

June 5, 2025

**URGENT - BY EMAIL**

The Hon. Julie Dabrusin  
Minister of the Environment and Climate Change  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Minister Dabrusin:

**RE: DESIGNATION REQUEST UNDER THE *IMPACT ASSESSMENT ACT* - DRESDEN  
LANDFILL PROJECT**

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Please be advised that CELA is counsel for Dresden Citizens Against Reckless Environmental Disposal (Dresden C.A.R.E.D.) in relation to the proposed Dresden Landfill Project. Our client is a residents' group that opposes the Project for numerous environmental and planning reasons. The group is incorporated, and remains in good standing, under the *Canada Not-for-profit Corporations Act* (No. 1580279-2).

**Request for Designation Order**

Pursuant to section 9(1) of the *Impact Assessment Act* (IAA), our client hereby requests the immediate issuance of a Ministerial order that designates the Dresden Landfill Project as a physical activity to which the IAA applies.

At present, there is no limitation or timing constraint on the issuance of a designation order by the Minister in this case. In particular, this Project has not been substantially begun, nor have any federal authorities exercised any powers or exercised a power or performed a duty or function conferred on it under any Act of Parliament that could permit the physical activity to be carried out, in whole or in part.

Similarly, the necessary amendments to existing provincial approvals which would enable the Project to proceed have not yet been issued by Ontario's Ministry of the Environment, Conservation and Parks (see below). In addition, no zoning by-law amendments have been passed to authorize the proposed activities as permitted uses on the subject property.

**Grounds for Designation Request**

This request is being made on the grounds that the Project may cause adverse effects within federal jurisdiction and that there is widespread public and Indigenous concern about such effects, including:

- Potential adverse impacts on aquatic species at risk and their habitat;

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- Potential adverse impacts on terrestrial species at risk;
- Potential adverse impacts on migratory birds and their habitat;
- Potential adverse impacts on inland fisheries and fish habitat; and
- Potential adverse impacts to Indigenous peoples and the lands reserved for them, including their public health, culture, wellbeing, traditional foods, resource-based activities, and watercourses that flow from the proposed site of the Project toward Walpole Island First Nation.

The factual, technical, and scientific basis for this designation request is outlined below.

### **Overview of the Project and Site Location**

#### ***(i) Project Description***

In a letter dated May 8, 2022 to Ontario’s Ministry of the Environment, Conservation and Parks (MECP), the proponent (YORK1 Environmental Waste Solutions Ltd.) described the nature and scope of the proposed Dresden Landfill Project. A copy of this letter is attached below to this letter as **Appendix A**.

The proponent’s letter summarized the Project’s components as follows:

YORK1 proposes to transform the former Town of Dresden Landfill, at 29831 Irish School Road (the “Site”), which was operated as a waste transfer and processing station when YORK1 acquired the Site, into a cutting-edge waste regenerative recycling facility (the “Project”). The proposed facility would handle only non-hazardous waste—primarily from the construction and demolition sectors. While the Site would incorporate landfilling of residual waste within the existing landfill footprint, the primary focus would be on recycling and reuse of materials (page 1).

Despite these grandiose claims, the proponent is actually proposing to redevelop an inactive waste disposal site by establishing a new 1.62 million cubic metre landfill facility with a projected disposal capacity of 2.9 million tonnes as well as a waste processing/transfer station to handle over 2 million tonnes of waste per year. The proposed maximum fill rate for the landfill is 365,000 tonnes per year. The proponent also proposes to excavate and relocate on-site the waste materials which had been previously deposited at the site when it was in operation, as discussed below.

In relation to the proposed waste processing/transfer aspects of the Project, the proponent proposes to receive up to 6,000 tonnes per day of various waste materials, including:

- construction and demolition debris, including bricks, blocks, concrete, asphalt, metal, paper, shingles, drywall and other materials;
- blue box recyclables;

- organic waste;
- scrap tires;
- industrial/commercial/institutional waste; and
- contaminated soils.

The on-site activities in relation to these materials include composting of organic waste, soil processing, and producing an “alternative low-carbon fuel” derived from construction/demolition waste. In addition, the proponent is seeking to temporarily store 65,000 tonnes of waste at the site.

The proponent further proposes to expand the site’s current service area to all of Ontario, and the Project facilities will likely be operated for many years until the approved capacity has been reached.

Given the size, scale, and capacity of the Project, and given its considerable potential for adversely impacting the environment, local communities, and matters of federal jurisdiction (see below), our client submits that IAA designation is clearly justified, legally sound, and in the public interest. This is particularly true in light of the sensitive location of the site and its previous industrial, commercial, and institutional land uses.

**(ii) *Site Location, History, and Nearby Environmental Features***

The site is located less than 1 km from the Town of Dresden (population 2,800), which is a primary urban centre in the Municipality of Chatham-Kent. Dresden is an internationally important Black community with historic connections to the Underground Railroad used by persons escaping from slavery in the United States in the 1800s.<sup>1</sup> This is a relevant consideration in light of Parliament’s recent passage of anti-environmental racism legislation (*National Strategy Respecting Environmental Racism and Environmental Justice Act*), which expressly recognizes that “establishing of environmentally hazardous sites, including landfills and polluting industries, in areas inhabited primarily by members of those communities could be considered a form of racial discrimination (emphasis added).”<sup>2</sup>

The properties beside the proposed Project site are characterized by a mix of agricultural and residential land uses, and the site is bordered by a provincially significant Carolinian forest. Two surface watercourses (Molly’s Creek and 4<sup>th</sup> Concession Drain) exist in close proximity to the site, and both of them flow into the Sydenham River, which is less than 500 m from the site and contains a significant number of species at risk, including some species that are globally rare.<sup>3</sup> The Sydenham River, in turn, drains into Lake St. Clair, which forms part of the connection between Lake Huron and Lake Erie. Part of the site falls within a floodplain regulated by the St. Clair Region Conservation Authority. An explanatory site map prepared by the Conservation Authority is attached below to this letter as **Appendix B**.

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<sup>1</sup> [Josiah Henson Museum of African-Canadian History - Wikipedia](#) and [Ontario Heritage Trust | Josiah Henson Museum of African-Canadian...](#)

<sup>2</sup> [Private Member's Bill C-226 \(44-1\) - Royal Assent - National Strategy Respecting Environmental Racism and Environmental Justice Act - Parliament of Canada.](#)

<sup>3</sup> [Species at Risk in the Sydenham – Sydenham River Watershed.](#)

Moreover, the Conservation Authority's Source Protection Committee (SPC) established under Ontario's *Clean Water Act* has concluded that most aquifers in the Municipality of Chatham-Kent are highly vulnerable to contamination. This is a relevant consideration since the numerous residents living near the site rely upon domestic wells for drinking water purposes. The SPC's regional map depicting aquifer vulnerability is attached below to this letter as **Appendix C**.

In short, the site is located in a biologically diverse and ecologically important area that features sensitive land uses, significant surface watercourses, and vulnerable groundwater, and the site is upstream of the Walpole Island First Nation (see below).

While these characteristics underscore the potential risks posed by the Dresden Landfill Project, it should be noted that such risks are compounded by the troubling site history. For example, some of the property was formerly used since 1967 for disposal of broken clay farm drainage tiles (which had been manufactured on-site) and fly ash from the now-defunct incinerator that operated in the area. At present, this "legacy" site is not being used for waste disposal purposes but it still has provincial environmental approvals to operate an 8 ha landfill within the 35 ha property and to process scrap wood and other solid non-hazardous waste from a limited service area.

Aside from this limited landfilling history, there is also evidence that the subject property has been used as a tile yard operation and served as a gun range and bomb disposal site (see the YORK1 site map attached below to this letter as **Appendix D**). Recent surface water sampling in Molly's Creek and the 4<sup>th</sup> Concession Drain conducted by the proponent's consulting firm (XCG) in 2022-23 found exceedances of the Provincial Water Quality Objectives for various metals (e.g. iron, total boron, total copper, lead, and zinc) and inorganic substances (e.g. total phosphorous, phenols, and chloride).<sup>4</sup> Even if these results are not attributable to past activities at the site, they nevertheless demonstrate that existing water resources in the area are under stress and potentially vulnerable to additional impacts from the Dresden Landfill Project if approved.

### **Exemption of the Project under Ontario's *Environmental Assessment Act***

#### ***(i) Passage of Designation Regulation in 2024***

In mid-2024, the Dresden Landfill Project was designated by O.Reg.284/24 under Ontario's *Environmental Assessment Act* (EAA) as a project to which Part II.3 of the Act applies. The proponent unsuccessfully opposed the application of the EAA to the Project (see **Appendix A** below).

After the designation regulation was made, the proponent subsequently failed or refused to publicly propose or consult upon Terms of Reference, which is the critical first step in the Comprehensive Environmental Assessment process under the EAA. In short, it appears that the proponent took no tangible steps to advance the Comprehensive Environmental Assessment to date.

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<sup>4</sup> XCG, *Hydrogeological Investigation – Dresden Landfill Site* (July 28, 2023 draft), page 5-6.

(ii) *Enactment of Statutory Exemption in 2025*

In April 2025, the Ontario government introduced omnibus Bill 5 (*Protect Ontario by Unleashing our Economy Act, 2025*) which contains Schedule 3 provisions which revoke the above-noted designation regulation and wholly exempt the project from Part II.3 of the EAA. Although opposed by Dresden CARED, Walpole Island First Nation, the Municipality of Chatham-Kent, and the public at large, Bill 5 (including Schedule 3) was passed by the Ontario Legislature on June 4, 2025.

Accordingly, if the Dresden Landfill Project is not designated under the IAA, there will be no environmental assessment requirements that have to be satisfied by the proponent before proceeding with the Project. While the Project will still require new or amended technical approvals under other provincial statutes (e.g., *Environmental Protection Act, Ontario Water Resources Act*, etc.), these approvals are not an adequate substitute for a robust, credible and participatory environmental assessment process.

Moreover, these narrowly framed provincial regimes are not designed to assess the claimed need/purpose for, or alternatives to, the Project, nor will they fully identify, evaluate, prevent or mitigate adverse effects on matters within federal jurisdiction, which is precisely what the IAA is intended to ensure throughout Canada. In short, these provincial processes do not address the full range of environmental planning issues required by section 22 of the IAA. Accordingly, the Project's potential adverse effects within federal jurisdiction cannot be adequately managed through other existing legislative or regulatory mechanisms at the provincial level.

For example, unlike section 22(1)(d) of the IAA, the provincial approvals process will not require the proponent to address the purpose of, and alleged need for, the Dresden Landfill Project. Similarly, unlike section 22(1)(d) and (e) of the IAA, the provincial approvals process will not require the proponent to systematically evaluate "alternatives to" the Project or "alternative means of carrying out the project." Moreover, unlike section 22(1)(a) and (h), the provincial approval processes will not require the proponent to address impacts upon social or economic conditions (e.g., property value depreciation) or sustainability considerations. In addition, unlike section 22(1)(i) of the IAA, the provincial approval process will not address whether the Project may hinder Canada's international obligations (e.g., UN Convention on Biological Diversity) or its climate change commitments (e.g., potent methane emissions from landfilling and high-volume truck traffic). Further, unlike section 22(1)(c) of the IAA, the provincial approval process will not require the proponent to evaluate potential impacts on Indigenous peoples or their constitutionally protected rights.

Given the Project's potential adverse effects within federal jurisdiction, our client submits that the threshold questions of purpose/need, alternatives, socio-economic effects, sustainability, international obligations, climate change, or Indigenous impacts are essential environmental planning matters that must be fully examined under the IAA before an informed decision can be made on whether the Project should be allowed to proceed, or what terms/conditions should be imposed to prevent and mitigate significant adverse effects.

## **Summary of Evidence regarding Adverse Effects on Federal Jurisdiction**

### ***(i) Relevant Factors for Issuance of Designation Order***

Section 6(1) of the amended IAA provides that the primary and precautionary purpose of the legislation is to “prevent or mitigate significant adverse effects within federal jurisdiction — and significant direct or incidental adverse effects — that may be caused by the carrying out of designated projects.”

Section 2 of the defines “adverse effects within federal jurisdiction” as follows:

***adverse effects within federal jurisdiction*** means, with respect to a physical activity or a designated project,

**(a) a non-negligible adverse change to the following components of the environment that are within the legislative authority of Parliament:**

- (i) fish and fish habitat, as defined in subsection 2(1) of the [Fisheries Act](#),**
- (ii) aquatic species, as defined in subsection 2(1) of the [Species at Risk Act](#),**
- (iii) migratory birds, as defined in subsection 2(1) of the [Migratory Birds Convention Act, 1994](#), and**
- (iv) any other component of the environment that is set out in Schedule 3;**

**(b) a non-negligible adverse change to the environment that would occur on federal lands;**

**(c) a non-negligible adverse change to the marine environment that is caused by pollution and that would occur outside Canada;**

**(d) a non-negligible adverse change — that is caused by pollution — to *boundary waters* or *international waters*, as those terms are defined in subsection 2(1) of the [Canada Water Act](#), or to interprovincial waters;**

**(e) with respect to the Indigenous peoples of Canada, a non-negligible adverse impact — occurring in Canada and resulting from any change to the environment — on**

- (i) physical and cultural heritage,**
- (ii) the current use of lands and resources for traditional purposes, or**
- (iii) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance;**

**(f) a non-negligible adverse change occurring in Canada to the health, social or economic conditions of the Indigenous peoples of Canada...(emphasis added).**

Section 9(2) of the IAA outlines several factors that the Minister must consider when determining whether or not to designate a specific project:

**9(2)** If the Minister is of the opinion that the carrying out of the physical activity may cause adverse effects within federal jurisdiction or direct or incidental adverse effects, the Minister may, in deciding whether to make an order, consider

- (a) public concerns related to the adverse effects within federal jurisdiction — or the direct or incidental adverse effects — that may be caused by the carrying out of the physical activity;
- (b) the adverse impacts that the physical activity may have on the rights of the Indigenous peoples of Canada — including Indigenous women — recognized and affirmed by section 35 of the [\*Constitution Act, 1982\*](#);
- (c) any relevant assessment referred to in section 92, 93 or 95;
- (d) whether a means other than an impact assessment exists that would permit a jurisdiction to address the adverse effects within federal jurisdiction — and the direct or incidental adverse effects — that may be caused by the carrying out of the physical activity; and
- (e) any other factor that the Minister considers relevant.

In this case, there is no relevant regional or strategic assessment for the purposes of section 9(2)(c) of the IAA. Similarly, the Ontario government has abruptly terminated the provincial environmental assessment process which, at least in theory, may have addressed some of the adverse effects within federal jurisdiction that may be caused by the carrying out of the Project, pursuant to section 9(2)(d) of the IAA.

Accordingly, the remainder of this letter is focused on the remaining IAA factors:

- potential impacts within federal jurisdiction;
- public concerns about such potential impacts; and
- the adverse effects of such impacts on the constitutionally protected rights of Indigenous peoples.

**(ii) *Potential Adverse Effects Within Federal Jurisdiction***

As a matter of law, in order to designate the Dresden Landfill Project under the IAA, it is not necessary for the Minister to opine that the Project will cause, or is likely to cause, adverse effects within federal jurisdiction. Instead, the Minister must merely find that carrying out the Project “may” cause such effects.

Put another way, determinations of whether such effects will occur, or whether such effects are significant or capable of being mitigated, or whether such effects are justified in the circumstances,

are best left to the information-gathering and decision-making phases of the impact assessment process under the IAA.

In short, since these are the very questions that should be asked and answered during the impact assessment process, it is both premature and unnecessary for the Minister to reach definitive conclusions on these issues at this very early stage. As long as the Minister is satisfied that the Dresden Landfill Project has the potential to cause adverse effects within federal jurisdiction (or direct or incidental adverse effects), then designation of the Project is clearly warranted under the IAA.

On the available evidence, our client submits that the Minister can and should find that the sizeable Dresden Landfill Project – including its large-scale landfilling, waste processing, and waste storage components – has considerable potential to cause short- and long-term adverse effects (and cumulative impacts) on matters of federal jurisdiction.

For example, both Molly’s Creek and the Sydenham River contain multiple species of fish that support recreational and Indigenous fisheries which may be adversely affected if landfill leachate or other toxic substances are discharged from the site into surface watercourses via overland runoff or groundwater flow. While the proponent states that it will “re-engineer” the site (i.e., install a liner, establish a leachate collection system, operate a stormwater management system, etc.), the design details and claimed efficacy of these mitigation measures to protect water quality have not been provided or proven to date.

In addition, the Conservation Authority has prepared mapping that demonstrates the presence of several fish species at risk listed under the *Species at Risk Act* (e.g., channel darter, eastern sand darter (Ontario), northern madtom, and pugnose shiner) as well as their critical habitat in the Sydenham River and its tributaries. A copy of the fish species at risk map for the Dresden area is attached below to this letter as **Appendix E**.

Aside from these fish species, there are other species in the vicinity of the site or in the Sydenham River watershed that are listed under the *Species at Risk Act*. These species include various mussels (e.g., eastern pondmussel, kidneyshell, mapleleaf (Great Lakes - Western St. Lawrence), northern riffleshell, round hickorynut, round pigtoe, salamander mussel, and snuffbox), as depicted in the Conservation Authority map attached below to this letter as **Appendix F**.

In addition, there are reptiles (e.g. eastern foxsnake, eastern hog-nosed snake, Blandings turtle, midland painted turtle, northern map turtle, spiny softshell turtle, and snapping turtle) in the Sydenham River watershed that are listed as species at risk under the *Species at Risk Act*.

It should be further noted that Bill 5 not only terminates the provincial environmental assessment of the Project, but it also amends and repeals Ontario’s *Endangered Species Act, 2007* and replaces it with the far less protective *Species Conservation Act, 2025*. Accordingly, the numerous species at risk and their habitat in the vicinity of the site will not have effective safeguards under provincial law.

Furthermore, there are numerous species of migratory birds that are listed in Schedule 1 of the *Migratory Birds Convention Act, 1994* and that utilize the Sydenham watershed and Chatham-Kent area<sup>5</sup> for their lifecycle needs (e.g. feeding, mating, nesting, staging, migrating, etc.). These species include: (a) waterfowl (e.g. geese, ducks, tundra swans, etc.); (b) sandhill cranes, rails, and shorebirds (e.g. avocets, dowitchers, phalaropes, sandpipers, snipe, and yellowlegs); (c) migratory insectivorous birds (e.g. bobolinks, chickadees, cuckoos, flickers, flycatchers, grosbeaks, hummingbirds, nuthatches, orioles, robins, shrikes, swallows, swifts, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, wrens, etc.); and (d) migratory non-game birds (e.g. bitterns, grebes, gulls, herons, loons, terns, etc.).

The main concern about these avian species is that the land clearing, human disturbances, and waste-related activities associated with the Dresden Landfill Project may cause the loss, degradation, contamination, or fragmentation of the various habitat types used by migratory birds living in, or passing through, the lands, watercourses, and wetlands beside, downstream, or downgradient of the site.

In addition, several of these local bird species have been listed as endangered, threatened or of special concern under the *Species at Risk Act*, such as the loggerhead shrike; burrowing owl, piping plover, great blue heron, barn swallow, Acadian flycatcher, bank swallow, bobolink, chimney swift, and eastern wood-peewee.

**(iii) *Public Concerns about Potential Adverse Effects within Federal Jurisdiction***

There has been – and continues to be – extensive and well-founded public concern about the Project’s potential adverse environmental impacts, including matters within federal jurisdiction (e.g., fisheries, species at risk, Indigenous rights, etc.). This Project has also received a considerable amount of local media coverage and generated plentiful social media activity.

For example, our client circulated and sent to the Ontario Legislature two petitions containing over 7,000 signatures of people opposed to the Dresden Landfill Project. Similarly, during the 45 day public comment on the MECP’s proposed designation of the Project under the EAA, the MECP received almost 1,200 submissions, most of which were in favour of designation (see [ERO 019-8417](#)). The MECP summarized the key concerns raised by the public as follows:

- potential effects on the natural environment (e.g., impacts to groundwater and surface water, impacts to air quality, potential soil contamination, increased noise, impacts to plants and wildlife including species at risk);
- potential impacts to the local community and residents of the Town of Dresden (e.g., proximity of the proposed project, concerns for human health and safety, potential impacts from trucking and traffic, potential impacts to community services, potential impacts to historical sites, potential for increase in respiratory and other health concerns, increased occurrence of pests and diseases, odour, potential contamination of drinking wells and

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<sup>5</sup> [Bird List - Chatham-Kent, Ontario, Canada - eBird](#).

agricultural crops, potential impacts to tourism and food production economy in Dresden, decrease in property values and quality of life, and changes to the landscape);

- potential for further expansion of waste management activities in the surrounding area and cumulative impacts; and
- inadequate public consultation by the proponent.

While these serious concerns resulted in a provincial decision in 2024 to designate the project under the EAA, this designation was subsequently terminated by the Ontario Legislature in 2025 through the enactment of Bill 5, as described above. However, the public concerns listed above remain outstanding and unaddressed.

