

From: [Karen Wolfe](#)

Sent: February 3, 2023 6:00:31 PM

To: [Ministre / Minister \(ECCC\)](#)

Cc: information@iaac-aeic.gc.ca

Subject: Designation Request

Sensitivity: Normal

Attachments:

IAAC Designation Request.pdf;BCR First Nations.jpg;Goldlust timeline of contaminated citations .pdf;

You don't often get email from <Email address removed> [Learn why this is important](#)

Dear Minister: Attached please find a Designation Request. I am requesting that you designate the proposed Aerodrome project, "Baldwin East" on Old Homestead Road in Pefferlaw, (Georgina) Ontario as a project for the Impact Assessment Agency of Canada. All of the pertinent information on this project is included in the attached designation request. Also attached is a Band Council Resolution from the Chippewas of Georgina Island First Nation and a list of charges from the Ontario Ministry of the Environment laid upon one of the proponents of the proposed aerodrome project.

Should you require further information, please do not hesitate to contact me.

Sincerely,

Karen Wolfe

Advocacy Chair

<Personal information removed>

<Personal information removed>

Proud to be a recipient of a 2007 Georgina Business Excellence Award

Proud to be a recipient of the Queen's Diamond Jubilee Medal

Proud recipient of the 2021 Town of Georgina Heritage Award

IMPACT ASSESSMENT REVIEW AGENCY DESIGNATION

REQUEST

PURPOSE

We, the Pefferlaw Area Ratepayers (PAR) are formally, under subsection 9(1) of the IAA, submitting this "Designation Request" to ask the Impact Assessment Review Agency of Canada to investigate the negative environmental impacts of a project that will dump 1.2 million cubic metres of fill onto 141.6 hectares of environmentally sensitive farmland on Old Homestead Rd. in Pefferlaw, Ontario. It is our opinion that the following evidence should lead the Impact Assessment Review Agency to assess the project and convince the Environment Minister, Mr. Steven Guilbeault to conclude that this project is NOT IN THE PUBLIC INTEREST and should (a) not proceed or (b) require the oversight of the Federal Department of the Environment and Climate Change because it is in the public's interest to provide this protection.

INTRODUCTION

A company known as Sutton Airport Development Inc. submitted an application to Transport Canada to build an aerodrome on 141.6 hectares (350 acres) of farmland in Pefferlaw (Georgina) Ontario in November 2021. The proponents, Mauro Marchioni, Wilf Goldlust and Harvey Frisch purchased the property at 7818 and 7486 on Old Homestead Rd. on or about June 2020. In April of 2022, the proponents submitted the final report to Transport Canada and despite strong opposition from residents, local, regional, provincial, local environmental agencies and indigenous governments plus evidence that the project was not in the public interest, the proponents received a green light to proceed in June of 2022.

Concerns around the project among these groups stems from the knowledge that

1. One of the principals, Mr. Wilf Goldlust has been charged and convicted by the Ontario Ministry of the Environment for importing contaminated fill four times within six years of operation;
2. In subsequent court action, Mr. Goldlust was represented by lawyer Mauro Marchioni, (another principal in the proposal);
- 3.

