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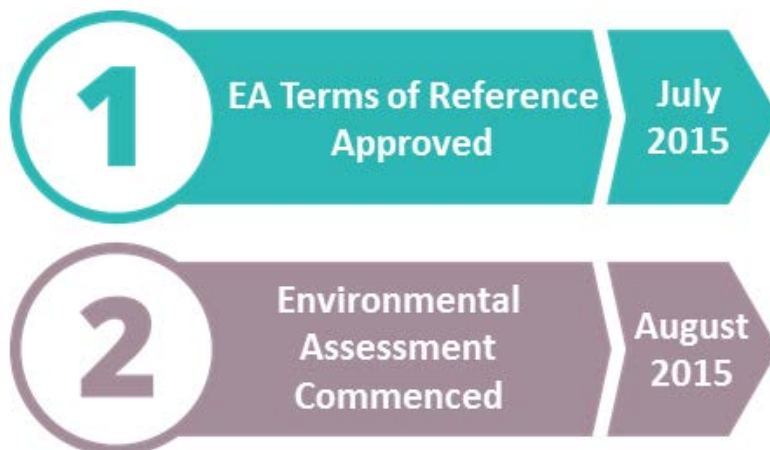
Section 2.0 Overview of the Environmental Assessment Process & Study Organization

This section of the EA Report provides an overview of the EA process carried out for the Brooks Road Landfill Site Vertical Capacity Expansion EA, describes the study organization, and provides an overview of the EA Report.

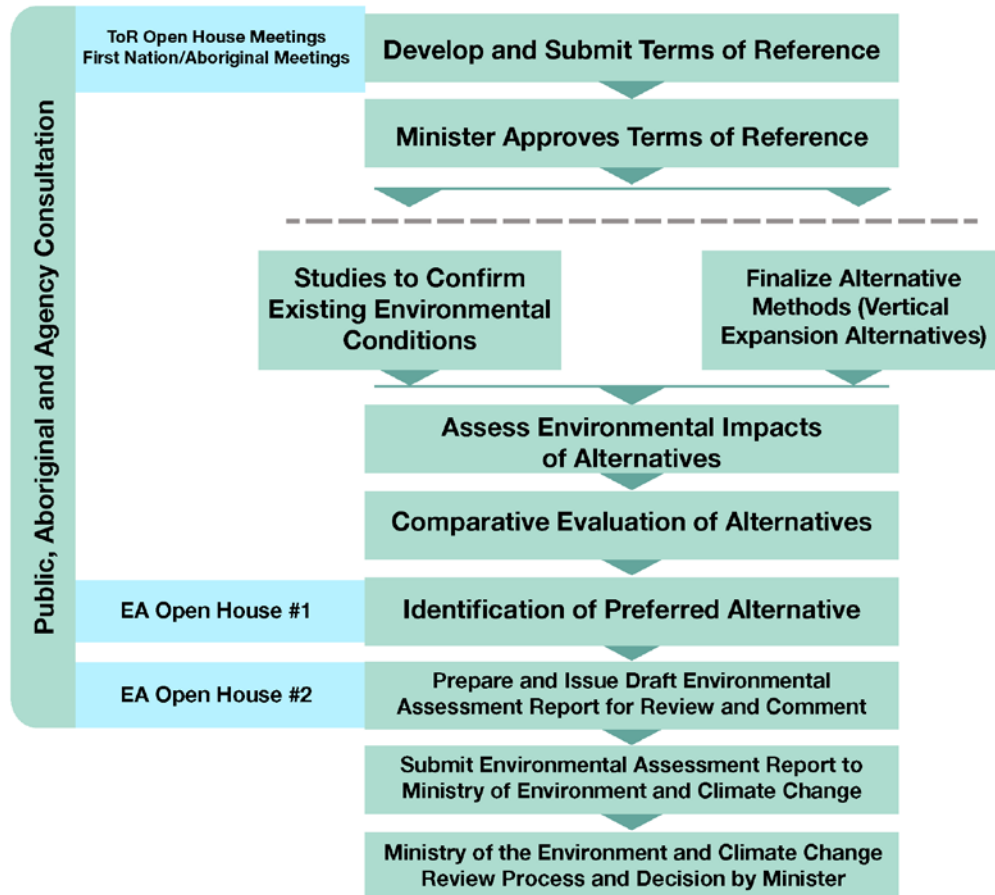
2.1 Environmental Assessment Process

This EA was conducted and prepared in accordance with the Brooks Road Landfill Site Vertical Capacity Expansion ToR dated April 2014 and approved by the Minister of the Environment and Climate Change (the Minister) on July 31, 2015 (see **Appendix A**), as per Section 6.1 (1) of the *EA Act*. As illustrated in **Figure 2.1**, the ToR was the first step of a two-step *EA Act* approval process for the proposed undertaking in the Province of Ontario, with the second step being the EA. An overview of the process followed for this EA is provided in **Figure 2.2**.