It should be further noted that the Municipality of Chatham-Kent has also publicly expressed its concerns about, and opposition to, the Dresden Landfill Project. For example, in its letter dated May 9, 2024 to the MECP, the Municipality stated that:

[T]he separate and combined impacts to both the natural environment, nearby residents and the surrounding community of both the YORK1 waste processing, storage and transfer station and its associated landfill proposal in the area are unexamined, and therefore not yet known; however, based on the descriptions of the two related proposals in the ECA Applications, the risk of significant adverse effects is high.

The proposed waste facility, with its multiple components – landfilling, waste processing, transfer station activities and waste storage involving thousands of tonnes per day – pose potential cumulative impacts with significant risks and potential long-term consequences for the community (page 5).

A copy of the Municipality’s letter is attached below to this letter as **Appendix G**.

In addition, the Municipality passed a resolution in February 2024 which formally expressed its fundamental opposition to the Project:

Given the scale and nature of this proposal, the significant municipal concern for community, environment and infrastructure impacts, Chatham-Kent Council is opposed in principle to the application...

Accordingly, there is considerable public and municipal concern about the potential adverse effects of the Dresden Landfill Project in addition to unresolved Indigenous concerns, as discussed below.

*(iv) Potential Adverse Effects on Indigenous Rights*

In a letter dated May 9, 2025, the Chief and Council of the Walpole Island First Nation advised Prime Minister Carney of their strong opposition to the Dresden Landfill Project. A copy of this letter is attached below as **Appendix H**.

Among other things, the First Nation's opposition is based on the potential impacts of the Project on their rights, interests, and traditional activities in these unceded lands:

If allowed to proceed, the proposed landfill, soil washing renewable energy project would disproportionately impact First Nation communities, especially the Walpole Island First Nation/Bkejwanong, whose cultural, spiritual and subsistence relationship to the land and water have remained intact for millennia. Further, there has never been a comprehensive environment assessment completed at this location. This is disturbing given the history of leachate that has occurred with the various activities that occurred on this property over the last one hundred years.

The proposed project is located within the Walpole Island First Nation/Bkejwanong homeland. Neither our ancestors nor has the present-day Walpole Island First Nation/Bkejwanong government made a Treaty with any non-Indigenous government covering these lands...

Moreover, the proposed project is proceeding without meaningful consultation or consent from the affected First Nations, including Walpole Island First Nation, in clear violation of Section 35 of the Constitution Act and Canada's legal obligations under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (pages 2-3).

The Walpole Island First Nation has raised concerns not only about the potential impacts of the Project on local watercourses, drinking water quality, wetlands, fish and wildlife (including species at risk), and biological diversity, but also in relation to the cumulative effects arising from this Project in conjunction with other nearby sources of ongoing environmental contamination:

This proposed landfill, soil washing, and renewable project in Dresden must be understood not in isolation, but as part of a broader pattern of cumulative environmental degradation affecting our shared waters. The St. Clair River and its tributaries are already downstream from significant petrochemical operations in Sarnia's Chemical Valley and are burdened daily by industrial effluents, wastewater discharge, and the presence of forever chemicals (PFAS) have now been detected in sand and aquatic ecosystems throughout the watershed (page 4).

Similarly, the Walpole Island First Nation expressed its opposition to the Project in a letter dated March 21, 2025 to the MECP:

I am writing on behalf of Walpole Island First Nation to formally express our strong opposition to the proposed Dresden Waste Processing Site and Landfill, put forward by York1 Environmental Waste Solutions Ltd. The proposal poses significant threats to both the environment and the wellbeing of our community, and we call upon your office to reject it...

The proposed site is located adjacent to Molly's Creek, a natural spring-fed creek that flows directly into the Sydenham River. The Sydenham River is recognized as a biological hotspot, home to at least 33 species that are currently at risk, The potential for

contamination from this landfill could have devastating impacts on the environment and the health of our community. Given that the river and its tributaries flow into our territory, any contamination would affect our people's ability to live, fish, hunt and practice our cultural activities, all of which are directly tied to the land and water (page 1).

A copy of this letter is attached below to this letter as **Appendix I**.

In summary, Walpole Island First Nation continues to identify numerous types of potential adverse effects arising from Dresden Landfill Project, including:

- water quality degradation;
- biodiversity loss;
- disruption of ecosystems;
- alteration of pH and salinity;
- adverse impacts to our fishing and hunting;
- adverse impacts to First Nation inherent and Treaty rights; and
- air quality impacts on the community.

Given these fundamental objections and constitutional concerns raised by the Walpole Island First Nation, our client submits that it is both necessary and appropriate to designate the Dresden Landfill Project under the IAA.

### **Conclusions and Requested Order**

For the foregoing reasons, our client respectfully requests that the Dresden Landfill Project be immediately designated as a physical activity to which the IAA applies.

Since several important areas of federal jurisdiction are potentially at risk of serious harm if the Dresden Landfill Project is allowed to proceed as proposed, it is imperative that a robust, precautionary, and comprehensive impact assessment is carried out with meaningful public and Indigenous participation in accordance with the IAA.

If the Project is not designated under the IAA, then there will be an inadequate (or non-existent) assessment of the Project's adverse effects upon fisheries, species at risk, migratory birds, Indigenous rights, and climate change implications, all of which are within federal jurisdiction. Similarly, if the Project is not designated under the IAA, then important environmental planning considerations (i.e. purpose/need, alternatives analysis, cumulative effects, etc.) will not be addressed adequately or at all under other federal or provincial regulatory processes. Accordingly, allowing the Project to proceed without conducting an impact assessment under the IAA is unreasonable, unconscionable, and unacceptable.

We look forward to your response to this designation request at your earliest convenience. Please contact the undersigned if you have any questions or require further information about this matter.

Yours truly,

**CANADIAN ENVIRONMENTAL LAW ASSOCIATION**

<original signed by>

Theresa A. McClenaghan  
Executive Director

<original signed by>

Richard D. Lindgren  
Counsel

cc. Impact Assessment Agency of Canada  
Dresden C.A.R.E.D.  
Chief Leela Thomas, Walpole Island First Nation  
Darrin Canniff, Mayor/CEO of Chatham-Kent

# APPENDIX A



May 8, 2022

Dresden Landfill Comments  
Environmental Assessment Branch  
135 St. Clair Ave W, 4th Floor  
Toronto, ON  
M4V 1P5

Via Email: DresdenLandfill@ontario.ca

## **Re: Comments on ERO number 019-8417**

These comments are submitted by YORK1 in response to ERO number 019-8417, which is seeking public input on the passing of a regulation requiring YORK1's Project, as described below, to undergo a comprehensive environmental assessment.

### **Executive Summary**

YORK1 proposes to transform the former Town of Dresden Landfill, at 29831 Irish School Road (the "**Site**"), which was operated as a waste transfer and processing station when YORK1 acquired the Site, into a cutting-edge waste regenerative recycling facility (the "**Project**"). The proposed facility would handle only non-hazardous waste—primarily from the construction and demolition sectors. While the Site would incorporate landfilling of residual waste within the existing landfill footprint, the primary focus would be on recycling and reuse of materials.

It is YORK1's position that the Province should not pass a regulation requiring YORK1 to conduct a comprehensive environmental assessment under the *Environmental Assessment Act* (the "**EAA**"), for the following reasons:

#### **YORK1's Project has existing approvals for a landfill and waste transfer station and is not establishing a new facility**

- When YORK1 purchased the Site it had Environmental Compliance Approval ("**ECA**") in place permitting: (i) landfilling with an 8 ha footprint (with a theoretical remaining capacity of 1,158,000 cubic meters) and (ii) waste transfer and processing of construction and wood waste from across Ontario; and



- YORK1’s Project will not expand the landfill, but rather proposes to use the remaining capacity of the existing landfill and continue the permitted waste processing of non-hazardous construction waste and soil.

**No component of YORK1’s Project requires a comprehensive environmental assessment<sup>1</sup>.**

- YORK1 is not seeking to increase the total capacity, size or waste footprint of the existing landfill; rather, they are utilizing the existing, unused capacity of a landfill with an existing Environmental Compliance Approval.
- An October 2022 letter from the Ministry of Environment, Conservation and Parks (“MECP”) confirms that a comprehensive environmental assessment is not required, as does YORK1’s analysis of the application of the new “Project -List” approach to environmental assessment found at **Appendix 3** to this letter.

**YORK1 is voluntarily proposing key changes to the Environmental Compliance Approvals in order to reduce the potential impacts of the Project.**

These changes include:

- Excluding the transfer of asbestos waste and source separated organics (“SSO”) to the Site, improving safety and removing any odours;
- Reducing the volume of recyclable materials being transferred to the Site by 50% each day<sup>2</sup>, resulting in 50% less truck traffic; and
- Reducing the operating hours from 24 hours 7 days a week to 7 am to 7 pm, Monday to Saturday, eliminating evening and weekend noise.

As a result of these changes, any potential environmental impacts of the Project will be significantly reduced.

**YORK1 will voluntarily conduct an Environmental Screening Process for Waste Management Projects** as per Part B of the Ministry of the Environment publication entitled “Guide to Environmental Assessment Requirements for Waste Management Projects” prior to operation of its Project<sup>3</sup>.

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<sup>1</sup> O. Reg 50/24 [PART II.3 PROJECTS - DESIGNATIONS AND EXEMPTIONS](#).

<sup>2</sup> The application submitted by YORK1 amending ECA A020401 (the ECA for waste transfer and processing) originally sought to permit the transfer of 6000 tonnes per day of non-hazardous construction waste and soil and 1000 tonnes per day of residual waste. YORK1 is voluntarily reducing this to 3000 tonnes per day of non-hazardous construction waste and soil, including 1000 tonnes per day of residual waste.

<sup>3</sup> A letter from the MECP explained that no comprehensive EA was required for the Project and that an Environmental Screen assessment would only be required if the landfill changed its service area to all of

**YORK1 is proposing an industry-leading waste-diversion solution** whereby approximately 80% of the non-hazardous construction materials and soil transferred to the Site can be recycled or beneficially reused rather than landfilled. Only a small portion of residual waste will require final disposal in the landfill. This Project will help conserve Ontario’s limited landfill capacity.

**YORK1 will improve the environmental condition of the Site.** YORK1 is committed to re-engineering the existing landfill and creating lined landfill cells to ensure it does not adversely impact the environment. This work will provide a net environmental benefit and does not require any type of environmental assessment—and certainly not a comprehensive environmental assessment.<sup>4</sup>

**The Environmental Screening Assessment Process supports a robust assessment of the potential impacts of the Project**

- By following the steps of the environmental screening process, YORK1 can build on the community and indigenous engagement they have already started. YORK1 has completed numerous environmental studies, including a hydrogeological investigation, a surface water monitoring program, a stormwater management report, and a proposed leachate treatment report, and have commenced a traffic study and Species at Risk evaluation. A complete list of Studies completed by YORK1 is found in **Appendix 2**.

No regulation should be passed by the government, in light of YORK1’s proposed key changes to its Project (*i.e.*, reducing the volume of waste coming to the transfer station by 50%; prohibiting asbestos and SSO, and reducing the hours of operations) and its proposal to voluntarily conduct an Environmental Screening Assessment at the commencement of the Project. This can be done within the existing regulatory framework.

YORK1 strongly objects to the designation of their Project to require a comprehensive environmental assessment. The Province should support and foster the development of regenerative recycling facilities to address Ontario’s critical shortage of existing landfill capacity, rather than creating regulatory roadblocks that could hamper progress on innovative recycling initiatives.

A Screening Environmental Assessment enables enhanced consultation and the assessment and mitigation of environmental affects in an efficient manner. However, a comprehensive environmental assessment for a Project that is not listed in the regulations as requiring a comprehensive environmental assessment creates an unnecessary regulatory burden which will contribute to Ontario’s lack of waste disposal capacity.

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Ontario (from Dresden): Letter from Mohsen Keyvani, MECP to George Kirchmair, Re: Dresden Landfill Site Redevelopment – ECA – A021304, Dresden, Ontario, October 28, 2022 (“MECP 2022 Letter”).

<sup>4</sup> See analysis in Appendix 3.

## **I. Project Overview**

YORK1's Project is an innovative waste regenerative recycling which would handle only non-hazardous waste—primarily from the construction and demolition sectors—and non-hazardous soil. The Project targets the recovery and beneficial re-use of approximately 80% of materials brought to the site (that would have otherwise gone to landfill), helping the environment and conserving valuable materials. By recovering resources from waste, the facility will contribute to environmental conservation, reduce the strain on landfills, and promote a more circular and resource-efficient economy. Residual wastes that cannot be recycled or beneficially reused would be landfilled. Rather than truck this residual waste off-site to another landfill, YORK1 is proposing to use the existing landfill on the site for its final disposal. This will reduce truck traffic to and from the Site.

The proposal also includes numerous environmental measures, including improvements to the existing landfill. YORK1 proposes to reengineer the landfill to install a geo-membrane liner, a leachate collection and extraction system, and a stormwater management system, as well as screening berms, to improve the Landfill that was established, owned and operated by the Town of Dresden.

## **II. Alignment with Provincial Goals**

YORK1 is committed to the economic growth of both Chatham-Kent and the province as a whole. YORK1 is Ontario proud: it is a growing Ontario-based company that currently employs approximately 1,000 staff in the province. The proposed facility will benefit Chatham-Kent for decades to come. If approved, the project will initially create more than 20 direct jobs—with the potential to create more jobs in the future. YORK1 has already invested significant capital in the community by purchasing the Site (and its attendant approvals) and funding environmental improvements to the property. Additionally, YORK1 has earmarked a sizeable capital expenditure to develop this ground-breaking facility in accordance with our early discussions with the MECP.

YORK1's proposal is aligned with provincial priorities. The *Provincial Policy Statement* (the "PPS") dictates that infrastructure and public service facilities must be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs (1.6). The PPS further states that before developing new infrastructure and public service facilities, the use of existing infrastructure and public service facilities should be optimized, and opportunities for adaptive re-use should be considered, wherever feasible (1.6.3). Waste management is included in the PPS' policy regarding infrastructure and public services. Specifically, waste management systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives (1.6.10.1). YORK1's proposal provides for the adaptive re-use of existing landfill capacity which prevents the need for the creation of new landfill space, and conserves existing landfill capacity by focusing on recycling and beneficial reuse of materials and soil.

*Waste to Resource Ontario*, meanwhile, has warned that the Province is running out of landfill capacity. The organization recently observed that the “Ontario government must expedite the landfill approval process to ensure adequate waste capacity is available for the future, while meeting provincial environmental protection standards.”<sup>5</sup>

YORK1 looks forward to playing a collaborative role in Ontario’s growth. The proposed recycling facility will focus on processing construction and demolition waste and excess soils—all inherent to Ontario’s growing housing construction sector. Further, recycled waste wood (primarily from construction) at the proposed facility will be used to produce Alternative Low Carbon Fuel (ALCF), a wood-based alternative to coal. In turn, YORK1 supplies ALCF to Ontario’s cement manufacturing industry, which allows cement plants to receive carbon credits while off-setting coal use. Innovative, efficient, and sensible, YORK1’s proposed regenerative waste facility will contribute to Ontario’s future.

### **III. Environmental Compliance Approvals**

#### ***i. Existing Environmental Approvals***

When YORK1 purchased the site, valid and active ECAs were in place for both the waste processing facility and the landfill site. The original landfill was established in approximately 1967 by the Township of Camden (now Dresden) for the landfilling of incinerator ash and some construction waste. The original Environmental Compliance Approval (“**ECA**”), No. 021304, for the Landfill was first issued on July 25, 1972 and subsequently amended in 1975, 1975 and 1980. These approvals allowed for an 8-hectare waste-disposal (landfilling) site within a larger 35-hectare footprint.

These approvals did not limit waste capacity or waste fill and included no daily or annual limit for incoming waste. Inspections of the site occurred, providing the Ministry the opportunity to ensure compliance with regulations and the ECA.

A second ECA—No. A20401—was issued in 1992, and then amended in 1998 for the storage, transfer, and processing of non-hazardous construction and wood wastes. When YORK1 purchased the site in 2022, it was operating as a waste transfer and processing station which accepted waste from across Ontario.

Further approvals in 1994 and 1995 permitted the operation of a mobile waste management vehicle, shredder, and tub grinder. A chart detailing all existing ECAs is attached as **APPENDIX ONE**.

#### ***ii. Amended ECAs sought by YORK1***

YORK1 has submitted applications to amend their existing Landfill and Waste Transfer / Processing ECAs to the MECP, including:

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<sup>5</sup> “2021 Landfill Report,” Waste to Resource Ontario, January 2021, online: [State of Waste in Ontario: Landfill Report, January 2021 \(owma.org\)](https://www.owma.org/state-of-waste-in-ontario-landfill-report-january-2021)

- an amendment to ECA No. A020401 for a 25 hectare waste processing site to be used for the storage, transfer and processing of non-hazardous solid waste; and
- an amendment to ECA No. A021304 for an 8-hectare landfill for the disposal of non-hazardous solid construction and demolition waste from industrial, commercial, institutional, and municipal sectors.

YORK1 has also applied for a new stormwater ECA.

#### **IV. YORK1 Pre-Consultation with the Ministry of Environment Conservation and Parks**

Prior to the purchase of the Site, YORK1 conducted multiple pre-consultation meetings with the MECP. YORK1's due diligence culminated in a letter from the MECP (dated October 2022), which has guided our approach to the project. In its letter, the MECP stated that:

- the ECA for the Landfill (ECA A021304) and the ECA for the Waste Transfer / Processing facility (ECA A020401) had not been revoked and remained current for the site; and
- the existing landfill has a theoretical capacity of 1,620,000 cubic meters, with an estimated 40,000 cubic meters already used, leaving 1,580,000 cubic meters of available landfill space.

MECP informed YORK1 that they can seek the following amendments to their existing waste ECAs to:

- recognize the existing theoretical capacity of 1,620,000 cubic meters and the remaining 1,580,000 cubic meters;
- create new engineered landfill cells for the safe disposal of the existing waste already in the landfill;
- accept and process non-hazardous construction and demolition waste and non-hazardous excess soils; and
- operate a waste processing and transfer station at the Site, and landfill the residual waste, as long as the residual waste landfilled does not exceed 1,000 tonnes per day on an annual basis.

The 2022 MECP letter outlined the process through which YORK1 could acquire the Dresden Landfill and operate the proposed recycling facility, waste transfer station and landfill. In its letter, the MECP was clear that a comprehensive environmental assessment was **not** required: only amendments to the existing ECAs were required. The MECP letter outlined that a screening level environmental assessment would be required if a change in service area was sought for the landfill, but once again, no comprehensive environmental assessment would be required.

Based on these recommendations, YORK1 has invested millions of dollars into this project and formally acquired the Site, and adjacent buffer lands, in December 2022.

## **V. YORK1 Has Completed Extensive Study to Date and has Committed to Additional Studies**

YORK1 has also been a willing and proactive participant in the environmental approvals process since its initial interest in the Site. In 2022, YORK1 hired XCG Consulting Ltd. to perform inspections and complete reports regarding an on-site well and landfill, as requested by the MECP. Well inspections also continued into 2023. During 2023, YORK1 took an active role in securing a hydrogeological investigation for the Site, and also completed a Design and Operations Plan.

Similarly, throughout 2023 and 2024, YORK1 spearheaded the ECA amendment process with the MECP. As part of this process, YORK1 ensured completion of a geophysical survey, a proposed leachate treatment report, a surface water monitoring program, and a stormwater management report. YORK1 has further committed to Species at Risk and Traffic Impact Assessment, moving forward. A chart detailing YORK1's investigatory and reporting compliance regarding the Site is attached as **APPENDIX TWO**.

## **VI. YORK1 has Completed Public Consultations and Proposes to Amend its Proposal Accordingly**

As part of its commitment to Chatham-Kent and surrounding communities, YORK1 has proactively carried out public consultations. YORK1 has heard the concerns of the community with respect to the proposed amendments to the existing ECAs. In response, YORK1 proposes to alter its applications for amendments to the existing ECAs as follows:

- Reduce the maximum limit of recyclable materials received at the waste processing facility from 6,000 tonnes per day to 3,000 tonnes per day<sup>6</sup> (this will reduce the amount of truck traffic by 50%);
- Reduce the requested flexible 24/7 hours of operations to 7am – 7pm (Mon-Sat);
- Remove asbestos from the ECA as an approved waste to be transferred; and
- Remove source separated organics (SSO) from the ECA as an approved waste to be transferred to the waste processing facility.

YORK1 commits to completing a transportation study to address concerns with truck traffic—but notes that the 50% reduction in materials brought to the waste transfer facility will reduce truck traffic significantly and also reduce the amount of residual waste produced to well below the 1,000

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<sup>6</sup> The application submitted by YORK1 amending ECA A020401 (the ECA for waste transfer and processing) originally sought to permit the transfer of 6000 tonnes per day of non-hazardous construction waste and soil and 1000 tonnes per day of residual waste. YORK1 is voluntarily reducing this to 3000 tonnes per day of non-hazardous construction waste and soil, including up to 1000 tonnes per day of residual waste

tonne per day limit permitted for final disposal. These changes enhance YORK1's position that a comprehensive environmental assessment is not necessary and should not be required.