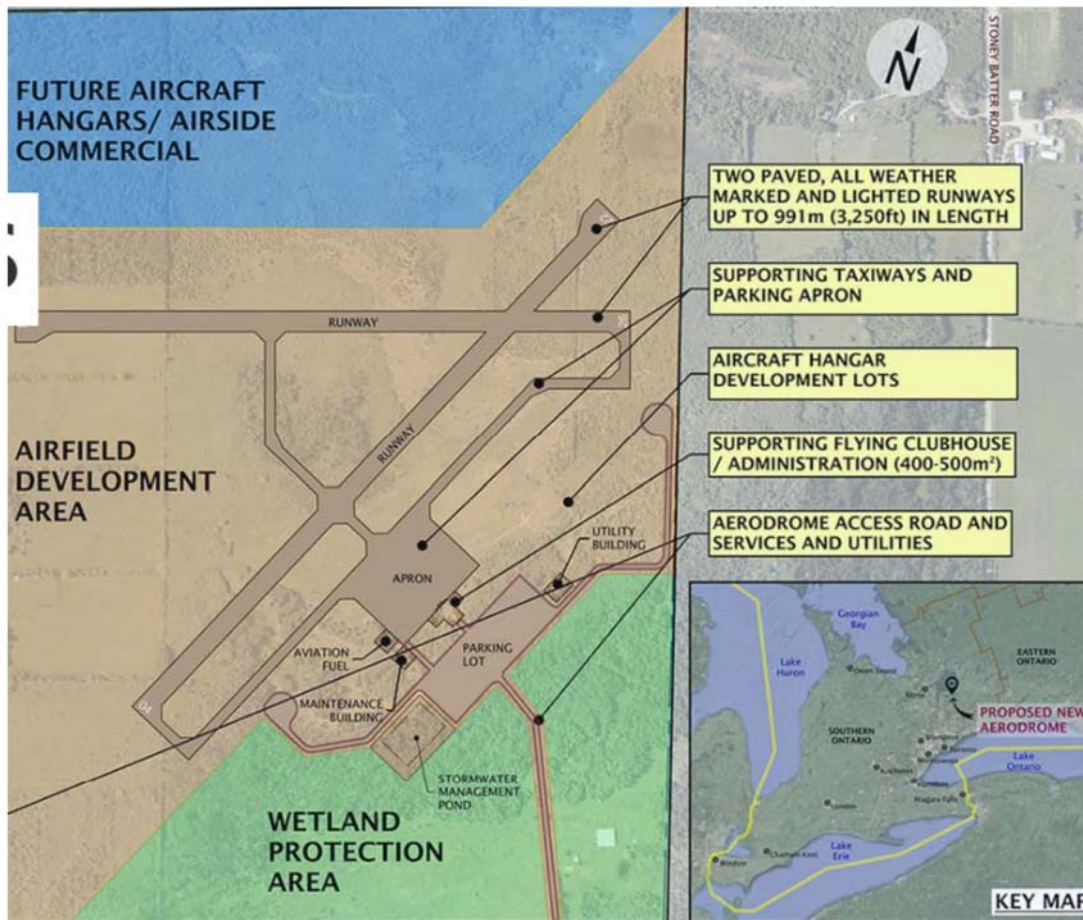
None of the principals have ever built an aerodrome or had any experience in the aeronautics industry; 4. The project was not put on the Project List by the Impact Assessment Review Agency because the runway design was nine (9) metres short of the IAAC threshold of 1,000 metres; 5. The property is environmentally sensitive and has been designated as a provincially significant wetland. It would normally be protected by the Lake Simcoe Protection Act, the Greenbelt Plan and official plans but as it has Federal jurisdiction, these protections are not available.

On January 9, 2022 our representative, Karen Wolfe met with Anjala Puvananathan and Conor Anderson at their offices in Toronto and discussed a process on how to move the Old Homestead project onto the project list of the IAAC. At that time, Ms. Wolfe was advised that through a Designation Request the Environment Minister had the discretionary authority to conclude that it would be in the public's interest to further investigate any and all potential environmental adverse effects under federal jurisdiction. We believe that factors including but not limited to potential changes to health, economic and social conditions should also be taken into consideration when determining if this project is in the public interest and if there is environmental risk to areas of federal jurisdiction.

THE PROJECT

Sutton Airport Development Inc. (principals Mauro Marchioni, Wilf Goldlust and Harvey Frisch) have received a green light from the Federal Minister of Transport Canada to construct a proposed aerodrome on 141.6 hectares of land at 7818 (101.17 Ha) and 7486 (40.47 Ha) on Old Homestead Rd. in Pefferlaw (Georgina, Ontario).

The proposal estimates the cost of construction to be \$8 million and 1.2 million cubic metres of fill is required. It is estimated that 120,000 truck loads or 100 trucks a day for three years will be required to dump the fill. It is expected the tipping fees for the proponents will be between \$12 and \$18 million dollars before any proposed aerodrome is constructed.



ADVERSE IMPACTS

Ecosystem as a whole

Above is the schematic that was presented in the proposal and submitted to Transport Canada. This schematic is not representative of the environmental sensitivity of the area since the entire 141.6 hectares of land is located within the Protected Countryside of the Greenbelt Plan and is situated entirely within the Natural Heritage System in the Greenbelt Plan.

According to Georgina's Town planner, Harold Lenters, the project is proposed within a hydrologically significant portion of the Ontario Greenbelt's Natural

Heritage System which raises concern with respect to potential adverse impacts to surface/groundwater resources and to aquatic and terrestrial ecosystems, resulting from an aerodrome use and associated activities.

