

DRAFT

(April 12, 2011)

PROPOSED TERMS OF REFERENCE

**AMARANTH SOIL MANAGEMENT FACILITY
ENVIRONMENTAL ASSESSMENT**

AMARANTH TOWNSHIP, ONTARIO

APRIL 2011

REF. NO. 073292 (4)

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1.0 INTRODUCTION

This is a Terms of Reference prepared under the Ontario *Environmental Assessment Act* for an individual environmental assessment of the proposed re-engineering, re-permitting and re-construction of the existing Township of Amaranth Landfill Site (Site), for use as a soil treatment and disposal facility capable of accommodating up to 5,000,000 m³ of non-hazardous impacted soils from remediation and redevelopment sites for treatment and/or disposal.

The Township of Amaranth (Township) has accepted a Letter of Intent from 2261116 Ontario Inc., now Amaranth Soil Management Facility Inc., (the Company) to purchase the Site from the Township.

The Site, located at 434354 4th Line, in Pt. Lots 16 and 17, Concession IV, Amaranth Township, County of Dufferin, is approximately 29.1 ha (72 ac.) in size and is subject to Certificate of Approval No. A180403, with an approved capacity of 150,000 m³. The Site is reported to contain approximately 50,000 m³ of municipal solid waste from within the Township of Amaranth, all of which will be excavated as part of the redevelopment of the Site and sent to approved waste disposal facilities elsewhere.

This Terms of Reference, once approved by the Minister of the Environment, will serve as the framework and basis for preparation and review of the environmental assessment.

2.0 PROPONENT

Amaranth Soil Management Facility Inc. (the "Company" and the "Proponent") is an Ontario corporation set up to purchase the Amaranth Landfill Site, remove the municipal solid waste currently contained in the Site, transform the Site into a soil management facility, and operate the soil management facility. The Company's address is:

Amaranth Soil Management Facility Inc.
260 New Toronto Street
Toronto, ON M8V 2E8

3.0 DESCRIPTION OF AND RATIONALE FOR THE UNDERTAKING

3.1 DESCRIPTION OF THE UNDERTAKING

The undertaking proposed by the Company is to re-engineer, re-permit and re-construct the existing Amaranth Township Landfill Site (Site) from the Township of Amaranth and to re-construct it so that it may receive up to 5,000,000 m³ of non-hazardous impacted soils from remediation and redevelopment sites for treatment and/or disposal. The description of the undertaking will be developed and refined during preparation of the EA and will be described in detail in the EA Report.

3.2 RATIONALE FOR THE UNDERTAKING

In the spring of 2007, the Ontario government announced comprehensive reforms that reaffirm the government's commitment to focus growth in existing urban areas by putting more brownfields into productive use while safeguarding public health and safety.

Clearly brownfield redevelopment will play a critical role in meeting these aims, objectives and targets. While a significant percentage of impacted soil can be remediated and re-used on-site or in the construction of public infrastructure a considerable volume will need to be removed for further processing and placed in a secure, properly designed and regulated storage facility.

The Company, a firm experienced in the management of impacted soils in Ontario, has identified a business opportunity and has developed an innovative public-private partnership proposal to develop a state-of-the-art soil remediation and disposal facility with the Township of Amaranth, a "willing host" municipality.

The existing Amaranth Township Landfill Site appears to have been well-managed during its 34-year life to date. However the Site is based on design standards from the 1970's (e.g., no leachate collection or surface water management systems) and could represent a future financial liability to the Township if it continues to be used under its present design. Re-engineering and reconstructing the Site as a soil management facility will result in immediate financial benefit to the Township, through sale of the Site; it will relieve the Township of future operational, closure and post-closure care costs; and will generate ongoing revenue for the Township through royalty payments. The proposed soil management facility will be a state-of-the art design constructed and operated to current standards of the Ministry of the Environment (MOE) and the soils to be

managed at the Site will not have the problems associated with municipal solid waste (e.g., odour, greenhouse gas generation, litter, vermin).

4.0 EA METHODOLOGY

This ToR has been prepared under Section 6 (2) (c) of the *Environmental Assessment Act*, which states that: "the proposed terms of reference must set out in detail the requirements for the preparation of the environmental assessment".

The EA that will be prepared under this Terms of Reference will be completed under Section 6.1 (3) of the *EA Act*, which states that: "the approved terms of reference may provide that the environmental assessment consist of information other than that required by subsection (2)".