YORK1 will continue to work collaboratively with neighbouring communities. YORK1 has consistently indicated to the Municipality of Chatham-Kent that a host-community agreement is both appropriate and needed. Through this agreement, revenue generated from YORK1'S regenerative recycling facility will be shared with the municipality to fund infrastructure initiatives such as road construction and extension of municipal water service (to YORK1's facility and to all immediate neighbours). Further, YORK1 has voluntarily commissioned a traffic study, and commits to make further changes to its plans, if needed, based on the results.

### **VII. YORK1 Due Diligence w Municipality**

Since the inception of its Project, YORK1 has informed the Municipality of Chatham-Kent (the "Municipality") of their plans for the Project and consulted directly with the Municipality. Starting in December 2021, YORK1 requested a meeting with the mayor, outlining our interest in acquiring the Dresden landfill, developing a regenerative recycling facility, and outlining our interest in entering a host-community agreement with the Municipality. YORK1 met with the Mayor of Chatham-Kent in February 2022 and had numerous meetings and calls throughout 2022 and 2023 with municipal staff, local Councilors and further meetings with the Mayor. During these meetings, YORK1 outlined our plans for the Dresden Landfill and indicated our interest in entering into an equitable host-community agreement with the Municipality. The tone in the meetings was supportive and collaborative and it was through these meetings that YORK1 agreed to limit the waste accepted at the facility to non-hazardous construction waste as per the Municipalities' request to YORK1. Municipal support was communicated at these meetings and Municipal staff and elected officials indicated their familiarity with landfills, considering the Ridge landfill run by Waste Connection, located within the Municipality in the Town of Blenheim.

In 2024, YORK1 conducted two voluntary public consultation meetings in Dresden. However, after the 2024 public consultation meetings, a social media-driven community campaign mobilized against YORK1's Project. In reaction to this, the mayor, and councilors of the Municipality in a very politically sensitive environment, publicly reversed their support for YORK1 Project. YORK1 remains committed to negotiating a generous host-community agreement with that Municipality that will ensure that the Municipality benefits from YORK1's Project. YORK1 is also committed to continued information sharing and engagement with the Municipality.

### **VIII. Comparison between the existing and new ECAs sought by YORK1**

The following Figure outlines the existing ECA approvals for the landfill and waste processing site, the changes sought in the ECAs submitted by YORK1, and amendments to its original applications that YORK1 proposes (as outlined above). What is clear from this Figure is that:

1. YORK1 is NOT seeking to increase the total capacity, size or waste footprint of the landfill— instead, they are simply looking to use the existing unused capacity at the Dresden Landfill; and

2. YORK1 is NOT seeking to change the type of waste accepted for waste processing or change the service area for the waste transfer station as YORK1 already has an ECA in place that permits the transfer of non-hazardous construction waste from across Ontario.

	Existing ECA Approval	Amended Approval Submitted by YORK1 2023	Further Amendments proposed by YORK1
<b>Landfill - ECA# A021304</b>			
Total Size	For the use and operation of an 8-hectare landfilling site within a total site area of 35 hectares	No change requested	
Total waste footprint	Landfill footprint is 8 hectares; however, does not specify approved waste fill limit, boundary or waste footprint <sup>7</sup>	No change requested	
Total Capacity	Does not specify approved waste capacity (total waste volume that can be accepted at the site). <sup>8</sup>  However, the MECP calculated a maximum theoretical capacity of 1,620,000 cubic meters with a remaining theoretical capacity of 1,580,000 cubic metres based on estimate that 40,000 cubic metres have been used	No change requested <ul style="list-style-type: none"> <li>Incorporates a maximum theoretical capacity of 1,620,000 cubic metres. (including an estimated 40,000 that is already landfilled)</li> </ul>	
Daily fill rate	Does not specify daily fill rate <sup>9</sup>	Maximum limit of 1,000 tonnes per-day of non-hazardous solid residual waste being landfilled	
Annual Fill Rate	Does not specify annual fill rate <sup>10</sup>	Maximum 365,000 tonnes annually	
Waste accepted	Site may be used for the disposal of “5% commercial and 95% ‘other’ limited to incinerator ash” (1980 Approval)	Application for the disposal of non-hazardous solid construction and demolition waste from industrial, commercial, institutional, and municipal sectors, including excess	

<sup>7</sup> MECP 2022 Letter

<sup>8</sup> MECP 2022 Letter

<sup>9</sup> MECP2022 Letter

<sup>10</sup> MECP 2022 Letter

	Existing ECA Approval	Amended Approval Submitted by YORK1 2023	Further Amendments proposed by YORK1
		soil that cannot be beneficially reused from Dresden	
Service Area	Town of Dresden	Site and Town of Dresden	YORK1 is voluntarily agreeing to conduct an environmental screening assessment to change the service area to all of Ontario <sup>11</sup>
Operating Hours	Not provided	24 hours / 7 days a week	7am – 7pm (Mon-Sat)
Environmental Protection measures	None	Amendment also includes environmental improvements including: <ul style="list-style-type: none"> <li>• installation of monitoring wells</li> <li>• construction of an engineered landfill with a compacted clay liner, a geomembrane liner, and a leachate collection and extraction system and pond;</li> <li>• construction of a stormwater management system and collection and conveyance ditches; and</li> <li>• construction of berms along the south, west and north property boundaries.</li> </ul>	
<b>Waste Transfer Station - ECA# A020401</b>			
Waste volumes transferred to the site	The maximum amount of waste “shall not exceed 75 tonnes per day” and the waste stored on site “shall not exceed 75 tonnes”	<ul style="list-style-type: none"> <li>• Maximum limit of recyclable materials received from 6,000 mT per day</li> <li>• a maximum average residual waste limit of up to 1,000 mT per day of non-hazardous solid residual waste for final disposal at waste disposal landfill;</li> </ul>	Reduce the maximum limit of recyclable materials received to 3,000 mT per day Within this amount, less than 1000 mT per day of this waste will be residual waste for final disposal in the landfill

<sup>11</sup> The MECP Letter indicated that a screening level assessment would be required if YORK1 wanted to change the service area to all of Ontario; a comprehensive EA is NOT required for this.

	<b>Existing ECA Approval</b>	<b>Amended Approval Submitted by YORK1 2023</b>	<b>Further Amendments proposed by YORK1</b>
Waste types to be transferred to the site	Provides for the “storage, transfer, and processing” of “non-hazardous solid waste form the Industrial, commercial, institutional, and municipal sectors”	<p>The 6000 mT are comprised of:</p> <ul style="list-style-type: none"> <li>• a maximum of up to 3,000 tonnes per day of non-hazardous solid waste materials including construction and demolition wastes that are processable into recycled materials: and</li> <li>• a maximum of up to 3,000 tonnes per day of non-hazardous solid waste materials including soil and soil-like materials wastes that are processable into recycled materials.</li> </ul> <p>Indoor storage of residual waste including source separated organics; outdoor storage of recyclable materials (such as wood, brick, block, concrete, asphalt, shingles, metals and drywall) and non-hazardous solid waste (consisting of unprocessed and processed soil)</p>	Remove asbestos waste and Source Separated Organics
Service Area	All of Ontario (approved in 1998 ECA)		
Service Hours	Waste accepted and processed 7am – 9pm (Mon-Sat)	24 hours / 7 days a week	7am – 7pm (Mon-Sat)
Footprint /size	0.8 hectare	25 hectares	

**IX. Recent changes to the EAA Regime do not require YORK1 to undertake a comprehensive EA**

The environmental assessment process has been modernized in Ontario since the MECP advised YORK1 of its position on the required level of assessment in its 2022 letter. The “project list approach” to the EAA was formalized on February 22, 2024. New regulations and changes to the EAA set out the project types that require a comprehensive Environmental Assessment (“EA”) and set out the projects that are exempt or conditionally exempt subject to following the applicable streamlined EA process.

With respect to waste management systems several key changes came into effect on this date:



- The O. Reg 50/24 Part II.3 Projects – Designations and Exemptions regulation was enacted:
- The O. Reg. 101/07 Waste Management Projects regulation was revoked;
- The [Guide to the EA Requirements for Waste Management Projects](#) was amended to reflect the regulatory and legislative changes.

As shown in **Appendix 3**, YORK1 conducted a comprehensive review of the above legal and regulatory changes, and concluded that the environmental assessment requirements have not changed for this Project, and the conclusion reached by the MECP in their 2022 letter remain valid. **The EAA does NOT require a comprehensive environmental assessment for any aspect of the YORK1 Project.**

As a result, YORK1’s proposal for the Site *should not trigger a comprehensive environmental assessment*. YORK1’s proposed recycling facility will produce less than 1,000 cubic tonnes per day of residual waste. In accordance with the EAA, an environmental assessment is not required for a recycling facility of this size on an established waste processing site. To impose a regulation requiring a comprehensive environmental assessment specific to this project is unwarranted, unprecedented, and unaligned with the legislation’s purpose.

Under the EAA, none of YORK1’s amendments to the existing ECAs would trigger a comprehensive EA.

- **YORK1 is not establishing a new facility.**
  - The Site has existing environmental compliance approvals for a landfill site (under ECA A021304) and a waste processing/transfer station (under ECA A020401). YORK1 seeks to amend the current site and existing ECAs to incorporate innovative recycling techniques and current environmental standards.
- **The Site will not receive hazardous waste.**
  - Nor will the facility accept Municipal Solid Waste (MSW). As agreed with the municipality in early discussions, YORK1 has agreed to limit the facility to non-hazardous construction, demolition waste and non-hazardous excess soil. They will further limit the waste accepted at the site by eliminating asbestos waste and source separated organics.
- **The capacity of the Site is not increasing.**
  - The MECP has agreed that the original landfill site did not have an approved capacity and has provided correspondence to YORK1 establishing the capacity at 1,620,000 cubic meters (based on the original site footprint), with 1,580,000 cubic meters of space remaining in the landfill. YORK1 only proposes to use this remaining space; no expansion of the landfill capacity is sought.
- **The landfill is not increasing its fill rate.**
  - The MECP has agreed that there was no historical fill rate established.

- **Excavation of the currently landfilled waste will be undertaken as an environmental improvement to modernize the existing landfill.**
  - The intention is *not* to increase landfill capacity, but to bring the Landfill up to current environmental standards.

## **X. YORK1 proposes to voluntarily conduct an Environmental Screening Assessment**

YORK1 proposes to conduct an Environmental Screening Assessment at the commencement of the Project. This highlights YORK1's willingness to be open, transparent and ensure that the facility will operate to the highest environmental standards. While YORK1 only intends to landfill up to 1000 cubic tonnes per day of residual waste from materials arriving at the recycling facility, because the recycling facility will have an Ontario-wide service area, it could be argued that the residual waste the landfill accepts is also derived from across Ontario. This is consistent with the MECP position that an Environmental Screening Assessment would be required for a change to the service area.

An environmental screening assessment involves substantial environmental study and assessment including data collection and analysis to understand the basis, extent, inter-relationship and magnitude of all potential environmental effects caused by the project and, subsequently, the development of impact management and mitigation measures—as well as public and indigenous consultation. Proponents must address how a proposed project could affect surface and ground water, land, air and noise, and natural environment and resources. The assessment of traffic and species at risk is also required. Crucially, the definition of “environment” within the environmental screening process includes air, land, and water as well as natural, cultural, social, and economic components.

A comprehensive environmental assessment for YORK1's proposal would be inefficient and unwarranted. YORK1 has actively collaborated throughout the public consultation process and will continue to do so through the Environmental Screening Process. Given this level of sustained engagement, a comprehensive environmental assessment would not address potential impacts on local residents and the surrounding environment to any greater extent than the environmental screening assessment YORK1 is voluntarily agreeing to conduct. YORK1 has demonstrated a consistent willingness to work with the MECP and local residents and will continue to do so.

### **Summary and Conclusion**

In summary, YORK1 is committed to creating an innovative regenerative recycling facility which will facilitate the recycling and adaptive reuse of construction and demolition waste in Dresden. The site was an existing waste transfer and landfill site, with existing environmental compliance approvals, as detailed above. From the onset of YORK1's involvement with this site, YORK1 has closely followed established procedures as prescribed by the MECP.

YORK1 has also heard the concerns of local residents through voluntary public engagement. As a result of this engagement, YORK1 proposes to voluntarily reduce certain items in the application for amendment of the existing ECAs. As outlined earlier in this letter YORK1 will:

- Reduce the maximum limit of recyclable materials received from 6,000 cubic tonnes per day to 3,000 cubic tonnes per day (this will significantly reduce the amount of truck traffic by 50%).
- Reduce the requested flexible 24/7 hours of operations to 7am – 7pm (Mon-Sat).
- Remove asbestos from the ECA as an approved waste to be transferred; and
- Remove source separated organics (SSO) from the ECA as an approved waste to be transferred.

YORK1 has commissioned a number of studies on the site including preparation of a Design and Operations Report and hydrogeologic, surface water and stormwater management reports and is also in the process of completing a Traffic Impact Study and Species at Risk Study. Anticipated traffic to the site may also be revised upon the completion of the Traffic Impact Study, should the study find that there are ways to lessen the impact of YORK1's facility on local traffic patterns. YORK1 has shown throughout this process a willingness to work with the MECP, the municipality of Chatham-Kent and local residents and will continue to do so throughout the process.

YORK1 also agrees to fulfill the Environmental Screening Process for Waste Management Projects at the commencement of operations of the Site. This will ensure that there is adequate planning, consultation and oversight to ensure that the YORK1 Project can be implemented in an environmentally protective manner.

A comprehensive EA **should not** be required for YORK1 to commence the operation of its regenerative recycling facility. We hope that this letter clarifies the actual nature of YORK1's facility: a recycling and resource recovery Project whereby non-hazardous construction waste and excess soil is brought to the site, recycling and reuse is maximized and a small amount of residual waste is place for final disposal in the existing landfill. This true picture of the process stands in stark contrast to the mis-information in the media that has proliferated about YORK1's Project.

A comprehensive environmental assessment for the proposed project would set a problematic precedent. Under Ontario's thorough but efficient environmental assessment process, relatively minor amendments—such as those proposed by YORK1 for the site—do not require a comprehensive environmental assessment. To impose a site-specific regulation on this project is unnecessary for this site; but, more importantly, it would set an illogical and inefficient precedent and could significantly hamper sustainable recycling initiatives in Ontario.

We would appreciate the opportunity to meet with the Ministry to discuss this letter and the passing of an appropriate regulation that recognizes that an environmental screening process is the appropriate regulatory oversight.

Sincerely,

YORK1

<original signed by>

Brian Brunetti, P.Eng.  
President & CEO

**PART ONE: HISTORIC ECAS and Associated Documentation**

	Document	Date	Issued to	Details	Notes
<b>WASTE DISPOSAL (LANDFILL)</b>	Letter (to Kent County Health Unit to Public Health Engineering Services, Environmental Health Branch)	August 19, 1967	Town of Dresden	<ul style="list-style-type: none"> <li>Letter to Dr. Brown, Director and Medical Officer of Health (Kent County Health Unit), from J.D. [unclear], Officer in Charge Waste Management Services (Public Health Engineering Services, Environmental Health Branch)</li> <li>Reads: "Further to the letter of July 21<sup>st</sup> from Mr. Hester, we would confirm that the site proposed by the Town of Dresden for a sanitary landfill operation is acceptable to this service. It is noted that the purpose of this site is to dispose of incinerator ash."</li> </ul>	Collectively, these two documents suggest that the Town of Dresden operated an authorized landfill on the Site from 1967 until July 1972.
	Letter (to Township of Camden from Ministry, Waste Management Branch)	August 9, 1972		<ul style="list-style-type: none"> <li>Letter to Carl McFadden, Clerk-Treasurer (Township of Camden) from J. Kennedy, Waste Management Engineer (Ministry, Waste Management Branch)</li> <li>States that the site (Lot 1, Concession 7, Township of Gore of Camden) was inspected on July 27, 1972, and was found to be satisfactorily closed</li> </ul>	
	Application package: A021304 <b>Reissue</b>	June 19, 1973	Dresden Tile Yard	<p><b>Includes:</b></p> <ul style="list-style-type: none"> <li>Form: Recommendation of Regional Engineer—REISSUE                             <ul style="list-style-type: none"> <li>Location: Lot 8, concession 5, Township of Camden; notes that professional certificate to expire on June 15, 1974</li> <li>Handwritten note: "Site closed in July/72"</li> </ul> </li> <li>Application Summary Form                             <ul style="list-style-type: none"> <li>Application for reissue; file complete and verified</li> </ul> </li> <li>Inspection Report Form for A021304 (Lot 8, Concession 5)                             <ul style="list-style-type: none"> <li>Site operating satisfactorily; however, notes that adequate signs were not posted; the site was not open in accordance with posted signs; and equipment was not covered on site.</li> </ul> </li> </ul>	



**PART ONE: HISTORIC ECAS and Associated Documentation**

	Document	Date	Issued to	Details	Notes
	A021304: Landfill Disposal Site Application Form (Reissue)	January 9, 1974	Dresden Tile Yard	<ul style="list-style-type: none"> <li>Application for reissue of A021304 (indicates that provisional certificate issued on July 25, 1972)                             <ul style="list-style-type: none"> <li>Location: Lot 8, Concession 5</li> <li>Type: Incinerator Ash-Residue Disposal</li> <li>Total area of site: 3 acres (with 3 acres available for waste disposal)</li> <li>Type of Waste: 95% domestic; 5% commercial</li> <li>Hours: Monday to Friday</li> <li>Population Served: 2366</li> <li>Total "Tons Per Day": 6</li> </ul> </li> <li>Notes that the application would transfer Certificate from Town of Dresden to Dresden Tile Yard</li> </ul>	<b>Note:</b> unclear why this application was completed so soon after the 1973 application
	A021304: Application for Reissue of a Certificate of Approval for a Waste Disposal Site	April 21, 1975	Corporation of Town of Dresden (applicant); Dresden Tile Yard (owner)	<ul style="list-style-type: none"> <li>Waste to be disposed of: 95% Domestic; 5% Commercial (incinerated ash)</li> <li>Applicant: Town of Dresden</li> <li>Type of Waste: Incinerator Ash disposal</li> <li>Quantity: 1 ton incinerated (estimated) per day</li> </ul>	
	MOE Letter to Chatham- Kent Health	August 19, 1976	n/a	<ul style="list-style-type: none"> <li>Letter to Mrs. D. Kemp, Certificate Clerk (Municipal &amp; Private Approvals Section, MOE), from D. H. Edwards, District Officer (Municipal &amp; Private Abatement, MOE)</li> <li>States that Area 1 (on original site plan in Document 1) is exhausted, and Site 2 is currently being used</li> <li>Notes that there are existing contracts between the Town of Dresden and Dresden Tile Yard; and that both parties wish "to have the certificate amended so that the written description agrees with the development plan and actual practice."</li> <li>States that the original certificates expired in July 1976, and recommends</li> </ul>	<b>Note:</b> Suggests Dresden Tile Yard and the municipality continued to share the site



PART ONE: HISTORIC ECAS and Associated Documentation					
	Document	Date	Issued to	Details	Notes
				that new certificates are issued for a 5-year term (once the description is amended to capture the true use of the site, which is lots 7 and 8, Concession 5)	
	A021304: Waste Disposal Site ECA	November 20, 1980	Dresden Tile Yard Limited	<ul style="list-style-type: none"> <li>Provisional Certificate of Approval: Waste Disposal Site</li> <li>“For the use and operation of an 8-hectare landfilling total site within a total site area of 35 hectares”</li> <li>Location: Southwest ¼ of Lot 8, West ½ of Lot 7, Concession 5, Township of Camden, County of Kent</li> <li>Site may be used for the DISPOSAL of “5% commercial and 95% ‘other’ limited to incinerator ash”</li> <li>Issued under <i>The Environmental Protection Act, 1971</i></li> </ul>	
WASTE TRANSFER STATION	Application for A021304	Oct 6 1989 (Stamped by the MOE October 11, 1989)	Town of Dresden	<ul style="list-style-type: none"> <li>Application for a Certificate of Approval for a Waste Disposal Site (Transfer) for “waste transfer/recycling collection depot within a new building” <ul style="list-style-type: none"> <li>Applicant: Town of Dresden;</li> <li>Location: Concession 5, SW1/4 Lot 8, W1/4 Lot 7, Hwy 21;</li> <li>Present land use: 8 ha of landfill with 35 ha vacant land</li> </ul> </li> <li>States that final disposal sites are A021603 and A021601 (located in Harwich Township)</li> </ul>	<b>Note:</b> This is for “application is for notification of changes in use, operations, or ownership” for certificate <b>A021304</b> ”
	Letter from Town of Dresden to MOE	January 4, 1991	Town of Dresden	<ul style="list-style-type: none"> <li>Letter to George Segart (Town of Dresden) from Christopher Hutt, Environmental Officer (MOE)</li> <li>States that a Certificate of Approval for a Waste Processing Site is not necessary if (1) the Town supervises the depot to ensure that only recyclable material is accepted; and (2) the recyclable material is delivered to a recycling operation.</li> </ul>	
	Application for A020401	July 2, 1992	Waste Wood Disposal Limited	Application for Certificate of Approval for a Waste Processing Site	