Based on features mapping provided by the Lake Simcoe Region Conservation Authority, a significant portion of the project (the access road and services and utilities, stormwater management pond, maintenance building, aviation fuel area, utility building, supporting flying clubhouse/administration building), appears to be located either in close proximity to or within a provincially significant wetland, other evaluated and unevaluated wetlands or within the adjacent lands to a regulated wetland.

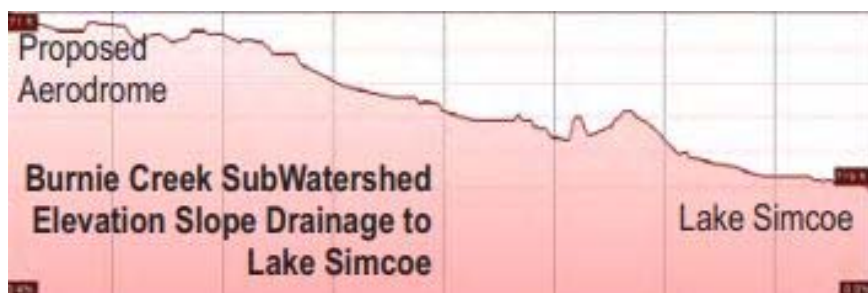
The Greenbelt states, "The Protected Countryside contains a Natural System that provides a continuous and permanent land base necessary to support human and ecological health in the Greenbelt and beyond. The Natural System policies protect areas of natural heritage, hydrologic and/or landform features, which are often functionally inter-related and which collectively provide essential ecosystem services, including water storage and filtration, cleaner air, habitat, support for pollinators, carbon storage and resilience to climate change."

The Greenbelt Plan further states "The Natural Heritage System includes core areas and linkage areas of the protected Countryside with the highest concentration of the most sensitive and/or significant natural features and functions. These areas need to be managed as a connected and integrated natural heritage system."

Mr. Lenters concludes..."As such, the Project conflicts with the Greenbelt's intent and policies aimed at protecting and enhancing key natural heritage and key hydrologic features and to maintain a Natural Heritage System that provides a continuous and permanent land base that needs to be managed as a connected and integrated system. This project would appear to have the opposite effect in that it proposes to remove ecologically sensitive lands and locate development that would disconnect features and linkages and thereby disrupt the overall continuity of the Natural System in the area."

Lake Simcoe Fisheries

York Region staff have provided comments which note the lack of pre-consultation, the absence of supporting information with respect to potential impacts to significant environmental features and the agricultural area, and no demonstrated benefit of the proposal to the community. They say the proposal is within 120 metres of a Life Science Area of Natural and Scientific Interest and the lands contain Provincially Significant/Provincial Plan Area Wetlands, a Significant Groundwater Recharge Area and Highly Vulnerable Aquifers as well as woodlands. There is also a water course known as Burnie's Creek that flows directly into Lake Simcoe.



Lake Simcoe is southern Ontario's largest inland lake and supports Ontario's largest inland fishery. Due to the socio-economic importance of this waterbody, which is on a scale that is unparalleled across the province the health of Lake Simcoe, and the many socio-economic and cultural benefits the fishery provides rely on an ecosystem-based approach that includes an understanding of the watersheds, the connecting systems, and the lake itself.

The issues facing Lake Simcoe are going to be exacerbated by development, increasing population and a warming climate. With climate change, cold-water fisheries will be increasingly stressed, and water quality impairments will worsen. Therefore, it is reasonable to conclude that the dumping of 1.2 million cubic metres of fill on lands containing a watercourse that flows directly into Lake Simcoe, will have adverse effects on the cold water fishery.

From SOLitude Lake Management, we know that In certain amounts phosphorous is a critical nutrient for supporting life in freshwater systems. But as with anything, when things get out of balance, water with too much phosphorus can cause toxic cyanobacteria blooms. This process of nutrient accumulation and aging waterbodies is called eutrophication. Excess phosphorus enters lakes and ponds from runoff, sewage, and other decomposing matter. All of this additional phosphorous feeds and promotes toxic cyanobacteria. The cyanobacteria, in turn, can deplete oxygen from the freshwater and block sunlight from reaching past the surface, which means plant and aquatic life are threatened. The toxins can also directly threaten all organisms that use the water.