Figure 2.1 Environmental Assessment Process



**Figure 2.2 Brooks Road Landfill Site Vertical Capacity Expansion
Environmental Assessment Process**



This EA has been prepared in accordance with and having regard for the following MOECC guidance documents:

- Code of Practice *Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario* (MOECC, January 2014)
- Code of Practice *Preparing and Reviewing Environmental Assessments in Ontario* (MOECC, January 2014)
- Code of Practice *Consultation in Ontario's Environmental Assessment Process* (MOECC, January 2014)
- *Guide to Environmental Assessment Requirements for Waste Management Projects in Ontario* (MOECC, March 2007)

The methodology described in the EA Report, as well as within the Minister-approved ToR, reflects a focused process that meets the requirements of the Ontario *EA Act* and Ontario Regulation 101/07, the Waste Management Projects Regulation, made under the *EA Act*.

During preparation of this EA, as well as the Minister-approved ToR, the Proponent has consulted with the MOECC, other federal, provincial and local government agencies, the public, Aboriginal communities and other interested persons.

2.2 Ontario Environmental Assessment Act

The overall purpose of the *EA Act* is to promote good environmental planning through the protection, conservation and wise management of Ontario's environment. The intent is to predict the environmental effects of proposed initiatives or projects before they are carried out. In order to achieve this, the *EA Act* ensures that environmental problems and opportunities associated with the project are considered along with alternatives and that their effects are investigated and mitigated through the planning process, prior to implementation and construction. A key component of the *EA Act*, as well as good planning, is to ensure that reasonable and meaningful consultation opportunities for members of the public, agencies, and other key stakeholders are provided throughout the process.

As noted previously, the *EA Act* requires a ToR to be prepared and approved by the Minister prior to undertaking the EA. The ToR sets the framework for how the EA will be undertaken and prepared and provides overall direction for the EA. The Brooks Road Landfill Site Vertical Capacity Expansion EA ToR (approved July 2015) provides the minimum considerations required, commitments and the overall framework to be followed within this EA. **Appendix B** of this EA Report details how the EA has fulfilled the commitments made in the approved ToR.

The EA was prepared in accordance with the requirements set out in the approved ToR and the *EA Act*, including:

- A description of the *purpose* of the undertaking
- A *description of the undertaking* based on the consideration of alternative methods and detailed impact assessment
- The *rationale for the undertaking*, as described in Section 5.0 of the approved ToR
- A description of the *environment potentially affected* by the undertaking
- An assessment of the *alternative methods* of carrying out the undertaking
- A description of the *effects* that will be caused or that might reasonably be expected to be caused on the environment by the undertaking or the alternative methods
- A description of *mitigation measures* that are necessary to prevent or reduce significant adverse effects on the environment
- An evaluation of the *advantages and disadvantages* to the environment as a result of the undertaking and the alternative methods
- A description of *consultation* undertaken by Brooks Road Environmental in association with the EA

In addition, although not formally required under the *EA Act*, the following additional assessments were undertaken as part of this EA:

- Assessment of cumulative effects
- Assessment of the effects of climate on the undertaking¹
- Assessment of the effects of the undertaking on climate²

2.3 Undertaking by a Private Proponent

Given that the Owner is successfully operating the Site and wishes to continue the business opportunity at this Site, the establishment of a new landfill site or an alternative form of waste disposal facility (e.g., a new landfill site or a thermal treatment facility) elsewhere are not feasible options. As a result, the vertical expansion of the capacity of the existing Site is the only practical, environmentally sound and financially feasible means of addressing the Owner's solid, non-hazardous waste disposal business opportunity for the foreseeable future (approximately 5 to 7 years).

The practical realities of the Proponent (i.e., geography, financial constraints, and need for cost-effective solid, non-hazardous waste disposal capacity) demonstrate that an EA undertaken in accordance with Section 6.(2)(c) of the *EA Act* is justified and appropriate in this case.

The MOECC Code of Practice *Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario* (January, 2014) outlines the consideration for developing a ToR. The Code of Practice allows a proponent to proceed under subsection 6(2)(c) and 6.1(3) if the proponent is further along in the defined planning process and additional detail is known regarding their proposal. As an example, The Code of Practice states:

...what is reasonable for one proponent to implement may not be reasonable for another when trying to solve a similar problem because the circumstances between proponents may vary widely. A private sector proponent's inability to expropriate land or implement public programs will influence the range of alternatives it may examine.

¹ It should be noted that the MOECC has prepared a draft *Guide: Consideration of Climate Change in Environmental Assessment in Ontario*, which was posted to the EBR after the Draft Brooks Road Landfill Vertical Expansion EA.