**PART ONE: HISTORIC ECAS and Associated Documentation**

	Document	Date	Issued to	Details	Notes
				<ul style="list-style-type: none"> <li>Applicant: Wood Waste Disposal Ltd. (Landowner: Corporation of the Town of Dresden)</li> <li>Population served: "Population of five counties . . . Essex., Kent, Lambton, Middlesex, and Elgin)</li> <li>Total area: 2 acres</li> <li>Type of facility: resource recovery and grinding and shredding</li> </ul>	
	A020401	August 17, 1992	Waste Wood Disposal Limited	<ul style="list-style-type: none"> <li>Provisional Certificate for a Waste Disposal Site</li> <li>"for the use and operation of a 0.8 hectare waste processing site"</li> <li>Location: "Part of Lot 7, Concession 5, Camden Gore"</li> <li>Site may only be used for the processing of "solid non-hazardous industrial wastes consisting of scrap wood"</li> <li>Serving the residents of the County of Kent, Essex, Elgin, Lambton, and Middlesex</li> </ul>	
	Application for Amendment to A020401	March 16, 1998	Waste Wood Disposal Limited	<p>Application for Approval of Waste Disposal Site</p> <ul style="list-style-type: none"> <li>Present land use: agricultural/waste disposal processing site</li> <li>Maximum rate at which site can receive waste per day: Municipal, 30 tonnes; Commercial, 45 tonnes</li> <li>Type of waste: solid non-hazardous industrial, commercial, institutional, and municipal waste</li> <li><b>Area to be served: Ontario</b></li> <li>Total area: 83 acres</li> <li>Maximum estimated site storage capacity: 75 tonnes</li> <li>States that site will be used to process recyclables from within Ontario and to collect, process, and redistribute wood waste; will also use the site to transfer all</li> </ul>	Ontario is listed as the service area



**PART ONE: HISTORIC ECAS and Associated Documentation**

	Document	Date	Issued to	Details	Notes
				<p>non-hazardous solid industrial I.C.I. and Municipal-Residential wastes to “any approved waste disposal site in Ontario or Michigan”</p> <ul style="list-style-type: none"> <li>• Estimate start of construction: March 16, 1998; estimated start of operation: April 16, 1998</li> <li>• Includes map</li> </ul>	
	Amendment to A020401	October 9, 1998  (signed October 13, 1998)	Waste Wood Disposal Limited	<ul style="list-style-type: none"> <li>• Provides for the “storage, transfer, and processing” of “non-hazardous solid waste from the Industrial, commercial, institutional, and municipal sectors”</li> <li>• A change “of the use of the site” or “the addition of new categories of wastes requires a new application and amendments to the Provisional Certificate of Approval.”</li> <li>• Issued under the <i>Environmental Protection Act, R.S.O. 1990</i></li> <li>• The maximum amount of waste “shall not exceed 75 tonnes per day” and the waste stored on site “shall not exceed 75 tonnes”</li> <li>• Waste only permitted to be accepted and processed between 7am and 9pm, Monday to Saturday.</li> </ul>	As the application listed Ontario as the service area, this was the service are for the facility
<b>OTHER (MOBILE DEVICES)</b>	A800646	July 19, 1994	Waste Wood Disposal Limited	<ul style="list-style-type: none"> <li>• Provisional Certificate of Approval for a Waste Management System serving the Province of Ontario</li> <li>• Use of the system “limited to the collection, handling, and transportation of waste”</li> <li>• It is clear that this approval is for vehicle transportation of waste (<i>i.e.</i>, waste can “only be transported in a covered vehicle” and any changes to the “the fleet of vehicles, trailer and equipment” must be reported to the Ministry)—but it does not explicitly say so.</li> <li>• Only permits the transportation of “domestic, commercial, and non-hazardous solid industrial waste”</li> </ul>	<b>Note:</b> The A020401 Application from July 1992 includes “grinding and shredding” permission



PART ONE: HISTORIC ECAS and Associated Documentation					
	Document	Date	Issued to	Details	Notes
	A8007171 and A080003 Waste Disposal Site (Processing) Certificate of Approval	March 6, 1995	Wood Waste Disposal Limited	<ul style="list-style-type: none"> <li>• Certificate of Approval for use of mobile shredder for processing brush, trees, shrubs, stumps, logs, pallets, skids, newspaper products, nursery wastes, plastics, and construction/demolition waste</li> <li>• The mobile Certificate of Approval applies province-wide—but note that it <b>only applies</b> to the mobile unit (<i>i.e.</i>, the shredder)</li> </ul>	
	8-1104-95-006 Portable Air ECA	November 8, 1995	Wood Waste Disposal Limited	<ul style="list-style-type: none"> <li>• Approval for an industrial portable tub grinder</li> <li>• Maximum capacity: 18 tonnes/hour with equipped engine rated at 130 kilowatts</li> <li>• Operating hours restricted to 7am to 7pm</li> </ul>	

**APPENDIX TWO: STUDIES CONDUCTED BY YORK1**

Project Number	File Name	Document Date	Status	Document Title	Type	Reason for report
5-4409-16-01	L544091601001	27-Apr-22	Final	Reactivation of the Dresden Landfill ECA - A021304, Dresden, Ontario	Letter	Letter sent to the MECP requesting a pre-consultation for the Dresden Landfill project. Provided landfill related details.
	L544091601002	15-Aug-22	Final	Justification for an Environmental Screening Process for the Dresden Landfill ECA - A021304, Dresden, Ontario	Letter	Letter sent to the MECP providing clarification on the Dresden Landfill project and justification for an Environmental Screening Process. Again requested a pre-consultation meeting.
	L544091601003	28-Sep-22	Final	Pre-Consultation Meeting Follow-Up for the Dresden Landfill ECA - A021304, Dresden, Ontario	Letter	Letter sent to the MECP after the pre-consultation meeting further establishing the details of the Dresden Landfill. Letter also requests a formal response from MECP staff.
	M544091601001	21-Jul-22	Final	Ministry of the Environment, Conservation and Parks File Review - Dresden Landfill ECA - A021304	Memo	Memo summarizing XCG's finding during a review of the project file located in the Windsor MECP office.
5-4409-16-02	M544091602001	07-Jul-23	Final	Update of Ongoing Hydrogeological Investigation Activities at the Dresden Landfill, Dresden, ON	Memo	Update provided to YORK1 of the Hydrogeological Investigation.
	M544091602002	12-Dec-23	Draft	Summary of Site Activities Undertaken in 2022 at the Dresden Landfill, Dresden, ON	Memo	Update provided to YORK1 of the Hydrogeological Investigation activities completed in 2022.
	M544901602003	12-Dec-23	Draft	Summary of Site Activities Undertaken in 2023 at the Dresden Landfill, Dresden, ON	Memo	Update provided to YORK1 of the Hydrogeological Investigation activities completed in 2023.
	R544091602001	28-Jul-23	Draft	Hydrogeological Investigation, Dresden Landfill Site, 29831 Irish School	Report	DRAFT Hydrogeological Investigation Report provided to the MECP for review as

**APPENDIX TWO: STUDIES CONDUCTED BY YORK1**

Project Number	File Name	Document Date	Status	Document Title	Type	Reason for report
				Road, Dresden, Ontario		part of the ECA Amendment process.
5-4409-16-03	L544091603001	19-Jan-23	Final	Dresden Landfill Site Redevelopment - ECA - A021304, Dresden, Ontario	Letter	Letter sent to YORK1 summarizing the parameters of the landfill and transfer facility as outlined by the MECP in response to our pre-consultation request.
	L544091603002	19-Jan-24	Final	Dresden Transfer Facility ECA Amendment – MECP Reference Number 2082-CYEJP2	Letter	Letter provided to the MECP providing additional information requested as part of the first ECA Amendment Application for the Transfer Facility.
	L544091603003	02-Feb-24	Final	Dresden Landfill ECA Amendment – MECP Reference Number 8126-CYMRCN	Letter	Letter provided to the MECP providing additional information requested as part of the first ECA Amendment Application for the Landfill.
	L544091603005	22-Feb-24	Final	Dresden Landfill ECA Amendment – MECP Reference Number 8126-CYMRCN	Letter	Letter provided to the MECP providing additional information requested as part of the first ECA Amendment Application for the Transfer Facility and Landfill.
	M544091603001	26-Oct-23	Final	Environmental Compliance Approval Application 1806-CWAR5Q	Memo	ECA Application submitted to the MECP. As requested the Transfer Facility and Landfill submissions were split and sent as separate applications.
	R544091603002	03-Oct-23	Final	Design and Operations Plan, Dresden Landfill Site, 29831/29841 Irish School Road, Dresden, Ontario	Report	Design and Operations Report for the Landfill submitted to the MECP as part of the ECA Amendment process.
	R544091603003	10-Nov-23	Final	Storm Water Management Report, 29831 Irish School Road, Dresden, Ontario	Report	Stormwater Management Report submitted to the MECP as part of the ECA Amendment process.
	R544091603004	08-Dec-23	Final	Design and Operations Report 1, ECA A020401, Waste	Report	Design and Operations Report for the Transfer Facility submitted to the

**APPENDIX TWO: STUDIES CONDUCTED BY YORK1**

Project Number	File Name	Document Date	Status	Document Title	Type	Reason for report
				Disposal Site (Processing and Transfer), 29831 Irish School Road, Dresden, Ontario		MECP as part of the ECA Amendment process.
5-4409-16-04	L544091604001	18-Nov-22	Draft	Inspection and Certification for the Completion of the Provincial Officer's Order, Dresden Landfill	Letter	As requested by the MECP, XCG completed a site inspection and drone survey to determine the waste types and amounts currently on Site.
	L544091604002	18-Nov-22	Draft	Well Inspection at the Dresden Landfill	Letter	As requested by the MECP, XCG completed an inspection of the on-Site well pit and subsequent abandonment of the well.
	L544091604003	22-Dec-22	Final	Dresden landfill Site Redevelopment- Volume of Materials On Site	Letter	Letter sent to the MECP summarizing the volume of waste remaining on Site after YORK1 cleaned up the Site and removed excess wastes from the Site.
5-4409-16-08	L544091604001	30-May-23	Final	Proposed Leachate Treatment Using Engineered Wetland, Dresden Landfill	Memo	Memo to YORK1 summarizing the results of the initial study of expected leachate quality and potential on-Site treatment methods.
5-4409-16-09	L544091609001			Incomplete Letter of Consent for Water Supply Well Survey	Letter	Prepared for future private well surveys
	L544091609002			Incomplete Letter of Consent for Water Supply Well Survey	Letter	Prepared for future private well surveys
	M544091609001	11-Jul-23	Final	MECP-Requested Investigation of Well Interference Complaint-29830 Irish School Road, Dresden, ON	Memo	Undertaken at the Request of MECP
	R544091609001	12-Sep-23	Draft	Due Diligence Assessment, 10439 Croton Line, Dresden, Ontario	Report	Due diligence investigation prior to property acquisition

**APPENDIX TWO: STUDIES CONDUCTED BY YORK1**

Project Number	File Name	Document Date	Status	Document Title	Type	Reason for report
5-4409-16-11	L544091611001	26-Jan-24	Final	Geophysical Survey at the Dresden Landfill Site, 29831 Irish School Road, Dresden, Ontario	Letter	Geophysical survey undertaken to assess areas of potential historical waste placement
5-4409-16-16	M544091616001	16-Apr-24	Final	Summary of Results from Q1-2024 of the Quarterly Groundwater and Surface Water Monitoring Program at Dresden Landfill, Dresden, ON	Memo	Summarize results of Q1 2024 groundwater and surface water monitoring event
5-4409-16-18	WP544091618001	03-Apr-24	Draft	Work Plan for Additional Site Assessment Activities at the Dresden Landfill, 29831 Irish School Road, Dresden, Ontario	Work Plan	To further assess extents of waste material and to collect additional groundwater quality data
5-4409-16-01	L544091601001	27-Apr-22	Final	Reactivation of the Dresden Landfill ECA - A021304, Dresden, Ontario	Letter	Letter sent to the MECP requesting a pre-consultation for the Dresden Landfill project. Provided landfill related details.
	L544091601002	15-Aug-22	Final	Justification for an Environmental Screening Process for the Dresden Landfill ECA - A021304, Dresden, Ontario	Letter	Letter sent to the MECP providing clarification on the Dresden Landfill project and justification for an Environmental Screening Process. Again requested a pre-consultation meeting.
	L544091601003	28-Sep-22	Final	Pre-Consultation Meeting Follow-Up for the Dresden Landfill ECA - A021304, Dresden, Ontario	Letter	Letter sent to the MECP after the pre-consultation meeting further establishing the details of the Dresden Landfill. Letter also requests a formal response from MECP staff.
	M544091601001	21-Jul-22	Final	Ministry of the Environment, Conservation and Parks File Review - Dresden Landfill ECA - A021304	Memo	Memo summarizing XCG's finding during a review of the project file located in the Windsor MECP office.



### APPENDIX 3: APPLICATION OF O. REG 50/24 TO YORK1’S PROJECT

Under O. REG 50/24, a comprehensive environmental assessment (under Part II.3 of the *EAA*) is only required if the waste disposal site falls within section 20 or 21.

The Guide states:

“Sections 20 and 21 describes the waste projects that are designated by the Regulation as projects subject to the requirements for an environmental assessment prepared under Part II.3 of the Act (comprehensive environmental assessment).”

The YORK1 project does not fall within section 20 as this section speaks to “establishing” a waste disposal site.

YORK1 is not “establishing” a waste disposal site as the Site has valid Certificates of Approval for a landfill of 8 ha and a waste processing site.

The following chart outlines that the YORK1 Project does not meet any of the criteria in section 21 for designation under Part II.3 of the *EAA* as requiring a comprehensive EA.

**21.** (1) Subject to section 24, making one or more of the following changes is designated as a project to which Part II.3 of the Act applies:

Does YORK1 Project meet criteria?	Regulatory Provision	Explanation
No	1. A change to a waste disposal site not described in section 20 if making the change results in the site becoming a site described in paragraph 2, 3, 4, 5 or 6 of that section.	Proposal is not for a thermal treatment facility and does not include any hazardous waste now that asbestos is removed, and given that the site will not accept or process contaminated soil.
No	2. A change to a landfilling site or dump if the total waste disposal volume of the landfilling site or dump after the change would exceed the total waste disposal volume that the landfilling site or dump was authorized to have under the <i>Environmental Protection Act</i> before the change by more than 375,000 cubic metres.	No cap was established in any Certificate of Approval for the Site. The MECP established a total theoretical capacity of 1,620,000 cubic meters and a remaining volumetric capacity of 1,580,000 cubic meters in their letter dated Oct. 28, 2022 based on an approved 8 ha waste foot area
	3. A change to a landfilling site or dump that meets the following criteria:	
No	i. The total waste disposal volume of the landfilling site or dump after the change would exceed the total waste disposal volume that	The total waste disposal volume would be 1,620,000

Does YORK1 Project meet criteria?	Regulatory Provision	Explanation
	the landfilling site or dump was authorized to have under the <i>Environmental Protection Act</i> before the change by greater than 100,000 cubic metres but by less than or equal to 375,000 cubic metres.	cubic metres, which would <b>not</b> expand the original theoretical capacity of the 8 ha waste footprint approved in 1980
No	<p>ii. The change does not meet the criteria in paragraph 3 of section 23.</p> <p>Para 3, s. 23 reads: A change to a landfilling site or dump that meets the following criteria:</p> <ul style="list-style-type: none"> <li>i. The total waste disposal volume of the landfilling site or dump after the change would exceed the total waste disposal volume that the landfilling site or dump was authorized to have under the <i>Environmental Protection Act</i> before the change by greater than 100,000 cubic metres but by less than or equal to 375,000 cubic metres.</li> <li>ii. The increase in the total waste disposal volume of the landfilling site or dump would not exceed 25 per cent of the total waste disposal volume that the landfilling site or dump was authorized to have under the <i>Environmental Protection Act</i> before the change.</li> </ul> <p>If a notice of completion under the Environmental Screening Process for Waste Management Projects has been submitted to the Ministry in respect of a previous change to the landfilling site or dump that meets the criteria in subparagraphs i and ii, the day on which the notice of commencement is issued under the Environmental Screening Process for Waste Management Projects in respect of the change is at least 10 years after the day the notice of completion in respect of the previous change was submitted.</p>	Same reason as above
No	4. A change to a landfilling site or dump, if:	To fall within clause 4 both i) AND ii) must be a yes
Yes, overall response to s. 4 is no	i. the change involves the excavation of waste that was previously disposed of at the landfilling site or dump, <b>and</b>	YORK1 will be excavating the waste that was previously disposed of to install a liner and ensure the environmental safety of the landfill.
No, overall response to s. 4 is no	ii. the excavation would increase by greater than 100,000 cubic metres the amount of waste that could be deposited at the landfilling site or dump without any increase in the total waste disposal volume that the landfilling site or dump is authorized to have under the <i>Environmental Protection Act</i> .	However, no increase in the theoretical waste capacity beyond the theoretical capacity is proposed.

Does YORK1 Project meet criteria?	Regulatory Provision	Explanation
No	5. A change to a landfilling site or dump at which hazardous waste or liquid industrial waste is finally disposed of, if:	No hazardous waste will be finally disposed of or brought on site
N/A	i. the total waste disposal volume of the landfilling site or dump after the change would exceed the total waste disposal volume that the landfilling site or dump was authorized to have under the <i>Environmental Protection Act</i> before the change, or	The total waste disposal volume would be 1,620,000 cubic metres, which would <b>not</b> expand the original theoretical capacity of the 8 ha waste footprint approved in 1980
N/A	ii. the change involves the excavation of waste that was previously disposed of at the landfilling site or dump.	
N/A	6. A change to a thermal treatment site described in a paragraph of section 20 if, after the change, the thermal treatment site would be a thermal treatment site described in a different paragraph of that section.	YORK1 is not proposing a thermal treatment site

### Environmental Screening Process

The combined operation of sections 22, 23 and 25 determine what projects are designated under the Environmental Screening Process:

25. (1) A project designated as a Part II.3 project under section 22 or 23 is exempt from Part II.3 of the Act, if,

- (a) the project is not described in section 20 or 21; and
- (b) the project is carried out in accordance with the Environmental Screening Process for Waste Management Projects.

Therefore, if a project is designated under section 22 or 23 it is **exempt** from a comprehensive EA if it is not described in section 20 or 21 and the Environmental Screening Process is carried out. In other words, the Environmental Screening Process applies. This is the case for the YORK1 Project as it is not listed in either s. 20 or s. 21 of the regulation. If YORK1 seeks to change the service area for the landfill, this would be designated under s. 23 (see chart below).

The [Guide to the EA Requirements for Waste Management Projects](#) states:

“Projects designated in sections 22 and 23, in Part IV (Waste Management Projects) of the Comprehensive Environmental Assessment Projects Regulation can proceed subject to completing the Environmental Screening Process, and provided they are not listed in sections 20 or 21 of the regulation.”

Section 22 does not apply to the YORK1 Project because it applies to “establishing” a waste disposal site listed in this section. As noted above, YORK1 is not establishing a waste disposal site.