It is no stretch of the imagination to believe that 1.2 million cubic metres of fill that is dumped on an environmentally sensitive area that contains a water course that flows directly into Lake Simcoe, will be carrying an additional amount of phosphorus to the lake--not to mention the pollution and contamination that will come from runoff during any weather event.

Climate change is leading to more frequent and intense rain events and multiple winter snow melts are resulting in greater amounts of runoff flowing into Lake Simcoe. All of this extra water adds more phosphorus to the lake which in turn negatively affects the health of the cold water fisheries. Adding an additional stressor to the lake, such as the 1.2 million cubic metres of fill, is irresponsible and unnecessary.

Migratory Birds

As mentioned earlier, the project would disconnect features and linkages and thereby disrupt the overall continuity of the Natural System in the area. This includes common ecosystems of alder thicket swamps, black ash swamps and white cedar swamps which provide excellent breeding habitat for a number of wildlife species. Among those found here are western chorus frogs, wood frogs,

tree frogs, easternwood-pewee, great-crested flycatchers, mourning warblers and ovenbirds.

Additionally, the hamlet of Virginia (located immediately north of the proposed site and fronting on Lake Simcoe), is a natural migration route for a month-long stop-over in November/April/May for tundra swans, trumpeter swans their cygnets, rafts of mergansers, redhead and bufflehead ducks and Canada geese. These species can be seen gathering in the shallow waters along the shores of Virginia. They feast on the aquatic vegetation, fish, zebra mussels and plentiful edibles. According to the Migratory Birds Convention Act 1994, 5.1 (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited in waters or any area frequented by migratory birds or in a place from which the substance may enter such waters or an area.

We believe the major land use changes proposed by Sutton Airport Development Inc. will bring habitat destruction, fragmentation and unmitigated risks to migratory bird flight paths and natural sanctuaries. Airports and birds do not mix.

Based on our research, we believe that emissions from aircraft both at ground level and at altitude, can give rise to numerous negative effects on air quality, climate and the ozone layer. The gases and particles emitted from aircraft engines can cause harmful effects in different stages of the flight, from the ground to higher altitudes.

At ground level, where airports are involved, one of the adverse effects of aircraft emissions is degradation of the air quality which may directly impact human health. According to environmental reports and assessments, particulate matters, NO_x, HC, SO_x and CO from aircraft engine emissions can affect air quality, health and welfare.

Indigenous Impacts

According to our Indigenous community, First Nations recognize the sacredness of water, the interconnectedness of all life and the importance of protecting water from pollution, drought and waste. "Water is the giver of all life and without clean water all life will perish."

The Chippewas of Georgina Island are an Anishinaabe Nation located just off the southern shores of Lake Simcoe. Their ancestors were inhabitants of the Lake Simcoe region long before the arrival of settlers. Six years after a government experiment to colonize the Chippewa people in 1830, Chief Joseph Snake moved his people to Snake Island, and then to Georgina Island as the community grew. The proposed aerodrome is on the traditional lands of the Chippewas of Georgina Island.

In 2014, the female members of the Chippewas of Georgina Island conducted the Waawaasegaming Water Walk--a 214 kilometre hike around Lake Simcoe carrying a symbolic copper pot of water. Waawaasegaming is the Chippewa name for Lake Simcoe and the walk was designed to raise awareness around the importance of water as a giver of life and Lake Simcoe.

Home to 210 people on the reserve, the Chippewas of Georgina Island have completed upgrades and expanded its water treatment plant with funding from Indigenous Services Canada (ISC). However, there is still one long-term drinking water advisory that affects 81 homes. Additional stressors such as the negative environmental impacts on Lake Simcoe from the importation of 1.2 million cubic metres of fill on a creek that flows directly into Lake Simcoe, will add to the water quality concerns of the First Nations community.

When the proponents first posted a sign signalling their plans for the property on Old Homestead, representatives of Sutton Airport Development Inc. attended a Town of Georgina council meeting on December 15. At that meeting they were questioned regarding the lack of pre-consultation with the Town of Georgina and the Chippewas of Georgina Island. Georgina Mayor Margaret Quirk told the proponent representatives that she had received a letter from the Chippewas of Georgina Island Chief Donna Bigcanoe which said that the Chippewas had not been consulted on the project and were otherwise, opposed to it.

