style-type: none"> Please outline what is meant by “generic assumed mitigation measures”. The EA must describe, in detail, the proposed mitigation measures and how they will be applied. 	<ul style="list-style-type: none">
	<p><u>Section 5.1 – Consultation Plan</u></p> <ul style="list-style-type: none"> Please ensure the Record of Consultation includes contact with the Ministry of Aboriginal Affairs and Indian and Northern Affairs Canada. These contacts are identified on the MOE’s website at: http://www.ene.gov.on.ca/en/eaab/aboriginal-resources.php 	<ul style="list-style-type: none">

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	<p><u>Section 5.2 – Consultation for Terms of Reference</u></p> <ul style="list-style-type: none"> Supporting Document No. 5 should be referred to as the “Record of Consultation”. Without the benefit of seeing this document, the MOE unable to determine the nature of public comments received during consultation on the ToR nor assess how Clean Harbors has responded to questions or concerns raised. Please refer to Section 4.3.1 of the Code of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario for a description of the minimum requirements for the Record of Consultation. 	<ul style="list-style-type: none">
	<p><u>Section 5.3 – Consultation for the EA process</u></p> <ul style="list-style-type: none"> Please note in this section that the consultation process proposed outlines the minimum extent of consultation that will occur and that further opportunities and additional consultation methods will be provided if warranted. For example, Clean Harbors should commit to meet with adjacent property owners should they express interest in face-to-face meetings, or hold additional meetings if there is more public interest than expected. 	<ul style="list-style-type: none">
	<ul style="list-style-type: none"> In addition, it is recommended that the ToR describe the objectives of the consultation plan, to provide guidance and direction for the subsequent consultation events. This would include, for example: consulting with all interested people; providing opportunities for input before decisions are made; being responsive and making changes where appropriate, etc. 	<ul style="list-style-type: none">
	<p><u>Section 5.4 – First Nations Consultation</u></p> <ul style="list-style-type: none"> Please note in this section that additional First Nations will be provided the opportunity to participate in the EA process should they be interested. Further, please include a commitment to work with the First Nations to address any comments and concerns they may have. 	<ul style="list-style-type: none">
	<p><u>Section 6 – EA Study Schedule</u></p> <ul style="list-style-type: none"> Please replace “approval assumed at” with “a decision targeted for” from the first sentence of this section. Further, please include a commitment in this section (or Section 5.3) to provide a draft EA for review before formal submission of the EA. 	<ul style="list-style-type: none">

	Comment	Response
	<p><u>Section 7 – Monitoring</u></p> <ul style="list-style-type: none"> • While monitoring will be a requirement of the EPA and OWRA approvals, the EA must include a detailed description of, and commitment to, monitoring for potential impacts associated with the preferred alternative. The ToR must include a commitment reflective of this. It is inappropriate for monitoring requirements to be left entirely until the EPA/OWRA approvals stage. The ToR must identify that the monitoring framework will consider all phases of the proposed undertaking (planning, design, construction, operation, closure, etc), related to both compliance monitoring and effects monitoring. The EA will need to provide a strategy which sets out how and when all commitments made in the EA will be fulfilled and how the proponent will report to the MOE about compliance. • In addition, please include a requirement in the ToR for the EA to include an amending procedure for minor amendments to the preferred undertaking. 	<ul style="list-style-type: none"> • •
	<p><u>Section 8 – Other approvals</u></p> <ul style="list-style-type: none"> • Please note that the list provided may not be exhaustive and will be modified as necessary. Further, please replace the sentence beginning “It is intended...” with the following “EA Act approvals must precede all other approvals”. 	<ul style="list-style-type: none"> •