23. Subject to sections 24 and 25, making one or more of the following changes is designated as a project to which Part II.3 of the Act applies

Does YORK1 Project meet criteria?	Regulatory Provision	Explanation
No	<p>1. A change to a waste disposal site not described in section 22 if making the change results in the site becoming a site described in paragraph 2, 3, 4, 5, 6 or 7 of that section.</p> <p>Section 22. 7 reads: “A waste disposal site at which waste is handled, treated or processed, if, on an annual basis, an average of more than 1,000 tonnes of waste per day is transferred from the site for final disposal”</p>	<p>YORK1 is not proposing a thermal treatment site (s. 2-6). While YORK1 is proposing a waste processing site, <u>more than</u> 1000 tonnes of waste per day will <i>not</i> be directed to final disposal; and further, this waste will not be transferred from the site</p>
No	<p>2. A change to a landfilling site or dump if the total waste disposal volume of the landfilling site or dump after the change would exceed the total waste disposal volume that the landfilling site or dump was authorized to have under the <i>Environmental Protection Act</i> before the change by greater than or equal to 40,000 cubic metres but by less than or equal to 100,000 cubic metres.</p>	<p>The total waste disposal volume would be 1,620,000 cubic metres, which would <b>not</b> expand the original theoretical capacity of the 8 ha waste footprint approved in 1980</p>
	<p>3. A change to a landfilling site or dump that meets the following criteria:</p>	
No	<p>i. The total waste disposal volume of the landfilling site or dump after the change would exceed the total waste disposal volume that the landfilling site or dump was authorized to have under the <i>Environmental Protection Act</i> before the change by greater than 100,000 cubic metres but by less than or equal to 375,000 cubic metres.</p>	<p>The total waste disposal volume would be 1,620,000 cubic metres, which would <b>not</b> expand the original theoretical capacity of the 8 ha waste footprint approved in 1980</p>
No	<p>ii. The increase in the total waste disposal volume of the landfilling site or dump would not exceed 25 per cent of the total waste disposal volume that the landfilling site or dump was authorized to have under the <i>Environmental Protection Act</i> before the change.</p>	<p>The total waste disposal volume would be 1,620,000 cubic metres, which would <b>not</b> expand the original theoretical capacity of the 8 ha waste footprint approved in 1980</p>
No	<p>iii. If a notice of completion under the Environmental Screening Process for Waste Management Projects has been submitted to the Ministry in respect of a previous change to the landfilling site or dump that meets the criteria in subparagraphs i and ii, the day on which the notice of commencement is issued under the Environmental Screening Process for Waste Management Projects in respect of the change is at least 10 years after the day the notice of completion in respect of the previous change was submitted.</p>	

Does YORK1 Project meet criteria?	Regulatory Provision	Explanation
No	4. A change to a landfilling site or dump, if:	To fall within clause 4 both i) AND ii) must be a yes
Yes	i. the change involves the excavation of waste that was previously disposed of at the landfilling site or dump, <b>and</b>	YORK1 will be excavating the waste that was previously disposed of to install a liner and ensure the environmental safety of the landfill.
No	ii. the excavation would increase by greater than 40,000 cubic metres but by less than or equal to 100,000 cubic metres the amount of waste that could be deposited at the landfilling site or dump without any increase in the total waste disposal volume that the landfilling site or dump is authorized to have under the <i>Environmental Protection Act</i> .	However, no increase in the theoretical waste capacity beyond the theoretical capacity is proposed.
No	5. A change to a landfilling site or dump described in paragraph 1 or 6 of section 20 or paragraph 1 of section 22 if the rate at which the landfilling site or dump is filled after the change would exceed the rate at which the landfilling site or dump was authorized to be filled under the <i>Environmental Protection Act</i> before the change.	YORK1 will be imposing a maximum limit of 1,000 tonnes per-day of non-hazardous solid residual waste being landfilled; this does not exceed the rate under the previous ECA (because the relevant ECA did not specify a fill rate)
N/A	6. A change to a thermal treatment site described in a paragraph of section 22, if after the change, the thermal treatment site would be a thermal treatment site described in a different paragraph of that section.	YORK1 is not developing a thermal site
N/A	7. A change to a thermal treatment site described in a paragraph of section 22 if the amount of waste that would be subject to thermal treatment at the site on any day after the change would exceed the amount of waste that was authorized under the <i>Environmental Protection Act</i> to be subject to thermal treatment at the site before the change.	YORK1 is not developing a thermal site
No	8. A change to a waste disposal site described in paragraph 7 of section 22 if, on an annual basis, the average amount of waste transferred from the site per day after the change would exceed by greater than 1,000 tonnes the average amount of waste that was authorized to be transferred from the site for final disposal under the <i>Environmental Protection Act</i> before the change.	While recyclable materials and soils that can be put to a beneficial use will be transferred from the site, above the 1000 tonnes per day threshold, no waste for final disposal in excess of 1000 tonnes will be transferred from the site
If/ when a change in service area is sought	9. A change to a waste disposal site described in section 20 or section 22 if the geographic area from which the site receives waste after the change would include any area from which the site was not authorized to receive waste under the <i>Environmental Protection Act</i> before the change.	An Environmental Screening will be required for this change if and when a change in service area is sought to landfill residual waste originating outside of Dresden

Proponents who want to rely on the exemption provided for in the Comprehensive Environmental Assessment Projects Regulation are required to comply with the provisions of the Environmental Screening Process before proceeding with a project.

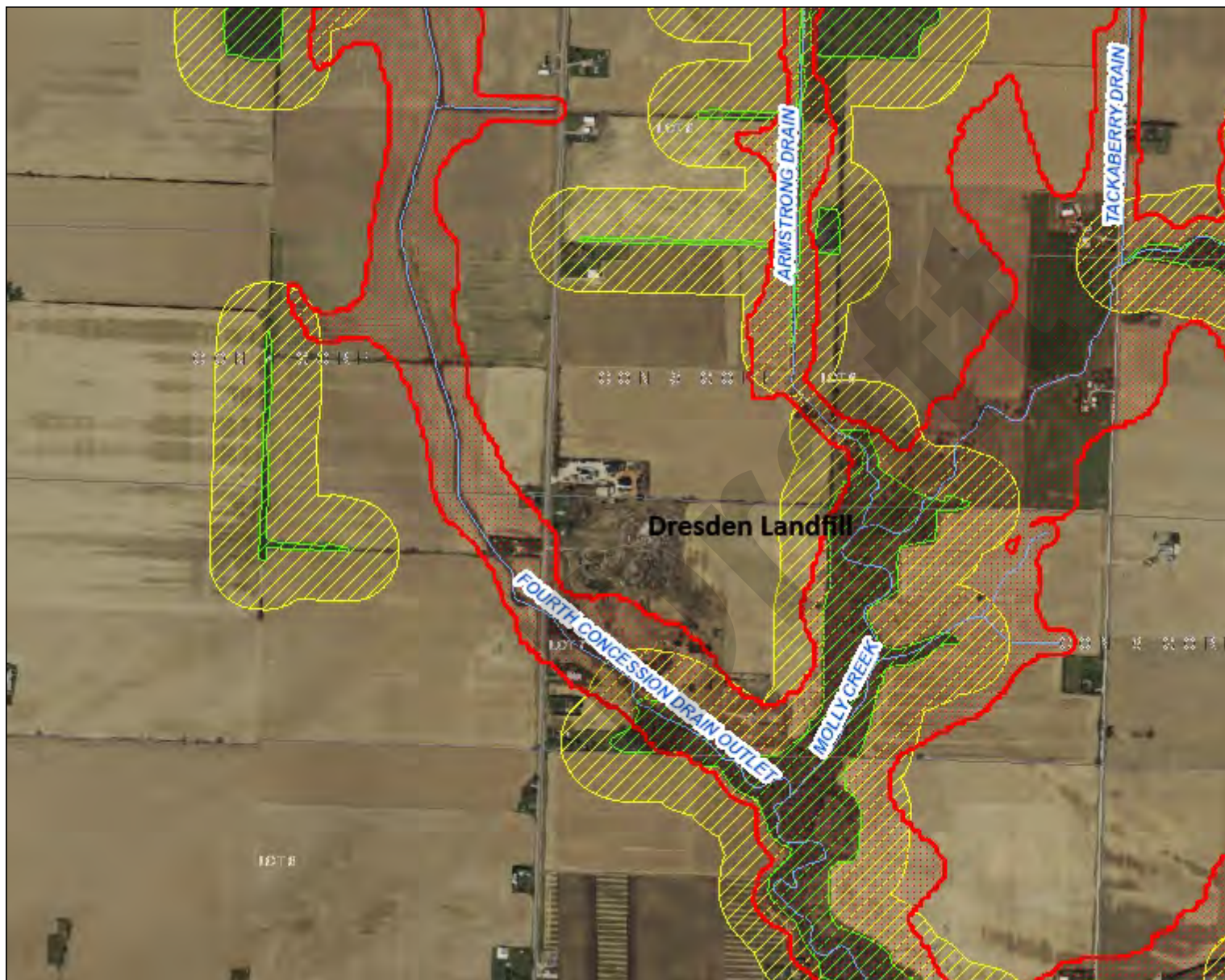
# APPENDIX B










## SCRCA Wetland/Surface Water Features



25-Nov-2022

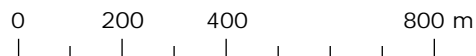


### Legend

-  Conservation Land
  -  Areas Affected by Ontario Reg 171/0
  -  Watercourse
  -  Watershed Boundary
  -  Natural Heritage Features
  -  Natural Heritage Adjacent Lands
  -  Lot and Concession
- World Imagery  
Low Resolution 15m Imagery  
High Resolution 60cm Imagery  
High Resolution 30cm Imagery  
Citations  
4.8m Resolution Metadata

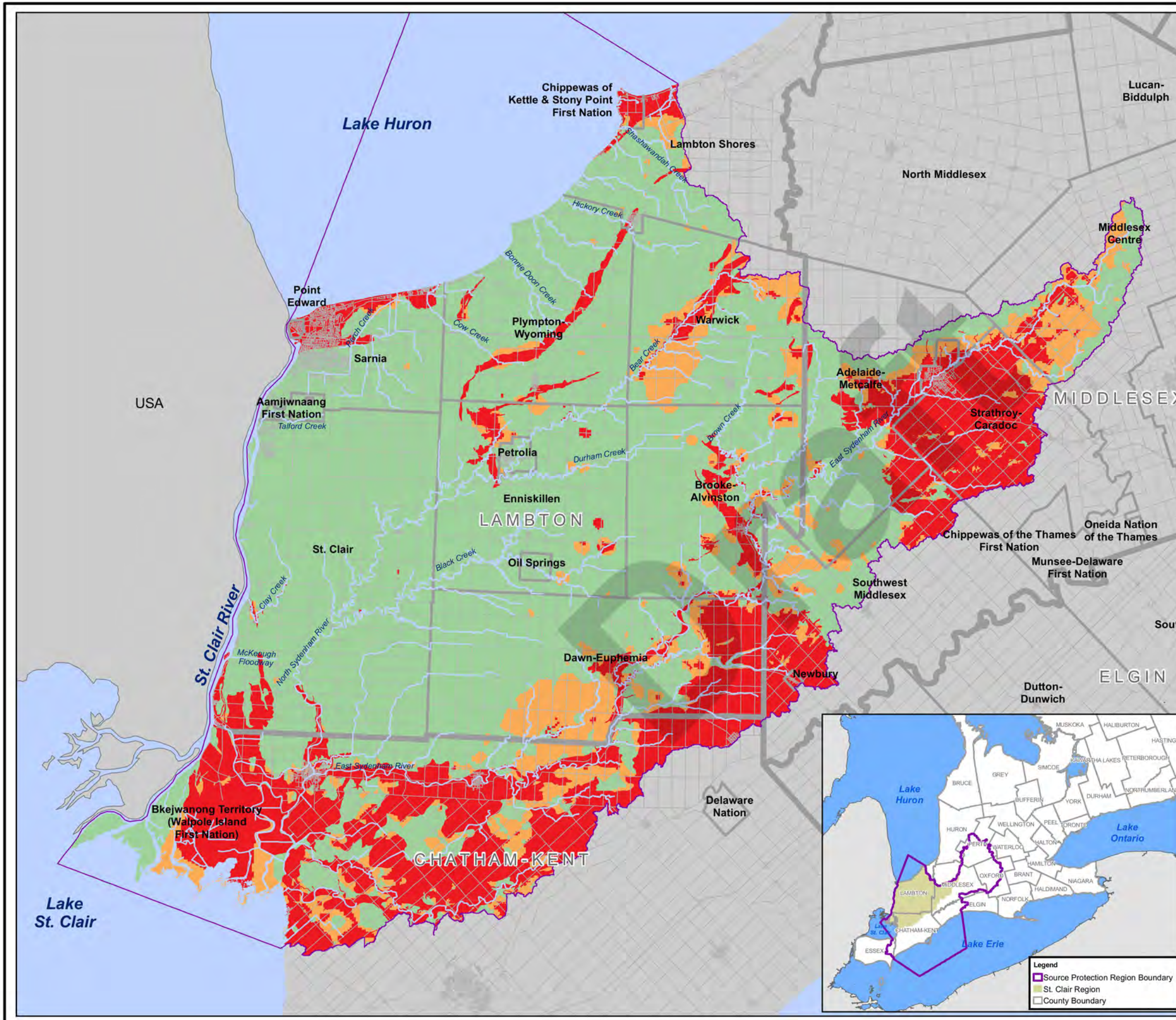
### St. Clair Region Conservation Authority

205 Mill Pond Cres.  
Strathroy, Ontario  
[www.scrca.on.ca](http://www.scrca.on.ca)



1 : 20000

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**Map 4-6  
Aquifer Vulnerability**

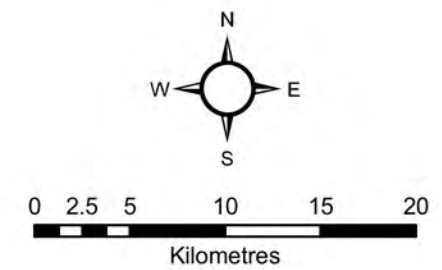
**St. Clair Region  
Source Protection Area  
Assessment Report**

**Legend**

- St. Clair Region Source Protection Area
- Municipal Boundaries

**Aquifer Vulnerability**

- High
- Medium
- Low



Map created by SCRCA, February 25, 2010.  
 Base mapping produced under license with the Ontario Ministry of Natural Resources. © 2010.  
 Aquifer Vulnerability - Highly Vulnerable Aquifer Identification, (Version 2.1, Draft for Peer Review November 2009), UTRCA.

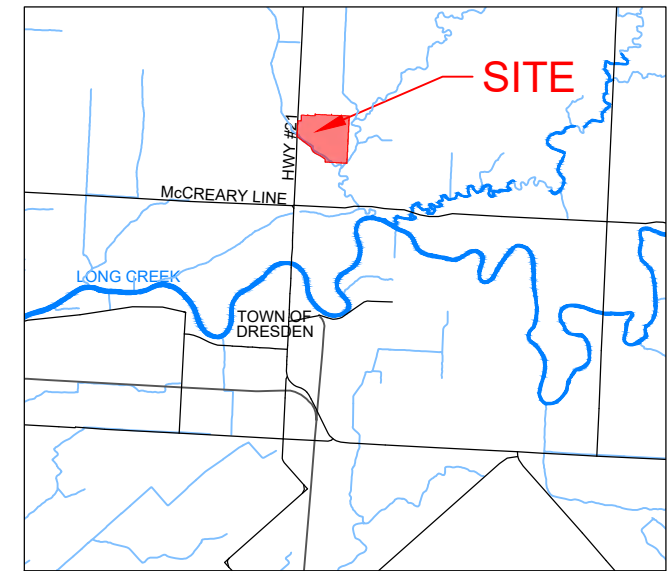
**Thames-Sydenham & Region**

# APPENDIX D

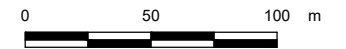
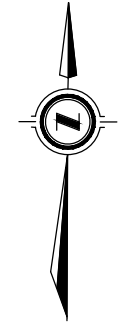
EXISTING SITE ENTRANCE

AREA OF EXISTING SITE ACTIVITIES

CURRENT CHATHAM-KENT POLICE SERVICES GUN RANGE AND BOMB DISPOSAL SITE



KEY MAP SCALE 1:100,000



1 : 3000

**LEGEND**

- PROPERTY BOUNDARY
- EXISTING SITE CONTOURS

File: R544091603003C01+.dwg

No.	Description	Auth. By	Date
1	ISSUED FOR ECA APPLICATION	TJW	NOVEMBER 09, 2023
0	ISSUED FOR CLIENT REVIEW	AAK	OCTOBER 31, 2023

REVISIONS	NOTES



VERIFY SCALE  
 BAR IS 10 mm ON ORIGINAL DRAWING.  
  
 IF NOT 10 mm ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

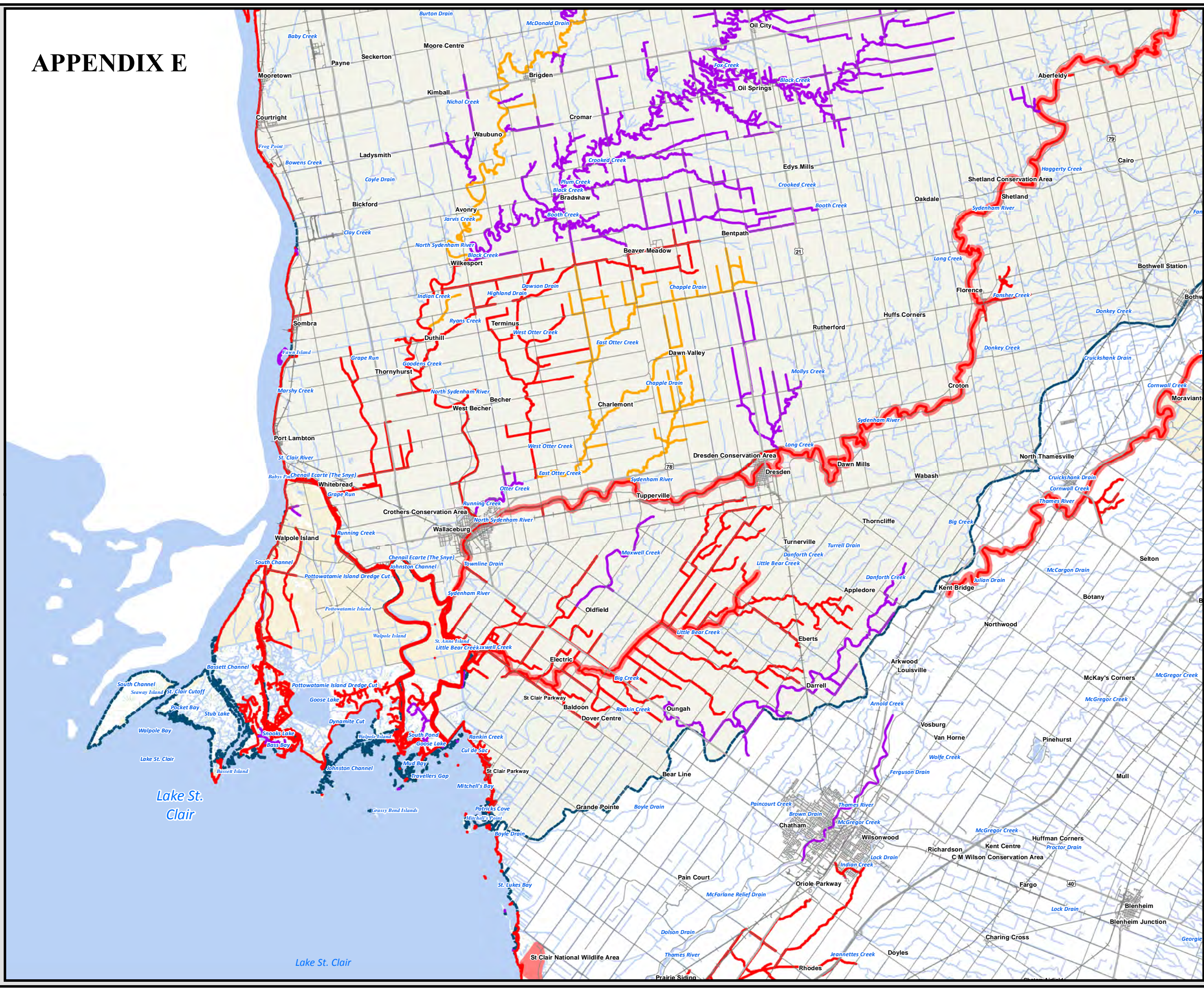
<b>XCG</b> Environmental Engineers & Scientists	
Designed By:	A. ANILKUMAR
Date:	OCTOBER 2023
Drawn By:	A. ANILKUMAR
Date:	OCTOBER 2023
Checked By:	T. WILLIAMS
Date:	OCTOBER 2023



**YORK1 ENVIRONMENTAL WASTE SOLUTIONS LTD.**  
 5090 COMMERCE BLVD, SUITE 200  
 MISSISSAUGA, ONTARIO, L4W 5M4 CANADA

EXISTING CONDITIONS		
29831 IRISH SCHOOL ROAD, DRESDEN, ONTARIO		
YORK1		
Scale: 1:3000	Drawing No.: C-01	Rev. 1

# APPENDIX E



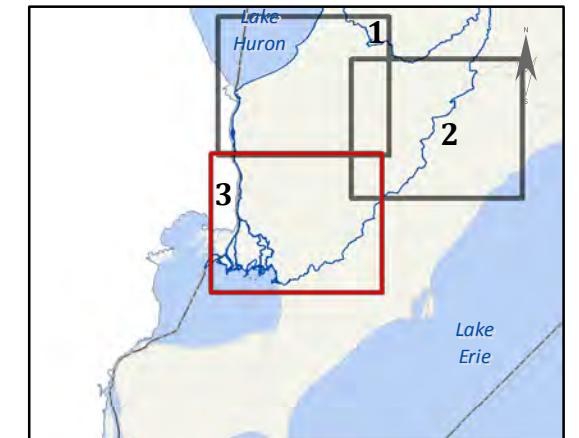
## Distribution of Fish Species at Risk

### St. Clair Region Conservation Authority (Map 3 of 3)

- Protected under SARA (Extirpated, Endangered, Threatened)
- Under consideration for listing (Endangered, Threatened)
- Special Concern Species (including under consideration for listing)
- Area within which Critical Habitat is found or proposed\*

\* Note: Within the delineated areas, only those areas that meet the functional habitat requirements of one or more life stages of the species are considered Critical Habitat. For more information on Critical Habitat please refer to the Reference Guide and the species-specific Recovery Strategies. Species are listed with \* in table below.