Attached to and forming part of this Designation Request is a Band Council Resolution (BCR) from the Chippewas of Georgina Island First Nation that categorically opposes the aerodrome project from moving forward. Specifically, it states that Transport Canada has a constitutional duty to consult First Nations

when Transport Canada's proposed conduct has the potential to adversely impact First Nations rights and they are demanding Transport Canada consult them on this project. The BCR goes on to say the aerodrome proponents did not consult with the Chippewas of Georgina Island either, and due to the concerns about the environmental impacts of the aerodrome and the related fill dumping, there is a potential to adversely impact the Georgina Island First Nations aboriginal and treaty rights.

The approved resolution of the BCA opposes the aerodrome project and demands that the band be consulted.

PROPONENT INFORMATION

According to the proponents, work on the project was anticipated to commence in the summer of 2022 and would take approximately three years for completion. As of this date, no physical work has been initiated on the site.

There is a proponent website at www.NewAerodromeOntario2021.ca and an email address: comments@NewAerodromeOntario2021.ca. The mailing address listed is New Aerodrome Ontario 2021 c/o Mauro Marchioni, 9100 Jane St. 3rd. Floor, Building A, Vaughan, Ontario L4K 0A4.

The final report that was submitted to Transport Canada can be found at: <https://www.newaerodromeontario2021.ca/#page-section-621eea882136ec2ee6cde3c3>

CONCLUSION

This Designation Request demonstrates that the protections built into the Greenbelt Plan and the protections offered by the Lake Simcoe Protection Plan are moot points since the long arm of Transport Canada negates these safeguards. As a result, oversight by the Impact Assessment Review Agency in the form of an indepth assessment of the project is an absolute must.

It is undeniable that the proponents deliberately designed a runway of 991 metres to sneak under the scrutiny of the Impact Assessment Review Agency. It is too close to the threshold of 1,000 metres to consider it a coincidence.

We find it completely reprehensible that government complacency regarding the true motives of the proponents is not given the oversight and concern that is warranted for the health and safety of the local citizens, First Nations and the environment. We have documented evidence that proves this proposal for an aerodrome is nothing more than a false pretence to cash crop dirt. And while I may be scolded, chastised and lectured for not sticking to the factors under the purview of the Federal Department of the Environment, I simply must stress the risks associated with ignoring this reality. The public expects our Federal government to protect us and our environment from unscrupulous characters and bad actors. To turn away and say "it is not our responsibility" or "another level of government will provide the protection" is simply shirking a moral responsibility and will ultimately permit the harm to continue.

Personally, I find the cavalier disregard by the proponents to consult with the First Nations, the community and the local government to be reprehensible. This project should not have been allowed to go forward--there is no need for an aerodrome in this location, it is posed to do irreparable harm to the environment and public health, it is a smoke screen to dump 1.2 million cubic metres of fill onto agricultural lands and it is being managed by bad actors with questionable motives and proven bad behaviour. This is a disaster waiting to happen.

In support of this Designation Request I am attaching the Ontario Ministry of the Environment Notice of Refusal to Mr. Goldlust. This document clearly demonstrates that any protections offered by the Ontario government come AFTER the damage had been done. This is unacceptable. Since the Federal government is the only government body at this point that can stop this travesty before it happens, it IS within their responsibility and scope to execute their oath of office and make decisions that are in the public interest and not in the pockets of unsavoury characters and dirt bandits.

I became aware that the proponents had submitted a proposal to Transport Canada on November 11, 2021 when I passed by the property and saw a sign posted with a cursory explanation and a website address. Hundreds of local residents submitted negative comments regarding the proposal to the

proponents and it appears not all of them were accurately communicated to Transport Canada.

Despite editorializing the true motives of the proponents, I believe I have provided a description of the potential adverse effects from the importation of 1.2 million cubic metres of dirt that relate to areas within Federal jurisdiction, namely migratory birds, aquatic species, fish and fish habitat and our local Indigenous community, the Chippewas of Georgina Island First Nation.

I would like to thank you for the opportunity to provide you with information relevant to the Designation Request and the adverse environmental effects that fall within Federal jurisdiction.