² Ibid

As it relates to the Proponent and its business, the Code of Practice also makes reference to private sector proponents in the waste industry as follows:

The private sector proponent may only consider landfill or on-site diversion because:

- *It cannot implement a municipal waste diversion program such as curbside recycling;*
- *Export would affect their business; and,*
- *Thermal technology is not economically viable because waste volumes are too small.*

Brooks Road Environmental is a privately owned and operated company, conducting business in the Province of Ontario. As such, the question as to whether there is a need for the services that they provide is largely based on business decisions. Similarly, the question as to how they might provide these services is a Brooks Road Environmental business decision. For example, a broad search of alternative technologies or sites for new landfill footprints within an EA process could result in decisions that would be economically unacceptable or present too great of a risk. Consequently, these assessments and decisions regarding financial viability have been taken by the Proponent prior to carrying out the EA.

Under the requirements of the EA Act, the proponent must include a description of the rationale as part of the EA documentation. Brooks Road Environmental will describe the rationale for the undertaking, as outlined in Section 5.0 of the approved ToR, within this EA Report. Section 3.2 of this EA Report provides a re-statement of the rationale and provides additional detail on the benefits of the proposed Undertaking.

2.4 Canadian Environmental Assessment Act 2012

While the Proponent's proposed undertaking is subject to the requirements of the *EA Act*, the *Canadian Environmental Assessment Act, 2012 (CEAA 2012)* does not apply. The proposed undertaking does not appear on the list of Activities subject to *CEAA 2012* described in the Regulations Designating Physical Activities under *CEAA 2012* as confirmed by the Canadian Environmental Assessment Agency³.

2.5 Organization of the EA Report

This EA Report has been prepared in accordance with the following key documents:

- Brooks Road Landfill Site Vertical Capacity Expansion ToR (as approved by the Minister of the Environment and Climate Change on July 31, 2015)

³ Letter dated September 1, 2015 from Anjala Puvananathan, Director Ontario Region, Canadian Environmental Assessment Agency.

- Code of Practice – Preparing and Reviewing Environmental Assessments in Ontario (January 2014)
- Code of Practice – Consultation in Ontario's Environmental Assessment Process (January 2014)

The EA Report is composed of the following sections, appendices, and supporting documents for addressing the requirements set out in the approved ToR:

EA Sections

Section 1.0 – Introduction

Provides an introduction to and background information regarding the EA and the proponent, Brooks Road Environmental.

2.0 – Overview of the Environmental Assessment Process & Study Organization

Describes the process used to carry out the EA, *EA Act* requirements, and provides an overview of the overall EA Report.

3.0 – Overview of the Undertaking

Identifies the purpose of and rationale for the undertaking and identifies the Preferred Alternative To the Undertaking.

4.0 – Description of the Environment Potentially Affected by the Undertaking

Details the existing environmental conditions within the Site Study Area and Local Study Area.

5.0 – Alternative Methods of Carrying Out the Undertaking & Impact Assessment

Identifies and describes the Alternative Methods of Carrying Out the Undertaking (vertical expansion alternatives and leachate treatment alternatives); describes the potential environmental effects, recommended mitigation measures, and resultant net environmental effects associated with the Alternative Methods; summarizes the comparative evaluation processes leading to the identification of a Recommended Alternative; provides a detailed description of the Undertaking (recommended design) and presents an impact assessment of the Undertaking (recommended design).

6.0 – Consultation

Summarizes the consultation process carried out as part of the EA.

7.0 – Monitoring & Commitments

Describes the commitments, monitoring strategy, and schedule for the Preferred Undertaking.

8.0 – Approvals Required for the Undertaking

Outlines the anticipated approvals required for implementing the Preferred Undertaking following *EA Act* approval.

9.0 – Amending the EA

Details the process for carrying out potential amendments to the EA.

Appendices

Appendix A – Approved Terms of Reference and January 2015 Errata Letter

Appendix B – Terms of Reference Commitments Table

Appendix C – List of Studies and Reports

Appendix D – Conceptual Design Report

Appendix E – Assessment Reports

Appendix F – Predicted Methane Generation – Brooks Road Landfill

Supporting Documents

Supporting Document 1 – Record of Consultation

Table 2.1 identifies where each of the *EA Act* requirements are addressed in the EA Report and its appendices.

Table 2.1 EA Act Requirements & Where They Are Addressed in the EA Report

EA Act Requirements	Section/Document Where Requirement is Addressed
A description of the purpose of the undertaking	Section 3.0 & Appendix A
A description of and a statement of the rationale for (i) the undertaking	Section 3.0 & Appendix A
A description of and a statement of the rationale for (ii) the alternative methods of carrying out the undertaking	Section 5.0, Appendix A, & Appendix D
A description of and a statement of the rationale for (iii) the alternatives to the undertaking	Section 3.0 & Appendix A
A description of (i) the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly, by the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking	Section 4.0, Appendix A, & Appendix E
A description of (ii) the effects that will be caused or that might reasonably be expected to be caused to the environment, by the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking	Section 5.0 & Appendix E

EA Act Requirements	Section/Document Where Requirement is Addressed
A description of (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	Section 5.0 & Appendix E
An evaluation of the advantages and disadvantages to the environment of the undertaking and the alternative methods of carrying out the undertaking	Section 5.0 & Appendix E
A description of any consultation about the undertaking by the proponent and the results of the consultation	Section 6.0