- River/Stream
- Conservation Authority Boundary
- Wetland
- First Nations Land Claim
- Urban Area



#### Conservation Authority Fish SAR Listing

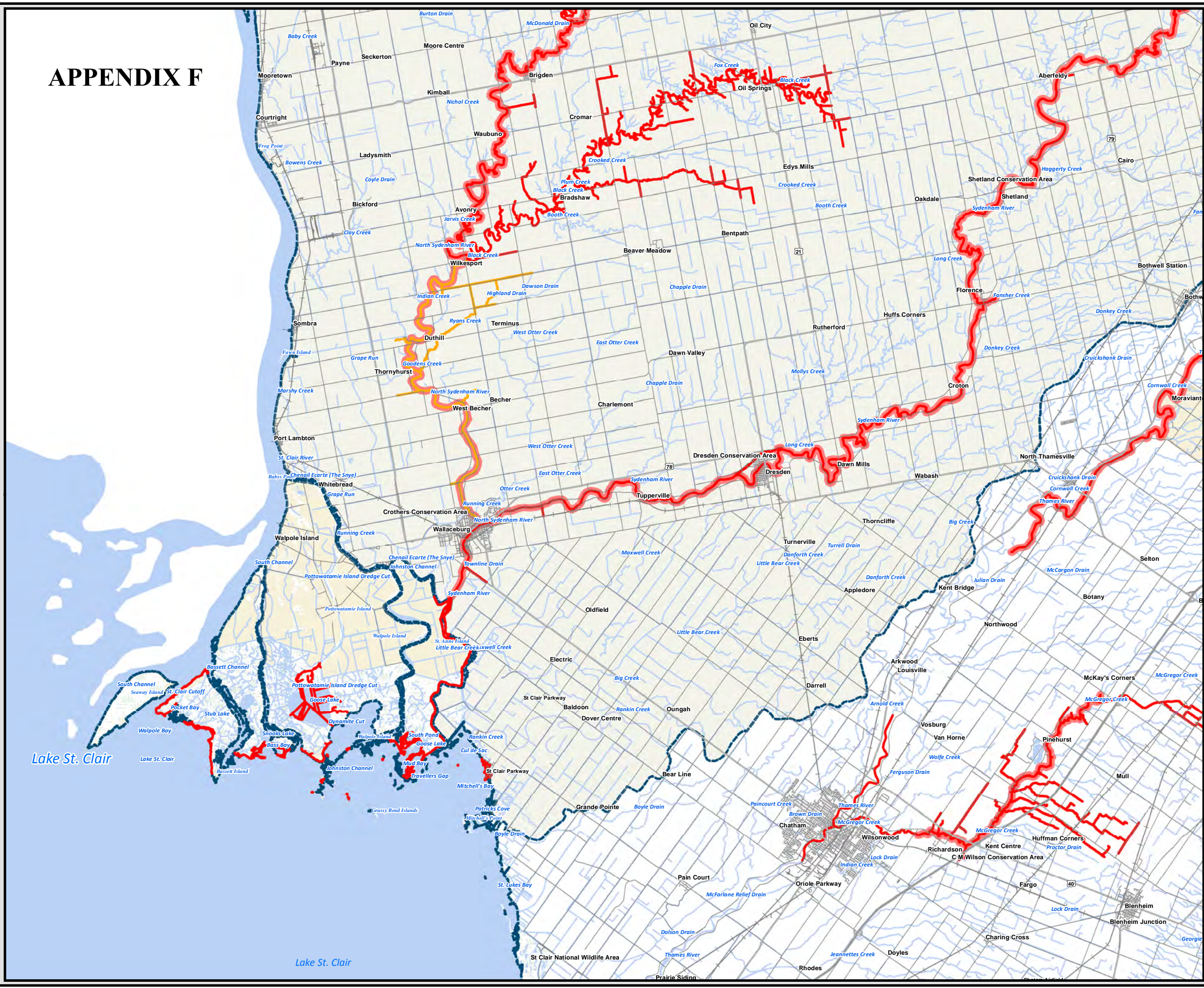
Common Name (Population)	Colour
*Channel Darter	Red
*Eastern Sand Darter (Ontario)	Red
*Lake Chubsucker	Red
*Northern Madtom	Red
*Pugnose Shiner	Red
Lake Sturgeon (DU 8 Grt Lakes/Upper St. Lawrence)	Orange
Pugnose Minnow	Orange
Silver Lamprey (Grt Lakes/Upper St. Lawrence)	Purple
Blackstripe Topminnow	Purple
Grass Pickerel	Purple
River Redhorse	Purple
Spotted Sucker	Purple



Disclaimer: The information on this map is provided for general mapping purposes only. Fisheries and Oceans Canada does not warrant the quality, accuracy or completeness of any information contained or depicted herein and that this information is provided "as is" without warranty or condition of any nature, including fitness for a particular purpose. Fisheries and Oceans Canada will not be liable or held responsible for the use or misuse of information or material depicted on this map, or any loss or damage resulting therefrom. © Her Majesty the Queen in Right of Canada. Fisheries & Oceans Canada. All rights reserved. 2015. Base Map Sources: Ontario Ministry of Natural Resources, Natural Resources Canada, Conservation Ontario. Aussi disponible en français. Map produced May 2015. Valid until May 2016.



# APPENDIX F



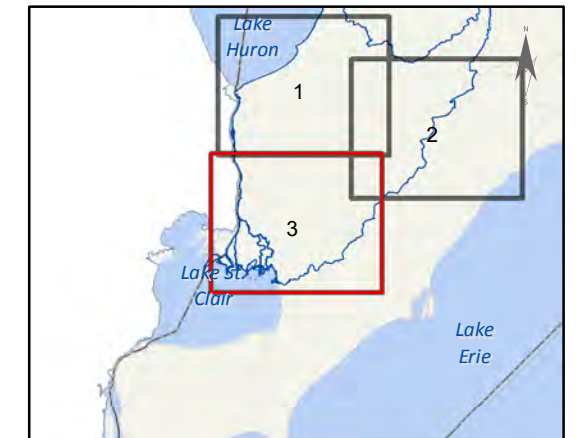
## Distribution of Mussel Species at Risk

### St. Clair Region Conservation Authority (Map 3 of 3)

- Protected under SARA (Extirpated, Endangered, Threatened)
- Under consideration for listing (Endangered, Threatened)
- Special Concern Species (including under consideration for listing)
- Area within which Critical Habitat is found or proposed\*

\* Note: Within the delineated areas, only those areas that meet the functional habitat requirements of one or more life stages of the species are considered Critical Habitat. For more information on Critical Habitat please refer to the Reference Guide and the species-specific Recovery Strategies. Species are listed with \* in table below.

- River/Stream
- Conservation Authority Boundary
- Wetland
- First Nations Land Claim
- Urban Area



#### Conservation Authority Mussel SAR Listing

Common Name (Population)	Colour
*Eastern Pondmussel	Red
*Kidneyshell	Red
*Mapleleaf (Great Lakes - Western St. Lawrence)	Red
*Northern Riffleshell	Red
*Rainbow	Red
*Rayed Bean	Red
*Round Hickorynut	Red
*Round Pigtoe	Red
*Salamander Mussel	Red
*Snuffbox	Red
Fawnsfoot	Orange
Lilliput	Orange
Threehorn Wartyback	Orange
Wavyrayed Lampmussel	Purple



Disclaimer: The information on this map is provided for general mapping purposes only. Fisheries and Oceans Canada does not warrant the quality, accuracy or completeness of any information contained or depicted herein and that this information is provided "as is" without warranty or condition of any nature, including fitness for a particular purpose. Fisheries and Oceans Canada will not be liable or held responsible for the use or misuse of information or material depicted on this map, or any loss or damage resulting therefrom. © Her Majesty the Queen in Right of Canada. Fisheries & Oceans Canada. All rights reserved. 2015. Base Map Sources: Ontario Ministry of Natural Resources, Natural Resources Canada, Conservation Ontario. Aussi disponible en français. Fisheries and Oceans Canada / Pêches et Océans Canada. Map produced May 2015. Valid until May 2016.

May 9, 2024

## Via Electronic Mail

Ontario Ministry of Environment, Conservation and Parks  
135 St. Clair Ave. West,  
Toronto, ON M4V1P5

Attention: Kathleen O'Neill, Director, Environmental Assessment Branch

Email: [Kathleen.oneill@ontario.ca](mailto:Kathleen.oneill@ontario.ca) and [DresdenLandfill@ontario.ca](mailto:DresdenLandfill@ontario.ca)

Dear Ms. O'Neill:

**RE: Notice of Regulation Proposal - Proposed designation under the Environmental Assessment Act - York1 Environmental Waste Solutions Ltd proposed landfill and waste transfer and processing facility 29831 Irish School Road in the Municipality of Chatham-Kent**

This letter is in response to your letter of March 26, 2024 requesting comments from the Municipality of Chatham-Kent ("**Municipality**") on the proposed regulation to designation under the *Environmental Assessment Act*, RSO 1990, c. E.18, as amended (the "**EA Act**") the proposal by York1 Environmental Solutions Ltd. ("**York1**") to establish new solid waste landfill together with a waste transfer, storage and processing operation (the "**York1 Waste Facility Proposal**") on lands known municipally as 29831 Irish School Road in the Municipality (the "**Subject Property**"). Comments on behalf of the Municipality are set out below.

By way of summary, the Municipality fully supports the initiative by your Ministry to designate the York1 Waste Proposal for a comprehensive environmental assessment pursuant to Part II.3 of the EA Act. This proposal is a major undertaking which is comprised of both a proposed new 1.62 million cubic metre landfill facility with an estimated disposal capacity of 2.9 million tonnes in conjunction with a waste processing and transfer station which is proposed to process and handle over two million tonnes of waste materials per year. The scale and magnitude of this major waste facility proposal, and its potential for serious adverse environmental impacts to our community, trigger the need for a full environmental assessment study process pursuant to Part II.3 of the EA Act.

The Municipality has already outlined the rationale for designation of this major interrelated waste storage, processing, transfer station and landfilling proposal in two previous submissions to your Ministry:

- My letter of March 15, 2024, submissions which set out the Municipality’s preliminary comments on environmental compliance approval (“**ECA**”) application seeking approval of the waste processing/storage/transfer station component of the York1 Waste Facility proposal, MECP Reference Number 2082-CYEJP2 (the “**Waste Processing ECA Application**”); and
- My letter of April 9, 2024, which set out the Municipality’s preliminary comments on ECA application seeking approval of the landfill component of the York1 Waste Facility proposal, MECP Reference Number 8126-CYMRCN), (the “**Landfill ECA Application**”).

Each of those previous submissions include a section outlining the rationale for requiring a full environmental assessment study process be completed pursuant to the requirements of the EA Act.

The following submissions will compile and updated those previous submissions. Specifically, these submissions will address the following:

1. Background information on the Subject Property, including its locational context and historical and current and land use activities (**section 1**);
2. An overview of the Municipality’s understanding of the nature and scope of the York1 Waste Facility Proposal (**section 2**);
3. The potential for the Landfill Proposal to impose significant physical, social, and economic environmental impacts on the Municipality including community and municipal infrastructure impacts (**section 3**);
4. The almost complete absence of constructive public and municipal information sharing consultation to date, and the need to establish a systematic community and public agency engagement process for the proposal (**section 4**);
5. The lack of adequate and credible information on the Landfill Proposal, or the related Waste Processing Proposal, and its potential impacts (**section 5**);
6. The Municipality’s rationale for why a full environmental assessment under Ontario’s Environmental Assessment Act, R.S.O. 1990, c. E.18, as amended (the “**EA Act**”) is required for the Landfill Proposal, and the related Waste Processing Proposal (**section 6**).
7. Specific comments on the proposed designation regulation (**section 7**).

**A summary and the Municipality’s request to the Ministry with respect to the final wording of the designation regulation is set out in section 8.**

In addition to the submissions in this letter, we would ask you to please note that Chatham-Kent Council passed the following resolution at its February 26, 2024, meeting

with respect to the Waste Landfill Proposal and the related Waste Processing Proposal:

*Whereas York1 Waste Solutions is proposing a waste processing, storage and transfer facility, a landfill, and potential composting facility, at 29831 Irish School Road;*

*And Whereas the proposed facility is in close proximity to Dresden, and has the potential for serious impacts to Dresden, nearby properties, natural features, infrastructure, and the environment;*

*Now therefore, given the scale and nature of this proposal, the significant municipal concern for community, environment and infrastructure impacts, Chatham-Kent Council is opposed in principle to the application, and calls on the Province to reject the applications for a waste processing, storage and transfer and landfilling facility currently open for public comments;*

*And that if the Province is not prepared to reject the application, Chatham-Kent Council calls on the Minister to designate the project for a full EA process to remove any doubt that the EA study process is required for the application;*

*And Council requests the Mayor author a letter to the Minister of Environment, Conservation and Parks outlining the community concerns and Council's opposition to these proposals;*

*And Council authorizes and directs administration to retain such technical experts as may be required to advance concerns through the Ministry consultation process.*

As indicated in the Council resolution, the Municipality is opposed in principle to the Landfill Proposal, and its related Waste Processing Proposal, on the Subject Property. Chatham-Kent Mayor Darrin Canniff has written directly to the Honourable Andrea Khanjin, Ontario Minister of Environment, Conservation and Parks, to communicate this position to the Minister. This letter is provided as **Attachment 1** to this submission.

## **1. Background**

The Subject Property is located just over 800 metres north of the historic town of Dresden. As a primary urban centre in Chatham-Kent, Dresden is a focal point for growth and public and private sector investment. This primary urban area has a mix of residential, commercial, institutional, and industrial land uses. Dresden is an economic and cultural hub for the area. The lands immediately surrounding the Subject Property are part of a rural area where prime agricultural lands predominate. Several residential and light industrial properties are established close by. The Subject Property is framed to the south and east by a provincially significant Carolinian woodland that encompasses the downstream reaches of Molly's Creek and the 4<sup>th</sup> Concession Drain. These watercourses are tributaries to the Sydenham River, which is nationally recognized for its high number

of species at risk. A portion of the site is located within regulated area of the St Clair Region Conservation Authority.

The Chatham-Kent Official Plan identifies the Subject Property as a waste management site, due to fact that a few areas of the Subject Property contain small fill areas used for historic local landfill purposes, though the Subject Property has never been zoned for such use.

The Subject Property is subject to a 1980 MECP Certificate of Approval which permits the operation of an eight-hectare landfill. The Municipality has limited documentation with respect to this approval, but it appears it was issued to regularize historic landfill activities which appear to have commenced in 1967. The available documentation indicates the Subject Property has three existing fill areas of an approximate size of 0.8, 0.5 and 0.7 hectares containing fill material which has been estimated at approximately 40,000 cubic metres. This landfill was operated by the former Town of Dresden, now amalgamated with the Municipality, in order to receive incinerator ash from a now decommissioned incinerator operated by the former Town as well as a small amount of local commercial waste. To the Municipality's knowledge the landfill is no longer active.

In 1992, a Waste Disposal Site certificate of approval was granted to permit the processing of scrap wood on the Subject Property. This certificate of approval established a service area for the wood processing approval of the Counties of Kent, Essex, Elgin, Lambton, and Middlesex.

In 1998 an amendment to this Waste Disposal Site processing permission was granted to store, transfer and process solid non-hazardous waste within a 0.8 hectare approval area on the Subject Property with a maximum acceptance rate of 75 tonnes per day and a maximum storage capacity of 75 tonnes. The service area was not changed.

## **2. York1 Proposal**

The information available on the York1 Waste Facility Proposal is found in the two companion ECA applications noted above. the Landfill Proposal ECA Application and the Waste Processing Proposal ECA Applications (the "**ECA Applications**"). The waste facilities contemplated by these two interrelated ECA Applications would comprise a major waste management project on a provincial scale.

**Landfilling Component:** The York1 Landfill Proposal would establish a new landfill footprint to be located in the northwest corner of the landfill with an airspace capacity of 1.62 cubic metres and an estimated disposal capacity of 2.9 million tonnes. The proposed maximum fill rate is 365,000 tonnes per year. The proposed waste type to be received at the proposed landfill includes non-hazardous contaminated soil and "solid industrial commercial, institutional and municipal construction and debris waste." One component of the proposal involves excavation of the estimated 40,000 cubic metres of waste material that is currently buried in three locations on the Subject Property, and relocation of these waste materials to the new landfill.

York1 has sought to characterise the historical landfill site approval on the Subject Lands as a permission to construct a 1.6 million cubic metre landfill in order to avoid triggering an existing regulatory requirement to conduct a full environmental assessment of the landfill proposal under the EA Act. As discussed in more detail in section 6 of this letter, based on a technical and legal review, the Municipality has reached the conclusion that York1's position is wrong both factually and in law.

**Waste Processing/Storage/Transfer Station Components:** The proposed landfill would operate concurrently, and in conjunction with a proposed solid waste processing, storage and transfers station at the Subject Property which is to receive up to 6,000 tonnes of waste materials per day. The waste stream is to include up to approximately 3000 tonnes of solid waste, (over a million tonnes per year) comprised of construction and demolition waste, and a broad range of other waste materials including metal, paper, cardboard, concrete, asphalt, block, brick, plastic drywall, and shingles; 1000 tonnes of blue box recyclable materials; 500 tonnes of source separated organics and putrescible waste; 500 tonnes of asbestos-containing waste; and 100 tonnes of tires. In addition, the site is to receive up to 3000 tonnes of soil and "soil-like materials" including contaminated soils. The volume of waste and recyclable material to be received, amounting to over 2.5 million tonnes per year, would make the facility one of the busiest waste sites in the Province.

Proposed on-site processing activities include: processing demolition waste and wood waste to produce a product described as "alternative low-carbon fuel;" a soil processing facility; and a composting facility for which no information has been provided. The proponent is also seeking permission to temporarily store approximately 65,000 tonnes of waste materials on the site at any given time. The site is also to operate as a transfer station for waste material.

**Province-wide Service Area:** The small landfill and waste processing facility previously approved for the subject property had localized service areas. In contrast, the York1 Waste Facility Proposal would establish a service area comprising the entire Province.

### **3. Potential Environmental Impacts of the York1 Proposal**

As discussed in section 5 below, and in the Municipality's March 15 and April 9 submissions to the Ministry, the separate and combined impacts to both the natural environment, nearby residents and the surrounding community of both the York1 waste processing, storage and transfer station proposal and its associated landfill propose in the area are unexamined, and therefore not yet known; however, based on the descriptions of the two related proposals provided in the ECA Applications, the risk of significant adverse effects is high.

The proposed waste facility, with its multiple components – landfilling, waste processing, transfer station activities and waste storage involving thousands of tonnes of material per day - pose potential cumulative impacts with significant risks and potential long-term consequences for the community. The combined waste facility would permit the introduction into the area of over 2.5 million tonnes of solid waste material from a broadly

described waste stream. There is the potential for substantial noise and air quality impacts, impacts to surface and ground water resources and natural heritage features and functions, and a substantial increase in truck traffic in the area with its impacts on pedestrian/traffic safety, road capacity and municipal infrastructure. Studies to assess potential impacts have not been presented. Information and study gaps are discussed in more detail in section 5 below.

#### **4. The Need for Community Engagement and Consultation**

The proponent's approach to municipal and community engagement on the proposal to date has been entirely inadequate, a surprising approach given the scale and implications of the proposal for nearby residents and the community. York1 submitted the two applications for environmental approval to your Ministry for approval without any advance notice, let alone consultation with local residents and the community.

This approach is improper and problematic for two reasons: (1) the applications have been prepared without the benefit of any information or comment from the potentially-impacted local community or the Municipality on the proposal; and (2) local residents, who would be directly impacted if the proposal were approved, have learned about the proposal after the fact and been left to scrounge for information to understand its potential implications.

Community engagement efforts by the proponent since the filing of the applications has consisted of two public information sessions both occurring after the submission of the ECA Applications. During these public information sessions, York1 has never presented a clear explanation of the scope and nature of the proposal, the public planning and approval process it is proposing be carried out for the proposal, or how – or whether - it intends to conduct future public engagement to obtain input from the public for the proposal.

Despite the absence of meaningful public engagement, the Municipality has tracked high level of community concern regarding the proposal and its potential impacts. The Municipality has made information available on its "Let's Talk" on-line community engagement website that has resulted in hundreds of comments from local residents with unanswered questions and concerns. Hundreds more have attended the public meetings seeking information and raising concerns. In the Municipality's view, the level of public concern, as documented by these activities, point to the need for a systematic and effective public consultation program, as required by the EA Act.

#### **5. Lack of Information and Supporting Studies**

The only technical information that has been made available to the Municipality in support of the York1 Landfill Proposal and its associated waste processing/transfer/storage proposal are the two XCG Reports in support of the ECA Applications, and a recently provided draft hydrogeology report also prepared by XCG<sup>1</sup>.

<sup>1</sup>Hydrogeological Investigation, Dresden Landfill Site (Draft) (XCG, July 28, 2023)

None of these reports references any existing supporting studies in the key potential impact areas of noise, air quality, natural heritage features and function and traffic impacts. The absence of a traffic study is a glaring oversight: the proposal would potentially introduce to the local road network trucks carrying over two and a half million tonnes of waste and recyclable materials per year to the proposed facility.

Other crucial areas requiring study are socio-economic impacts, land use planning, cultural heritage impacts and human health risks. In addition, it is proposed that the waste processing/transfer and storage facility be operated concurrently with a proposed 1.6 million cubic metre landfill. The interrelated and cumulative impacts of these two concurrent proposals have not been examined. Instead, York1 is treating each in isolation and seeking separate technical approvals for each proposal.