Sincerely,

<Original signed by>

Karen Wolfe,
Advocacy Chair,
<Personal information removed>

<Email address removed>
<Personal information removed>

Encl. 2



BAND COUNCIL RESOLUTION
RESOLUTION DE CONSEIL DE BAND

Note: The words "from our Band Funds" "capital" or "revenue", whichever is the case must appear in all resolutions requesting expenditures from Band Fund

The council of the Le conseil de	CHIPPEWAS OF GEORGINA ISLAND FIRST NATION			\$ _____
Date of duly convened meeting Date de l'assemblée dument convoquée	D-J 26	M 01	Y-A 2023	Complete Revenue \$ _____

DO HEREBY RESOLVE:
DECIDE, PAR LES PRESENTES:

- WHEREAS THE CONSTRUCTION OF A GENERAL AVIATION AERODROME 'BALDWIN EAST' HAS BEEN PROPOSED FOR THE PROPERTY AT 7818 AND 7486 OLD HOMESTEAD RD. AND RECEIVED APPROVAL FROM TRANSPORT CANADA;
- AND WHEREAS THE PROVISIONS OF CANADIAN AVIATION REGULATIONS PART 111, SUBPART 307 REQUIRE THAT ANY NEW AERODROME PROPOSAL ENGAGE IN A CONSULTATION PROCESS WITH THE LOCAL COMMUNITY, BUT DO NOT REQUIRE A DUTY TO CONSULT IMPACTED FIRST NATIONS; WE INSIST CONSULTATION IS ADDRESSED WITH IMPACTED FIRST NATIONS;
- AND WHEREAS IT IS RECOMMENDED THAT ANY PROPONENT SEEKING A NEW AERODROME ENGAGE IN A NON-MANDATORY PRE-CONSULTATION PROCESS WITH THE KEY STAKEHOLDERS, INCLUDING LOCAL MUNICIPALITIES, IN ADVANCE OF THE REQUIRED CONSULTATION PROCESS; AND WHEREAS, TRANSPORT CANADA HAS A CONSTITUTIONAL DUTY TO CONSULT FIRST NATIONS WHEN THEIR PROPOSED CONDUCT HAVE POTENTIAL TO ADVERSELY IMPACT THE FIRST NATIONS RIGHTS.
- AND WHEREAS THE AERODROME'S PROPONENTS DID NOT ENGAGE WITH THE CHIPPEWAS OF GEORGINA ISLAND IN ANY MEANINGFUL OR RECOMMENDED NON-MANDATORY PRE-CONSULTATION PROCESS IN ADVANCE OF THE REQUIRED CONSULTATION PROCESS;
- AND WHEREAS NUMEROUS ENVIRONMENTAL CONCERNS HAVE BEEN RAISED ABOUT THE IMPACT OF THE AERODROME AND RELATED FILL DUMPING WILL HAVE, INCLUDING ON THE LAKE SIMCOE ECOSYSTEM;
- AND WHEREAS THE PROPOSED AERODROME IS ON THE TRADITIONAL LANDS OF THE CHIPPEWAS OF GEORGINA ISLAND, AND WHEREAS THE PROPOSED AERODROME HAVE THE POTENTIAL TO ADVERSLY IMPACT THE GEORGINA ISLAND FIRST NATIONS ABORIGINAL AND TREATY RIGHTS.

THEREFORE LET IT BE RESOLVED THAT THE CHIPPEWAS OF GEORGINA ISLAND FIRST NATION OPPOSE THE AERODROME PROJECT MOVING FORWARD. AND DEMAND THAT TRANSPORT CANADA CONSULT WITH THEM ON ANY PROPOSED AERODROME PROJECT THAT MAY have AN ADVERSE IMPACT ON OUR RIGHTS

Quorum <u>3</u>	<Original signed by>  (Chief - chef)	<Original signed by>  (Councill or- Conseiller)
<Original signed by>  (Councill or- Conseiller)	(Councill or- Conseiller)	<Original signed by>  (Councill or- Conseiller)
(Councill or- Conseiller)	(Councill or- Conseiller)	(Councill or- Conseiller)
(Councill or- Conseiller)	(Councill or- Conseiller)	(Councill or- Conseiller)

FOR DEPARTMENTAL USE ONLY - RESERVE AU MINISTERE					
Expenditure - Dépenses	Authority (Indian Act / Section/Article de la Loi sur les Indiens)	Source of funds / Source des fonds Capital Revenue Revenue	Expenditure - Dépenses	Authority (Indian Act / Section/Article de la Loi sur les Indiens)	Source of funds / Source des fonds Capital Revenue Revenue
Recommending officer - Recommande par			Recommending officer - Recommande par		
Signature		Date	Signature		Date
Approving officer - Recommande par			Approving officer - Recommande par		
Signature		Date	Signature		Date