As such, the EA that will be prepared under this ToR will include:

1. a description of the purpose of the undertaking;
2. a description of and a statement of the rationale for,
 - (a) the undertaking, and
 - (b) the alternative methods of carrying out the undertaking
3. a description of,
 - (a) the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly,
 - (b) the effects that will be caused or that might reasonably be expected to be caused to the environment, and
 - (c) the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment,by the undertaking and the alternative methods of carrying out the undertaking;
4. an evaluation of the advantages and disadvantages to the environment of the undertaking and the alternative methods of carrying out the undertaking; and
5. a description of any consultation about the undertaking by the proponent and the results of the consultation.

The EA will not include the identification and assessment of "Alternatives To" (i.e., alternative waste disposal technologies or alternative sites) or identifying and providing a rationale for the "need" for the Project.

4.1 STUDY AREAS

There will be two Study Areas within which existing environmental conditions will be studied and described and potential effects assessed during the EA.

The Primary Study Area is defined as the Site and the area within a 1 km radius of the Site boundaries. The Secondary Study Area, for purposes of identifying and assessing potential effects resulting from proposed access routes, is defined as the Township of Amaranth and that part of the Town of Mono in Concessions II and III W.H.S. (West of Hurontario Street), between Highway 10 and the Mono-Amaranth Town Line.

The environmental components to be addressed in each Study Area during preparation of the EA are discussed in Section 5.0, below.

4.2 PLANNING PERIOD

The Planning Period to be addressed in the EA is approximately 20 years, a period of time within which the Company anticipates it will achieve its business plan for and the proposed design capacity of the Site.

5.0 DESCRIPTION OF THE ENVIRONMENT AND POTENTIAL EFFECTS

5.1 PRIMARY STUDY AREA

Within the Primary Study Area the following environmental components will be addressed by way of studies and potential effects will be assessed.

5.1.1 GEOLOGY/HYDROGEOLOGY

The geologic setting at the Site has been described as consisting of two stratigraphic overburden units overlying bedrock. The overburden units consist of a silty clay overlying and sandy silt till. The silty clay layer is estimated to be approximately 3.4 m thick across the Site with total overburden thickness reported to range from 11.9 to 16.5 m thick. The underlying sandy silt till contains discontinuous sand seams.

Underlying the overburden is grey limestone bedrock with shale bands and iron staining along the fractures. The bedrock consists of grey dolostone of the Amabel formation.

Overburden groundwater is reported to be found within the silt till. From the hydraulic monitoring completed at the Site it appears the overlying surficial clayey silt may be acting as a confining layer. Groundwater levels measured in the underlying till are above the top of the till layer and are measured at 1.0 to 2.0 m bgs. Groundwater flows in a radial pattern out from the waste disposal area on the Site.

A shallow bedrock aquifer occurs in the upper fractured layer of the bedrock. The shallow bedrock groundwater flow is approximated to flow in a north to south direction.

Vertical gradients have been monitored in two locations between the shallow bedrock and the sandy silt till. The vertical gradients demonstrate a good hydraulic connection between the sandy silt till and the shallow fractured bedrock.

These and other geologic and hydrogeologic features and conditions within the Primary Study Area will be studied to provide information at a level of detail sufficient to enable the identification of potential environmental effects that may be expected to occur as a result of the establishment of the soil management facility.

5.1.2 **SOILS**

Soils on the existing landfill area on the Site are primarily Tavistock Silt Loam, stone-free and with a smooth to very gently sloping topography. Soils on the rest of the Site and on lands in the immediate vicinity of the Site are classified as "muck", stone-free and with a "smooth-basin" topography. These and other soils in the Primary Study Area will be studied to provide information at a level of detail sufficient to enable the identification of potential environmental effects that may be expected to occur as a result of the establishment of the soil management facility.

5.1.3 **GROUNDWATER**

In the context of the geologic and hydrogeologic conditions discussed in Section 5.1.1, above, groundwater quality and quantity within the Primary Study Area will be studied to provide information at a level of detail sufficient to enable the identification of potential environmental effects that may be expected to occur as a result of the implementation of the soil management facility.

5.1.4 **SURFACE WATER**

Surface water features and conditions within the Primary Study Area will be studied to provide information at a level of detail sufficient to enable the identification of potential environmental effects that may be expected to occur as a result of the implementation of the soil management facility.

5.1.5 **BIOLOGY**

The Primary Study Area contains part of the Whittington Wetland Complex, a provincially-significant wetland complex, with its associated ecosystems, flora and fauna, including species-at-risk, soils and surface water and groundwater systems.