The Municipality has retained David MacGillivray P.Eng., P.Geo., QPRA-ESA of the firm Grounded Engineering to commence a technical review of the ECA Application for the landfill proposal and the ECA application for the associated Waste Processing Proposal. Given the absence of supporting information on these two proposals, however, it is currently not possible to provide meaningful detailed technical comments.

Mr. MacGillivray completed a preliminary review of the XCG Reports which was provided at **Attachment 2** to my March 15, 2024, letter. An updated version of this memorandum, which now includes a preliminary review of the recently provided draft XCG hydrogeology report, is provided as **Attachment 2** to these submissions.

The review identified the following missing study components:

- A traffic study;
  - A noise impact assessment;
  - Air quality and dust impacts; and
  - A visual impact assessment.
- An ecological impact assessment of the natural heritage system (terrestrial and aquatic) in the vicinity of the Subject Property including the adjacent watercourse and municipal drain.
  - To support the landfill proposal:
    - A geotechnical study;
    - A detailed hydrogeological assessment<sup>2</sup>;
    - A detailed assessment of volume, extent, and characteristics of existing waste to support the proposal to move existing on-site waste to the new landfill; and
    - An air quality, dust, odour and landfill gas impact assessment.

<sup>2</sup>As noted above, York1 has made available a draft hydrogeology report dated July 2023; however as noted in Attachment 2 to this letter, the Municipality's peer reviewer, Mr. MacGillivray, has identified significant gaps in available hydrogeological data, and the need for a more detailed hydrogeological study.

Given the information gaps and missing studies, Mr. MacGillivray has concluded that both ESA applications are incomplete, and it is premature for the Ministry to begin a technical review of the ECA Applications.

Mr. MacGillivray has also identified the need for a broader study process to comprehensively assess the combined effects of the proposed activities described in both ECA Applications including the socio-economic, cultural heritage and land-use planning implications.

Mr. MacGillivray provides the following conclusion based on his review:

*In my opinion, key environmental impact assessments have not been completed as part of the original application, amendments, or this new amendment application. Given this, and that the scope of the undertaking comprised by the two related ECA Applications is a significant deviation from the current limited waste disposal site/processing approvals, it is Grounded's opinion that it is premature to consider the ECA applications at this time. A full EA is needed to determine the overall environmental impacts associated with the proposed undertaking.*

Based on the foregoing, and given the incomplete, piecemeal nature of the work presented to date, the Municipality has concluded that a more detailed technical review of the information provided to date by York1 is premature and of limited value.

Crucially, as noted by Mr. Gillivray, and as outlined in the next section of these submissions, a full multidisciplinary environmental assessment process pursuant to the requirements of the EA Act is required for the York1 Waste Facility Proposal.

## **6. The Need for a Full Environmental Assessment**

On March 15, 2024, the Honourable Andrea Khanjin, Ontario Minister of the Environment released a statement indicating that she will be taking steps to require a comprehensive environmental assessment pursuant to Part 11.3 of the EA Act for the York1 Waste Facility Proposal. The Municipality fully supports this approach for the following reasons:

First, as described above, the nature and scale of the Landfill Proposal and its associated Waste Processing Proposal gives rise to the need for multi-disciplinary studies to assess the potential environmental impacts of this proposal, based on the broad definition of the environment under the EA Act, including impacts on:

- Air land and water;
- Plant and animal life including human life,
- Social, economic, and cultural conditions of the community and
- The combined and cumulative impacts on the interrelationship between these components of the environment.

Studies are required in the disciplines of hydrogeology, noise, air quality including odour and dust, traffic and transportation planning, natural heritage (the aquatic and terrestrial environment), visual impacts, cultural heritage, socio-economic impacts, human health risks, and land use planning. Unless subject to the EA Act, most of these required studies will not be completed.

Second, there is no evidence that a systematic decision-making process was undertaken by the proponent to support the establishment of the proposed waste facilities at this location. The EA Act requires that a traceable and methodical assessment of alternatives be carried out to support a decision to approve an undertaking. A systematic evaluation of all reasonable alternatives, as required by the EA Act, is essential for the York1 proposal given its scale and implications for the community.

Third, a full environmental assessment of the York1 Landfill Proposal is automatically triggered in any case by Ontario Regulation 101/07, as amended (the "**Landfill Designation Regulation**"). The Landfill Designation Regulation designates any proposed landfilling site with a total waste disposal volume of more than 100,000 cubic metres as "a major, commercial or business enterprise or activity" subject to the full requirements of the Act. Further, any change in an existing waste disposal site that would result in an increase in total waste disposal volume of more than 100,000 cubic metres would also trigger designation under the Act. The York1 landfill proposal is well in exceedance of this waste disposal volume and triggers a requirement for a full environmental assessment.

York1 has sought to demonstrate that its landfill proposal is exempt from designation under the EA Act pursuant to the Landfill Designation Regulation by characterizing the existing landfill approval as a permission to construct a 1.6 million cubic metre landfill. We understand that your Ministry has provisionally accepted this interpretation of existing approved landfill capacity. Based on legal and technical advice, the Municipality is of the view this York1 position is wrong both factually and in law given the following:

- Landfilling activities started in 1967 at the Subject Property (57 years ago). A Certificate of Approval, apparently to regularize these activities was issued in 1980 (43 years ago).
- The scale of the York1 landfill proposal is vastly increased from the historical landfill activities since 1967. The three historical waste fill areas are cumulatively much smaller than proposed landfill footprint and comprise an estimated 40,000 cubic metres placed on the Subject Property over a 57-year period. The new, much larger proposal would permit 365,000 tonnes/year, with a total estimated capacity of 1,620,000 cubic metres, potentially over an 8-year period. This will have significantly different and more significant potential impacts on the site and surrounding area than the historical landfill use.
- The waste type approved for landfilling is also substantially different from the proposed waste stream for the landfill. Wastes permitted for landfilling are specifically limited to

5% commercial waste and 95% incinerator ash. The new landfill proposal would be a different waste stream including contaminated soils and construction and demolition waste.

- There is presently no evidence of any environmental impact studies or engineering assessment studies completed at the time of the 1967 commencement of landfilling or 1980 approval. Neither of the current landfill site regulations and standards in place in Ontario were in place in 1980, nor O. Reg 101/07 which designates private sector landfills under the EA Act.
- The absence of study or regulatory requirements for the existing landfill is evident from the face of the 1980 approval, which establishes no design or operation parameters and includes no closure plan or financial assurances.
- The 1980 approval does not establish the permitted landfill volume capacity, waste fill rate, landfill footprint location, fill boundaries depth or height. It attaches no cross-section or plan view design for the landfill. It simply approves the Subject Land for an 8 hectare landfilling site which can be located anywhere within a total site area of 35 hectares.
- Given the above information regarding the existing landfill approval, the York1 approach of extrapolating an assumed waste volume based on this approval is not defensible and amounts to unsubstantiated conjecture.
- In summary, York1 is relying on a speculative calculation of existing landfill capacity to avoid a full environmental assessment study process. This approach has the effect of mischaracterizing a major new landfill proposal as a continuation of an existing landfill facility. This is not the case. York1 is proposing a new 1.6 million cubic metre facility to serve the entire Province. The existing approval is for discontinued, small scale local landfilling activities in scattered areas on the Subject Property. Mischaracterizing the York1 landfill proposal in this manner is contrary to the specific provisions and the purpose and intent of the Designation Regulation, which establishes a requirement that major new landfill proposals, or expansions to existing sites, are to be subject to a full environmental assessment under the EA Act.

Fourth, the two separate ECA Applications amount to a single interrelated waste facility proposal which combines waste processing, waste storage, a transfer station, and a new landfilling operation. The cumulative and interrelated potential impacts of this proposal on the environment, the local community and municipal infrastructure trigger the need for a comprehensive environmental assessment study process pursuant to requirements of the EA Act.

Finally, designation under the EA will provide opportunities for informed and properly organized community engagement and consultation on the York1 Waste Facility. As discussed above, so far, credible information on the proposal and its potential impacts, and meaningful opportunities for community consultation have been entirely absent.

**Municipal Support for Designation:** Based on the forgoing, the Municipality fully supports the proposal by your Ministry that the York1 Landfill Proposal together with the associated Waste Processing Facility be designated as a Part II.3 project under the EA Act and require a comprehensive environmental assessment study process.

## **7. Comments on Proposed Designation Regulation**

The Municipal team that is reviewing the York1 Waste Processing Proposal has reviewed the proposed description of the activities that are to be designated as a project subject to Part II.3 of the Act as requiring a comprehensive environmental assessment. We would respectfully request that the description be slightly modified to remove the reference to “(r)establishing landfill operations” and ““(r)establishment and expansion of a waste transfer and processing station at the approved site”. The proposed changes to the wording, shown in tracked changes, are as follows:

- Construction and operation of landfill facility ~~Re-establishing landfill operation, including construction of a new landfill cell, within the approved site~~ with a theoretical approved capacity of 1,620,000 cubic metres to landfill non-hazardous solid waste including construction and demolition waste and excess soil that are not reusable.
- ~~Reestablishment and expansion of~~ Construction and operation of a waste transfer and processing station ~~at the approved site~~ for receiving, storing, and processing up to 6,000 tonnes per day of solid, non-hazardous waste, including blue box waste, construction and demolition waste, tires, asbestos, excess soil, and organic waste.
- In accordance with section 3(3) of the Act, the project would include any enterprise or activity ancillary to the project.

These changes are requested for the following reasons. The reference to previous landfill and waste processing approval is both unnecessary and misleading. This wording leaves the impression that York1 Landfill and Waste processing facility are similar in scope and nature to previous uses at the subject site and are simply a continuation and expansion of an existing use. This is not the case. As discussed above, the previous landfill proposal is a small facility approved decades ago, with little study. Both the York1 Landfill and Waste processing facility are fundamentally different in nature to the small local facilities that previously received approvals. The previous small scale landfill and waste processing activities have been discontinued and the site is inactive. The site has never served as a waste transfer station.

In summary the reference in the regulation to reestablishing landfilling and waste transfer station activities is both unnecessary and misleading. The above requested changes to

the description of the activities to be designated are therefore requested for clarity and accuracy.

## **8. Conclusion and Request to the Ministry**

In summary, for the reasons set out in this letter, the Municipality fully supports commitment of the Honourable Honourable Andrea Khanjin, Ontario Minister of the Environment, Conservation and Parks, to designate the York1 Waste Facility Proposal, comprising a proposed solid waste landfill, waste processing, storage and transfer station, for a comprehensive environmental assessment pursuant to Part 11.3 of the EA Act. The Municipality is requesting specific changes to the wording of the description of the activities to be designated in the proposed designating regulation for clarity and accuracy. The Municipality intends to participate fully in the comprehensive environmental assessment process, as required under Part 11.3 of the EA Act, and looks forward to the issuance of the designating regulation by the Province.

Thank you for the opportunity to provide comments on this matter.

Yours truly,

<original signed by>

Michael Duben  
Chief Administrative Officer  
Municipality of Chatham-Kent

cc (via Email):

Sara Sideris, Application Assessment Officer, MECP [sara.sideris@ontario.ca](mailto:sara.sideris@ontario.ca)

Mohsen Keyvani, Manager (Acting), Waste Approvals, Environmental Permissions Branch  
[mohsen.keyvani@ontario.ca](mailto:mohsen.keyvani@ontario.ca)

David Lee, Senior Waste Engineer, Waste Approvals MECP [david.w.lee@ontario.ca](mailto:david.w.lee@ontario.ca)

Lisa Trevisan, Assistant Deputy Minister, Environmental Assessment and Permissions Division  
[lisa.trevisan@ontario.ca](mailto:lisa.trevisan@ontario.ca)

The Honourable Andrea Khanjin, Ontario Minister of Environment, Conservation and Parks  
[mecp@ontario.ca](mailto:mecp@ontario.ca)

Attachments:

1. Letter dated February 29, 2024, from Chatham-Kent Mayor Darrin Canniff has written directly to the Honourable Andrea Khanjin, Ontario Minister of Environment, Conservation and Parks.
2. Memorandum – Preliminary Review York1 ECA Applications (Grounded Engineering, Updated April 5, 2024).

February 29, 2024

The Honourable Andrea Khanjin  
Minister of the Environment, Conservation and Parks  
Via E-mail: minister.mecp@ontario.ca

Dear Minister Khanjin:

**RE: Serious Concerns with York1 Environmental Waste Solutions Ltd. Proposals; 29831  
Irish School Road, Chatham-Kent**

I am writing to you on behalf of Chatham-Kent Municipal Council and our citizens, regarding a matter of serious concern that has recently arisen in our municipality, with potentially serious environmental, community and municipal infrastructure impacts.

York1 Environmental Waste Solutions Ltd. has made two applications to your Ministry, one for a Waste Processing facility, and one for a landfill facility. We at Chatham-Kent only learned about the details of these applications when the required public notices were sent out and the matters were posted on the Environmental Registry of Ontario.

The owners of these property are trying to establish new recycling and landfill uses without full study by hitchhiking on outdated, historic Ministry approvals issued decades ago. Those historic approvals were for very narrow uses serving the local area, that had limited impacts on surrounding properties and our community. We understand Ministry staff to date have accepted some of the arguments of the owners, that this is only an expansion of existing facilities. Chatham-Kent strongly disagrees with this approach; what is being proposed here is the establishment of a new large-scale recycling and landfill facility with a province-wide service area. Under the proposal the site would receive and manage over 2 million tonnes of waste per year.

Our preliminary concerns include:

- The owner's approach, which seems to have been at least partially accepted by your staff, will result in hundreds of trucks bringing recycling and garbage through our community without adequate study and planning;
- The environmental approval requirements your government has in place for new landfills are being almost entirely avoided in this case, which raises major concerns about negative impacts to local residents and the community, the environment and natural features in the area and municipal infrastructure; and
- This property is also in very close proximity to the town of Dresden, approximately 1 km to the north. The proposal includes 24 hour a day operations, and has a potential for significant noise and odour issues. In short, this is absolutely not an appropriate location to be developing a large-scale landfill and recycling facility.

Cont'd...

Municipal Council has now heard from our community, and there is a resounding opposition to these proposals. On February 26, 2023, Council passed a unanimous motion opposed in principle to this proposal, and calling on your Ministry to reject the proposal. Please find a copy of that Council resolution attached. Should you not be prepared to reject the application entirely, then we implore you to designate this project under the Environmental Assessment Act. As things stand, your Ministry appears to be prepared to allow a decision on a major waste facility with a provincial scale and serious future consequences to our municipality be exempt from current approval requirements based on outdated historical approvals from a bygone environmental regime. At minimum, a full environmental assessment under the EA Act is required to ensure this proposal and its potential environmental and community impacts are fully evaluated before a decision is made by your Ministry on the proposal.

We look forward to your immediate attention to this matter.

Sincerely,

<original signed by>

\_\_\_\_\_  
Darrin Canniff, Mayor/CEO  
Municipality of Chatham-Kent

Attachment: Motion of Chatham-Kent Municipal Council, York1 Proposal, February 26, 2024

C: Trevor Jones, MPP Chatham-Kent-Leamington

Development Services  
Municipality of Chatham-Kent

File No. 24-034  
April 5, 2024

Attention: Bruce McAllister, General Manager

**Subject: York1 Environmental Compliance Approval Applications  
29841 Irish School Road, Dresden, Ontario**

As requested, Grounded Engineering Inc. ("Grounded") has conducted a preliminary review of the York1 Environmental Compliance Approval Applications for Waste Disposal Site Approval (Processing) and Waste Disposal Site (Landfill) York1 Environmental Compliance Approval Applications, (together the "York 1 ECA Applications") for the site known municipally as 29841 Irish School Road, in Dresden, Ontario ("Subject Property"). A previous review letter was provided by Grounded dated March 14, 2024. At that time, the hydrogeological investigation was not available for review. This letter has been updated to include our initial assessment of that report. Our preliminary findings are set out below.

## 1 Introduction & Background

The Subject Property is currently owned by York1 Environmental Waste Solutions Ltd and holds an existing environmental compliance approvals ECA#A021304 for a waste disposal site with an 8-hectare landfilling area, and ECA#A020401 for a 0.8-hectare waste processing site.

We understand that multiple changes are proposed to the existing waste processing approvals through the Waste Disposal (Processing) ECA Application including increasing the amount of waste received, the type of waste received and processed, construction of new processing equipment and areas, construction of a leachate treatment pond, construction of storm water management facilities and the establishment of a Province-wide service area. Substantial changes to the existing landfill approval is also proposed through the Waste Disposal Site (Landfill) ECA Application including the establishment of a new landfill facility with a capacity of approximately 1.6 million cubic metres in the northwest portion of the Subject Property and relocation of approximately 45,000 tonnes of existing waste material is located on other portions of the Subject Property to the new landfill facility.

The following reports have been provided to Grounded:

- Design and Operation Plan, Dresden Landfill Site, 29831/2941 Irish School Road, Dresden, Ontario. XCG Consulting Limited, File No. 5-4409-16-03, December 18, 2023.
- Design and Operations Report 1, ECA A020401, Waste Disposal Site (Processing and Transfer), 29831 Irish School Road, Dresden, Ontario. XCG Consulting Limited, File No. 5-4409-16-03, December 8, 2023.

## ATTACHMENT 2

29841 Irish School Road, Dresden, Ontario  
York1 Environmental Compliance Approval Applications  
April 5, 2024



- Storm Water Management Report, 29831 Irish School Road, Dresden, Ontario. XCG Consulting Limited, File No. 5-4409-16-03, November 10, 2023.
- 29841 Irish School Road, Dresden, Legal Non-Conforming Use (Planning Opinion Letter). Armstong Planning & Project management, April 28, 2022.
- Hydrogeological Investigation (Draft), Dresden Landfill Site, 29831 Irish School Road, Dresden, Ontario. XCG Consulting Limited, File No. 5-4409-16-02. Draft Version, July 28, 2023.

## 2 Summary and Preliminary Review Comments

Grounded has completed a preliminary review of the above noted documents and offers the following summary. Our review has focused on the engineering and technical aspects to provide an overview and context of the nature of the two proposals for which ECA Application approvals are sought. Based on existing information we note the following key findings with respect to the existing and proposed Waste Disposal Site Approvals.

### 2.1 Landfill

- Landfilling started in 1967 (57 years ago). A Certificate of Approval to permit limited landfilling was issued November 20, 1980 (43 years ago). There is no information on what studies were completed to permissions to allow landfilling to occur at the Subject Property. Based on our experience, environmental impact studies and engineering assessments would not have been completed or would not have been completed to current standards (current Waste Regulations and EA Regulations). There is no evidence of these types of assessments ever being completed.
- Landfilling, design, processing, and operational parameters were never identified in the 1980 approval. That approval didn't specify the engineering requirements, volume & rate waste accepted, capacity, boundaries of landfilling within the property, operational plans, closure plans, adequate financial assurance, etc.
- Waste type was limited to 5% commercial and 95% incinerator ash (a very specific waste type). The York1 Application is seeking approval for new waste types including construction and demolition wastes, a range of other waste types, and contaminated soil).
- The current permitted service area for the landfill approval is the geographic area of the former Town of Dresden. The York1 Application is seeking a Province-wide service area.
- The scale of the proposal is vastly different from what appears to have been done historically since 1967. The new proposal is for 365,000 tonnes/year, total estimated capacity of 1,620,000 m<sup>3</sup>, estimated closure date is 2032. While the volume of existing waste at the site is not known with certainty, the three historical waste filling areas appear small (estimated at 40,000 m<sup>3</sup>), and this waste was placed over a 57-year period. This new, much larger proposal is expected to have landfilling

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completed over an expected 8-year period. This will have significantly different impacts on the site and surrounding area than what was historically done and what previous approvals were based upon.

- The Landfill Design Report references certain items to be completed during the Environmental Screening Process and some items to be completed during the EA (see below table). Based on this, it is not clear whether the proponent was anticipating that an EA would be required for the landfill proposal.

### 2.2 Waste Processing/Storage/Transfer Station

- In 1992, a Waste Disposal Site certificate of approval was granted to permit the processing of scrap wood on the Subject Property.
- In 1998 an amendment to this Waste Disposal Site processing permission was granted to store, transfer and process solid non-hazardous waste within a 0.8 hectare approval area on the Subject Property with a maximum acceptance rate of 75 tonnes per day and a maximum storage capacity of 75 tonnes.
- The current approved service area for this facility is the Counties of Kent, Essex, Elgin, Lambton and Middlesex. The York1 Application is seeking a Province-wide service area.
- The ECA Application seeks to establish a solid waste processing, storage and transfers station at the subject property to receive up to 6,000 tonnes of waste materials per day.
  - The waste stream is to include up to approximately 3000 tonnes of solid waste (over a million tonnes per year) comprised of construction and demolition waste, and a broad range of other waste materials including metal, paper, cardboard waste, concrete, asphalt, block, brick, plastic drywall, asphalt, and shingles; 1000 tonnes of blue box recyclable materials; 500 tonnes of source separated organics and putrescible waste; 500 tonnes of asbestos-containing waste; and 100 tonnes of tires.
  - The waste stream also includes up to 3000 tonnes of soil and “soil-like materials” including contaminated soils.
- On-site processing activities are to include processing demolition waste and wood waste to produce a product described as “alternative low-carbon fuel”.
- Reference is also made to a proposed composting facility; however, no information is provided on this potential facility.
- The proponent is also seeking permission to temporarily store approximately 65,000 tonnes of waste materials on the site at any given time.
- The site is also proposed to serve as a transfer station for waste material.