Indian and Northern Affairs Canada

Affaires indiennes et du Nord Canada

Chronological No.-No consécutif 02-02-23-1036
File Reference No.-No de la référence du dossier

BAND COUNCIL RESOLUTION
RESOLUTION DE CONSEIL DE BAND

Note: The words "from our Band Funds" "capital" or "revenue", whichever is the case must appear in all resolutions requestion expenditures from Band Fund

The council of the Le conseil de	CHIPPEWAS OF GEORGINA ISLAND FIRST NATION			Capital account Compte capital	\$ _____
Date of duly convened meeting Date de l'assemblée dument convoquée	D-J 26	M 01	Y-A 2023	Revenue account Compte-revenue	\$ _____
				Capital account - Compte capital	

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- AND WHEREAS THE PROVISIONS OF CANADIAN AVIATION REGULATIONS PART 111, SUBPART 307 REQUIRE THAT ANY NEW AERODROME PROPOSAL ENGAGE IN A CONSULTATION PROCESS WITH THE LOCAL COMMUNITY, BUT DO NOT REQUIRE A DUTY TO CONSULT IMPACTED FIRST NATIONS; WE INSIST CONSULTATION IS ADDRESSED WITH IMPACTED FIRST NATIONS;
- AND WHEREAS IT IS RECOMMENDED THAT ANY PROPONENT SEEKING A NEW AERODROME ENGAGE IN A NON-MANDATORY PRE-CONSULTATION PROCESS WITH THE KEY STAKEHOLDERS, INCLUDING LOCAL MUNICIPALITIES, IN ADVANCE OF THE REQUIRED CONSULTATION PROCESS; AND WHEREAS, TRANSPORT CANADA HAS A CONSITUTIONAL DUTY TO CONSULT FIRST NATIONS WHEN THEIR PROPOSED CONDUCT HAVE POTENTIAL TO ADVERSELY IMPACT THE FIRST NATIONS RIGHTS.
- AND WHEREAS THE AERODROME'S PROPONENTS DID NOT ENGAGE WITH THE CHIPPEWAS OF GEORGINA ISLAND IN ANY MEANINGFUL OR RECOMMENDED NON-MANDATORY PRE-CONSULTATION PROCESS IN ADVANCE OF THE REQUIRED CONSULATION PROCESS;
- AND WHEREAS NUMEROUS ENVIONMENTAL CONCERNS HAVE BEEN RAISED ABOUT THE IMPACT OF THE AERODROME AND RELATED FILL DUMPING WILL HAVE, INCLUDING ON THE LAKE SIMCOE ECOSYSTEM;
- AND WHEREAS THE PROPOSED AERODROME IS ON THE TRADITIONAL LANDS OF THE CHIPPEWAS OF GEORGINA ISLAND, AND WHEREAS THE PROPOSED AERODROME HAVE THE POTENTIAL TO ADVERSLY IMPACT THE GEORGINA ISLAND FIRST NATIONS ABORGINAL AND TREATY RIGHTS.

THEREFORE LET IT BE RESOLVED THAT THE CHIPPEWAS OF GEORGINA ISLAND FIRST NATION OPPOSE THE AERODROME PROJECT MOVING FORWARD. AND DEMAND THAT TRANSPORT CANADA CONSULT WITH THEM ON ANY PROPOSED AERODROME PROJECT THAT MAY have AN ADVERSE IMPACT ON OUR RIGHTS

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<Original signed by> (Councill or-Conseiller)	<Original signed by> (Councill or-Conseiller)	<Original signed by> (Councill or-Conseiller)
<Original signed by> (Councill or-Conseiller)	<Original signed by> (Councill or-Conseiller)	<Original signed by> (Councill or-Conseiller)

FOR DEPARTMENTAL USE ONLY – RESERVE AU MINISTERE							
Expenditure – Depenses	Authority (Indian Act Section/Article de la Loi sur les Indiens)	Source of funds Source des fonds		Expenditure - Depenses	Authority (Indian Act Section/Article de la Loi sur les Indiens)	Source of funds Source des fonds	
		Capital	Revenue			Capital	Revenue
Recommending officer – Recommande par				Recommending officer – Recommande par			
Signature		Date		Signature		Date	
Approving officer – Recommande par				Approving officer – Recommande par			
Signature		Date		Signature		Date	

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Ministry of the Environment
Ministère de l'Environnement

NOTICE OF REFUSAL
to issue an environmental compliance approval
REFERENCE NUMBER 5110-8SBPNZ

Trillium Recovery Inc.
8 Akron Road
Toronto, Ontario
M8W 1T2

Site Location: 8 Akron Road
Toronto

In accordance with Section 139(1)(c) of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act), I hereby give notice that, under Section 20.3 and 20.7(2) of the Act, I have refused to issue an environmental compliance approval for your application for approval dated 2012/03/08, for a Waste Disposal Site (Transfer)

The reasons for this refusal are as follows:

In December 2006, the Ministry of the Environment inspected a waste transfer facility; Trillium Material Processing Centre Inc., Director Wilfred Goldlust, on 260 New Toronto Street. During the inspection, the Ministry found that the facility was receiving waste in excess of limits specified in their Certificate of Approval. As a result of the inspection findings, the company was required to provide a report outlining their record keeping procedure.

In February 2009, during a subsequent site inspection of 260 New Toronto Street, now operated under the name of Trillium Recovery Inc.; Director Wilfred Goldlust, the site was found to be receiving contaminated soil in contravention of the company's Certificate of Approval. The company was required to cease accepting contaminated soil until such time as their Certificate of Approval was amended. In March 2008 the company submitted an application which was approved in October 2009 after several requests for information.

In August 2009, Trillium Recovery Inc., Trillium Material Processing Centre Inc.; and Wilfred Goldlust were charged with depositing soil that is considered designated waste on a property that was not approved to receive the waste and operating without a Certificate of Approval. Trillium Recovery Inc. plead guilty to using, operating, and establishing a waste disposal site, without a Certificate of Approval and was fined \$20,000 exclusive of Victim Fine Surcharge.

In February 2012, Hamilton Environmental Officers were conducting a routine site visit on a property located in Cayuga. The Officers discovered that contaminated soil was deposited on the site. The property was zoned agricultural and not approved to receive the waste. When the drivers delivering the waste were questioned, they produced weigh scale tickets from Trillium Recovery Inc.'s 260 New Toronto Street location.

A further investigation conducted by Hamilton District Office in March 2012 found that a property at 39 Manstor Road in Etobicoke, owned by Trillium Recovery Inc. Director Wilfred Goldlust was receiving, processing and transferring petroleum-impacted soil.

In June 2012, Trillium Recovery Inc. and Wilfred Goldlust were issued Provincial Officer Order No. 2362-8URQYB which ordered, among other things, a report by a professional engineer summarizing all soil received at the 260 New Toronto Street and the 39 Manstor Road between December 1, 2011 to March 20, 2012. The Order was appealed to the Environmental Review Tribunal. In July 2012, the Environmental Review Tribunal upheld the requirement to submit the report to the Ministry.

In September 2012, Trillium Recover Inc. and Wilfred Goldlust stated they were unable to provide the report as the 260 New Toronto Street property was sold to Waste Management of Canada Corporation and the records of Trillium Recovery Inc. were allegedly destroyed by the new owners.

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, 1993, S.O. 1993, c. 28 (Environmental Bill of Rights), the Environmental Commissioner, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Environmental Commissioner will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

1. The grounds on which you intend to rely at the hearing considering your appeal.

The Notice should also include:

2. The name of the appellant;
3. The address of the appellant;
4. The application reference number;
5. The name of the Director;

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary*
Environmental Review
Tribunal
655 Bay Street, Suite
1500
Toronto, Ontario
M5G 1E5

AND

The Environmental
Commissioner
1075 Bay Street, Suite
605
Toronto, Ontario
M5S 2B1

AND

The Director appointed for the
purposes of Part II.1 of the
Environmental Protection Act
Ministry of the Environment
2 St. Clair Avenue West, Floor
12A
Toronto, Ontario
M4V 1L5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 314-4506 or www.ert.gov.on.ca**

This instrument is subject to Section 38 of the Environmental Bill of Rights, 1993, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at www.ebr.gov.on.ca, you can determine when the leave to appeal period ends.

DATED AT TORONTO this 20th day of December,
2012

Tesfaye Gebrezghi, P.Eng.
Director
appointed for the purposes of Part II.1 of

the *Environmental Protection Act*

VP/

c: District Manager, MOE Toronto - District