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- It appears that the two proposals are interrelated; with some of the wastes materials to be received at the Subject Property through the Waste Disposal Site Processing being disposed of at the proposed landfill.

### 2.3 Studies

The following table outlines the technical studies that the proponent expects to be completed for the landfill approval and Grounded’s comment with respect to their status.

Study	Status
Waste Design	Completed.
Hydrogeology	<p>A draft hydrogeological investigation was prepared. Based on our review, additional boreholes and monitoring wells are needed for design purposes and to assess the potential environmental impacts of the proposed undertaking.</p> <ul style="list-style-type: none"> <li>• There is a lack of subsurface information within many of the proposed operational areas at the site, including: the proposed landfill area, leachate pond, waste processing area, wood processing area, and a gap in the middle of the soil processing area. This information will be needed for design and monitoring purposes.</li> <li>• Additionally, there are no monitoring wells downgradient of the existing waste area. As a result, it cannot be determined if there are currently groundwater impacts downgradient of the existing waste area or at the downgradient property boundary. Given this, it cannot be determined if the site currently meets MECP Reasonable Use Policy.</li> <li>• A monitoring plan was provided. The plan must be updated as the design progresses to ensure that the groundwater and surface water monitoring locations capture all of the operational areas and potential for off-site migration of contaminants. The groundwater monitoring program must have multi-level instrumentation at all locations to capture potential impact to the shallow (upper clay/till) and deeper groundwater (Contact Aquifer). Also, we note that a shallow sand unit was identified along the most easterly portion of the property (BH105). It is likely that the shallow sand is present along the eastern property limit (vicinity of Molly Creek). It is important to assess this area further, especially in the area of the proposed new waste cell and leachate pond.</li> </ul>
Natural Sciences/Ecology	<p>There is no ecological impact assessment of the watercourses (Molly Creek and the 4<sup>th</sup> concession drain). It appears that only published information (higher level mapping information, not ecological studies in vicinity of site) was used in an assessment. That assessment suggested that the site is within a low ecologically sensitive area. However, ecological assessment reports would be required to conclude this. An assessment of terrestrial/bird has not been completed.</p>
Storm Water	Completed.
Geotechnical	A geotechnical report is needed and has not been prepared.
Traffic	Traffic study has not been completed. The proponent indicates that a traffic study is to be completed “during the Environmental Screening Process for Waste Management Projects under the Environmental Assessment Act as per section 18, Regulation 101/07”, page 6-4 of the Landfill Report.



Study	Status
Air/Odour/Gas	Detailed air and odour studies/modelling has not been completed. Detailed Landfill Gas study has not been completed. The proponent indicates "Landfill Gas Emission Study be conducted, in conjunction with the EA, to be completed", page 10-6 of Landfill Report.
Noise	The proponent indicates that a noise study is to be done (with modelling) but has not been completed.
Visual	Not completed. They propose an Environmental Management Plan be prepared prior to construction and that would include a visual assessment.
Social Science	Not completed. Only one paragraph included in the Landfill Design Report which doesn't adequately address social impacts of the undertaking.
Planning	Letter Completed.
Characterization of Existing Waste	Not completed. The proponent is planning to move the existing waste to the new landfill area. More detailed investigation into the volume, extent, and characteristic of the waste should be done and what potential environmental effects this activity may have.

## 2.4 Adequacy of Information and Study to Date

Overall, there is presently insufficient information to assess the overall impacts of either of the two proposals that are the subject of the two York1 ECA Applications. In our opinion a study process should be established to comprehensively assess the potential impacts to ground and surface water, noise, dust and air quality, natural environment, transportation network/traffic and as well as other studies to assess the socio-economic, cultural heritage and land-use planning implications.

These studies should consider the combined effects of all operations at the site (landfilling and processing). This is required as part of an EA. This type of assessment was not completed. Assessment of impacts seems compartmentalized to each activity. This will result in drastically underestimating the local environmental impacts to the site and surrounding area.

## 3 Conclusion

in my opinion, key environmental impact assessments have not been completed as part of the original application, amendments, or this new amendment application. Given this, and that the scope of the undertaking comprised by the two related ECA Applications is a significant deviation from the current limited waste disposal site/processing approvals, it is Grounded's opinion that it is premature to consider the ECA applications at this time. A full EA is needed to determine the overall environmental impacts associated with the proposed undertaking.

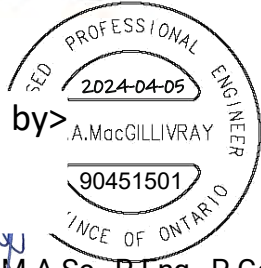
ATTACHMENT 2

29841 Irish School Road, Dresden, Ontario  
York1 Environmental Compliance Approval Applications  
April 5, 2024



We trust that the information contained in this letter is sufficient for your present requirements. If we can be of further assistance, please do not hesitate to contact us.

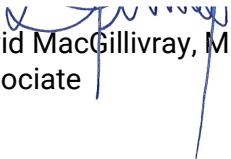
**GROUND**  
ENGINEERING



<original signed by>

A.MacGILLIVRAY

90451501

  
David MacGillivray, M.A.Sc., P.Eng., P.Geo., QP<sub>RA</sub> | ESA  
Associate



# APPENDIX H

## The Council of Three Fires

May 9, 2025

The Right Honourable Mark Carney  
Prime Minister of Canada  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A2

### **RE: Request for Immediate Moratorium on the Dresden Landfill, Soil Washing, and Renewable Project and Rejection of Ontario Bill 5 Due to Environmental, Cultural, and Constitutional Violations**

Dear Prime Minister Carney,

On behalf of Walpole Island First Nation/Bkejwanong and our brothers and sisters of other First Nation communities, I am calling for urgent action regarding the proposed Dresden landfill, soil washing, and renewable energy project in Chatham-Kent, Ontario by York1/Whitestone Fields, and the broader environmental deregulation under **Ontario Bill 5**. This proposal threatens critical ecosystems, First Nation sovereignty, public health, and safety, and reinforces an increasingly visible pattern of environmental racism, injustice, and constitutional neglect.

The site sits near Molly's Creek and the Sydenham River. The Sydenham River is a spawning ground under the Ministry of Oceans & Fisheries and home to over 88 endangered species. Many of these species are protected under the federal **Species at Risk Act (SARA)** and **Ontario's Endangered Species Act**. The river's East Branch has been designated a key biodiversity area by the International Union for Conservation of Nature (IUCN) due to its global conservation importance. The St. Clair Region Conservation Authority (SCRCA) has also implemented habitat conservation, restoration, and enhancement projects along the North Sydenham River, including the creation of wetlands and riparian habitats to improve conditions for various wildlife species.

The Sydenham River flows into the Chenail Ecarté (also known as the Snye). The Snye, Johnson Channels, and the St. Clair River comprise our watershed surrounding Walpole Island First Nation/Bkejwanong and flows directly into the Great Lakes. The Great Lakes is a vital drinking water source for nearly 30 million people across Canada and the United States. The risks of contamination are not hypothetical; they are documented and ongoing.

These lands and waterways are not only ecologically unique but culturally sacred. Walpole Island/Bkejwanong serves as vital migration routes for countless birds. St. Anne's Island is believed to be the burial site of Chief Tecumseh, and nearby Dresden is home to Uncle Tom's Cabin and the Black History Museum. Both are key parts of First Nations and Black Canadian history. Our dedication to water, food, natural medicines and homeland security remains vital today, as environmental changes and external threats continue to challenge our survival.

Walpole Island First Nation/Bkejwanong is unceded Anishinaabeg territory, home to the Ojibweg, Odawag, and Potawatomi nations of the Three Fires Confederacy. For millennia, we have stewarded these lands and waters, protecting rich ecosystems and species at risk across Carolinian forest, marshland, and tallgrass prairie. Over 700 plant species, 90 provincially rare, and critical wildlife - including the small white lady's slipper, spotted turtle, and redhead duck - depend on this land for survival.

The responsibility of preserving Walpole Island/Bkejwanong's land, water, and security lies not only with the First Nation community but with all who recognize the importance of protecting biodiversity and First Nation sovereignty. Anishinaabeg stewardship remains central to our survival, we must be included in all potential project exploration.

The proposed landfill, soil washing, renewable energy project near Dresden - and the fast-tracking mechanisms in Bill 5 - threaten our territory, violate our rights, and undermine environmental oversight. These decisions risk irreversible harm to biodiversity, water systems, and cultural heritage. We assert our Aboriginal Title and call for full consultation, recognition of our stewardship responsibilities, and rejection of this project. These principles are essential to protecting our sovereignty over our lands and resources.

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## **Documented Environmental Hazards**

The proposed landfill, soil washing, renewable energy site has a well-documented history of contamination and ecological instability:

- It is a former Chatham-Kent gun range and bomb disposal site and known to contain buried explosives (unexploded ordnance), representing significant public safety hazards.
- The site already contains unregulated industrial waste when it was a Tile Yard Operations Site (1981) and Fly Ash from the old Dresden Garbage Incinerator, posing a real threat to the Kettle Point aquifer, a key groundwater source of water for First Nation and rural communities
- This designated wetland & floodplain prohibits its development as a landfill under the **Ontario Landfill Act**. This fragile marshland terrain creates unstable ground conditions, increasing the risk of waste leakage, runoff, and long-term environmental degradation, and will be made worse by the Direct discharge of chemical laden water from the Soil washing & remediation processes proposed.
- It is within close proximity to agricultural lands and less than 800 metres from town lines, which challenges the province's own buffer zone regulations.
- Previous owners operated an unsanctioned waste deposit/land fill operations and faced environmental violations for leachate and fines.

If allowed to proceed, the proposed landfill, soil washing, renewable energy project would disproportionately impact First Nation communities, especially the Walpole Island First Nation/Bkejwanong, whose cultural, spiritual, and subsistence relationship to the land and water has remained intact for millennia. Further, there has never been a comprehensive environment

assessment completed at this location. This is disturbing given the history of leachate that has occurred with the various activities that occurred on this property over the last one hundred years.

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## **First Nation Rights and the Duty to Consult**

The proposed project is located within the Walpole Island First Nation/Bkejwanong homeland. Neither our ancestors nor has the present-day Walpole Island First Nation/Bkejwanong government made a Treaty with any non-Indigenous governments covering these lands. WIFN affirms that the land in question has never been subject to a treaty agreement with any non-Indigenous government, historically or in modern times. This means that, from the perspective of Walpole Island First Nation/Bkejwanong, sovereignty over the land remains intact and has never been ceded through formal treaty negotiations. This could have significant implications for governance, land rights, and negotiations related to the proposed project.

Moreover, the proposed project is proceeding without meaningful consultation or consent from the affected First Nations, including Walpole Island First Nation, in clear violation of **Section 35 of the Constitution Act** and Canada's legal obligations under the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**. The failure to consult violates the legal principles affirmed in *Haida Nation v. British Columbia*, which require that First Nations Rights Holders be meaningfully involved before decisions are made that impact their land and culture.

The proposed landfill, soil washing, renewable energy project directly threatens the *Nibi* (water) and *Aki* (land) that First Nations peoples have a sacred duty to protect under *Chi Naaknigewin* (natural law). This duty is not symbolic - it is central to First Nation governance, identity, and spiritual well-being. The proposed expansion would sever that sacred relationship and contribute to ongoing harms under Canada's history of environmental colonialism.

York1/Whitestone Fields initially applied to dump waste into Molly's Creek before seeking a landfill permit—despite the site being zoned as an active firearms and bomb burial area, a classification still on record today. This raises serious concerns about rezoning, environmental safety, and due process. The municipality and province have violated First Nations' constitutional rights by attempting to fast-track approval through an unregulated permitting process.

This proposed landfill, soil washing, and renewable project in Dresden falls within our Aboriginal Title Claim which gives us the legal right to decide how our land is used. We have the authority to reject projects that conflict with our values or pose environmental risks to our ecosystems, water, and wildlife. Under Canadian Law, the government must consult and accommodate us when our rights are affected. This is about protecting the land, our sovereignty, ensuring consent, and safeguarding our future generations.

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## **Bill 5 and the Removal of Environmental and Cultural Oversight**

Ontario's Bill 5 seeks to exempt major developments, like the proposed landfill, soil washing, renewable energy project, from rigorous Environmental Assessments (EAs) and removes enforceable protections for wetlands, wildlife habitat, and aquifers. Alarming, it also exempts development projects from archaeological assessments, undermining the identification and preservation of First Nation burial sites, artifacts, and other culturally significant lands. This is especially concerning in a community like Dresden, a place rooted in Anishinaabe and Black history. It is home to the Josiah Henson Museum, and a historic centre of Canada's Civil Rights Movement. In such a context, the absence of archaeological scrutiny is not only negligent, but also an affront to our shared history and principles of truth and reconciliation.

By bypassing **Free, Prior, and Informed Consent (FPIC)** and disregarding the need for archaeological protection, Bill 5 violates the spirit and letter of reconciliation as outlined in the Truth and Reconciliation Commission's Calls to Action and is also an overreach & violation by the province into the Constitution and Charter of Rights & Freedoms. It signals a regression away from reparation efforts and dishonours the constitutional commitments made to First Nations peoples.

By weakening the province's environmental safeguards and centralizing control in the hands of politically appointed Ministers, Bill 5 endangers communities across Ontario and sets a dangerous national precedent.

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## **Concerns About Political Influence and Integrity**

There are also growing concerns that the owners of York1 and affiliated companies have made substantial political donations to provincial parties and officials who now oversee environmental approvals. This raises serious ethical concerns about the integrity of the permitting process and potential conflicts of interest that could undermine democratic accountability and public trust.

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## **Cumulative Harm to Nibi (Water) and Ecosystems**

This proposed landfill, soil washing, and renewable project in Dresden must be understood not in isolation, but as part of a broader pattern of cumulative environmental degradation affecting our shared waters. The St. Clair River and its tributaries are already downstream from significant petrochemical operations in Sarnia's Chemical Valley and are burdened daily by industrial effluents, wastewater discharge, and the presence of forever chemicals (PFAS) that have now been detected in sand and aquatic ecosystems throughout the watershed.

Walpole Island First Nation/Bkejwanong, Aamjiwnaang, and surrounding First Nations live with this toxic burden daily. This proposed project would amplify these existing threats by introducing additional leachate, hazardous runoff, and airborne particulate matter into already fragile ecosystems. This cannot be seen as a localized issue; it is a continuation of chronic

contamination that infringes on First Nations rights to clean water, safe subsistence practices, and cultural continuity.

The accumulated impact of these intersecting pressures violates the federal government's commitment to ensuring the right to a healthy environment, enshrined in Bill S-5 (the Canadian Environmental Protection Act amendments), and contradicts Canada's obligations under UNDRIP. The health of our *nibi*—the life source of our people—is at a breaking point.

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## Call to Action

I respectfully urge the Government of Canada to:

1. Uphold the duty to consult First Nations under **Section 35 and of the Canadian Constitution and the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), particularly Articles 25 and 29**, which emphasize the rights of our First Nations peoples to maintain our spiritual relationship with our lands and waters and to protect the environment and ensure meaningful involvement in all decisions affecting our territories.
2. Impose an immediate moratorium on the Dresden landfill expansion.
3. Reject Ontario's Bill 5 and publicly condemn its violations of environmental and First Nations protections.
4. Initiate a Federal Environmental Assessment, given the transboundary impacts to shared waterways and the potential breach of federal statutes.
5. Enforce protections under the **Renewable Energy Act**, including mandatory 120-metre setbacks for wetlands, wildlife habitat, and ecologically significant zones.
6. With awareness, the proposed Dresden Landfill is an existing wetland and flood plan, therefore, under the **Ontario Landfills Act**, it is forbidden to develop on wetlands and flood plans
7. With Sydenham being a Federally protected river, due to species protected under the federal **Species at Risk Act (SARA) and Ontario's Endangered Species Act**, we demand the Federal Minister of Environment, Conservation, and Parks trigger a Comprehensive Oceans and Fishery Environmental Impact Assessment.

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## Conclusion

Walpole Island First Nation/Bkejwanong and alongside many other communities have raised their voices. We have governed and cared for this territory since time immemorial. We are not simply stakeholders - We are Rights Holders, stewards, and defenders and guardians of these lands and waterways on which not only Canada and the USA depend, but our Anishinaabeg and Shuar families across the globe have reminded us, *all waterways are interconnected*. This is a global issue, and the world is watching.

This is a moment to lead - with humility, integrity, and respect. We urge your government to act swiftly and decisively to stop this senseless, unchecked, reckless, and irreversible harm, and to uphold constitutional law, demonstrating the spirit and intent of true reconciliation through responsible governance and environmental stewardship.

Miigwech (Thank you) for your attention and anticipated response.

Sincerely,

<original signed by>

Leela Thomas

Ogimaa (Chief) and

Walpole Island First Nation Council

- Anika Altiman, Councillor
- Charlene Altiman, Councillor
- Harmony Blackbird, Councillor
- Alicia Blackeagle, Councillor
- Clint Jacobs, Councillor
- Lee Kicknosway, Councillor
- Matthew Nahdee, Councillor
- Bruce Sands, Councillor
- Trent Soney, Councillor
- Jason Sword, Councillor
- Amy White, Councillor
- Elaine Wrightman, Councillor

CC. Cindy Woodhouse, National Chief  
Abram Benedict, Ontario Regional Chief  
Bkejwanong Youth Council

# APPENDIX I

## The Council of Three Fires



March 21, 2025

The Honorable Andrea Khanjin  
Minister of the Environment, Conservation and Parks  
Ministry of the Environment, Conservation and Parks  
77 Bay Street, 5<sup>th</sup> Floor  
Toronto, ON M7A 2J3

Dear Minister Khanjin,

I am writing on behalf of the Walpole Island First Nation to formally express our strong opposition to the proposed Dresden Waste Processing Site and Landfill, put forward by York 1 Environmental Waste Solutions Ltd. This proposal poses significant threats to both the environment and the well-being of our community, and we call upon your office to reject it.

It is crucial to highlight that York 1 has failed to meet its legal duty to consult with the First Nations of Southwestern Ontario, particularly Walpole Island First Nation, whose rights and territories would be directly impacted by this landfill. The proponent has not provided us with an environmental impact assessment (EIA) or any meaningful opportunity for input or review. This lack of consultation is in direct contravention of the *United Nations Declaration on the Rights of Indigenous Peoples Act*, as well as the legal duty of the provincial government to consult and accommodate Indigenous communities in decisions that may affect our rights. This also includes the rights of the Lunaapeew (Delaware First Nation), specifically under Treaty #2, the McKee Purchase Treaty of 1790. As beneficiaries of this treaty, Chatham-Kent, the Province, and the Crown share collective responsibilities to protect the land and water.

The proposed site is located adjacent to Molly's Creek, a natural spring-fed creek that flows directly into the Sydenham River. The Sydenham River is recognized as a biological hotspot, home to at least 33 species that are currently at risk. The potential for contamination from this landfill could have devastating impacts on the environment and the health of our community. Given that the river and its tributaries flow into our territory, any contamination would affect our people's ability to live, fish, hunt, and practice our cultural activities, all of which are directly tied to the land and water.

Furthermore, York 1's failure to provide adequate notification to the First Nations, or to facilitate meaningful consultation, also violated our right to comment on this matter through the Ontario Environmental Registry. As you are aware, effective consultation includes not only providing access to information but ensuring that First Nations have sufficient time and opportunity to assess the potential impacts of projects such as this one. York 1 has failed to meet this obligation, and this failure compounds the injustice.



The situation is further compounded by the already existing environmental degradation we face as a result of industrial activities, such as pipelines running through Sarnia, Ontario. These pipelines have contributed to the contamination of the St. Clair River, which flows into our territory. We already endure the impact of these environmental hazards, and we cannot accept further harm, particularly when it involves a project that has not met its duty to consult or provide us with the necessary information to make informed decisions.

We ask that you take immediate steps to ensure the legal and constitutional rights of Walpole Island First Nation are respected. Specifically, we request that you provide us with clear documentation that demonstrates how York 1 fulfilled its duty to consult and accommodate our community, as well as the full environmental assessment report so that we can conduct a legal and technical review.

The failure of both the proponent and the provincial decision-makers to adequately consult us puts our rights and our future at risk. We urge you to act in accordance with your responsibilities to protect the rights of Indigenous peoples and to reject the proposal for the Dresden Waste Processing Site and Landfill.

We look forward to your prompt response and to seeing the necessary documentation related to this proposal.

Sincerely,

<original signed by>

O'Gimaa Kwe (Chief) Leela Thomas  
Bkejwanong Territory - Walpole Island First Nation

cc: Doug Ford, Premier of Ontario  
Justin Logan, Chief of Delaware Nation  
Canadian Environmental Law Association  
Dresden Citizens Against Reckless Environmental Disposal