Existing biological features and conditions (e.g., terrestrial and aquatic ecosystems and flora and fauna, including species-at-risk, and associated surface water and groundwater systems) in the Primary Study Area will be studied to provide information at a level of detail sufficient to enable the identification of potential environmental effects on designated natural areas and on species-at-risk that may be expected to occur as a result of the implementation of the soil management facility.

Given the presence of provincial and local wetlands in the vicinity of the Site the Biology studies will address the requirements for an Environmental Impact Study (EIA) as set out in the policies of the Amaranth Township Official Plan) and an Environmental Impact Study [(EIS) as set out in the Wetlands Policy of the Grand River Conservation Authority (GRCA)]. As part of its pre-consultation for this draft Proposed ToR the Company discussed with the Township and the GRCA means of effectively incorporating the EIA and EIS requirements into the EA. That co-operative dialogue will continue through the EA to ensure that GRCA and Township interests - as well as those of the Ministry of Natural Resources - regarding the wetlands are addressed.

5.1.6 ARCHAEOLOGY AND HERITAGE

A study will be conducted within the Primary Study Area, in accordance with the requirements of the *Ontario Heritage Act* and its associated regulations, policies and guidelines, to identify potential archaeological and cultural heritage resources and to predict potential impacts the soil management facility may have on the identified cultural heritage resources. As necessary, evaluation(s) and/or recommendation(s) of alternative conservation methods to mitigate the impact of a candidate waste disposal alternative on cultural heritage resources will be completed. Cultural heritage resources include cultural heritage landscapes, built heritage and archaeological resources.

5.1.7 LAND USE

5.1.7.1 EXISTING

Existing land uses are defined in this ToR as including buildings, structures and land uses currently in place as well as yet-to-be constructed buildings, structures and land uses for which building permits and other approvals have been issued by the Township or other authorities.

The existing land use of the Site is a waste disposal site, as permitted under Certificate of Approval No. A 180403. Existing land use off-Site in the remainder of the Primary Study Area is generally woodland. A commercial peat extraction operation is located on several hundred hectares of land abutting the west and south boundaries of the Site.

The Primary Study Area is located in a generally rural (with single family dwellings on 1 to 5 ha lots) and agricultural (several intact, active farms) area of Amaranth Township.

Most of the farms appear to produce cash crops (primarily corn, soybeans, hay and some wheat/oats), or contain horse and beef/dairy cattle operations. A former, now closed, landfill site (dump) is located to the south of the Site at the northwest corner of 4th Line and 15th Sideroad.

The EA will include a review and mapping of existing land uses within the Primary Study Area and an evaluation of potential effects including, but not limited to noise and visual effects of the proposed soil management facility on those existing uses.

5.1.7.2 PLANNED

Planned land uses are defined in this ToR as including land use designations in the Township of Amaranth Official Plan and zones and zoning provisions set out in the Township of Amaranth Zoning By-Law.

The Official Plan (OP) for the Township (December 2004) designates the Site "WD" (Waste Disposal Site) and "Environmental Protection". The underlying designation is "Agriculture". Lands off-Site within the Primary Study Area are designated "Agriculture", "Environmental Protection" and "Rural". The proposed undertaking does not require an amendment to the Township's official Plan.

At the Township's request the Company will review the need, with the Township, to prepare and submit an Application for Site Plan Approval to the Township as per the policies of the Township's Official Plan.

The Zoning By-Law for the Township (By-Law 02-2009) zones the Site "Waste Disposal - Industrial" (MD). Permitted uses are: accessory gate house, recycling facility, waste management facility and waste management transfer facility. Lands off-Site within the Primary Study Area are zoned "Agriculture", "Environmental Protection" and "Rural". The proposed undertaking does not require an amendment to the Township's official Plan.

The EA will include an overview of planned land uses, as described above, within the Primary Study Area and an evaluation of potential effects of the proposed soil management facility on those planned uses.

5.1.8 AGRICULTURE

As noted above, the area of Amaranth Township in which the Primary Study Area is located contains numerous active farms. Agricultural activities within the Primary Study Area will be studied to provide information at a level of detail sufficient to enable the identification of potential environmental effects that may be expected to occur as a result of the implementation of the proposed soil management facility.

5.1.9 AIR QUALITY

As there are no major industrial facilities or urban concentrations in Amaranth Township ambient air quality in the Primary Study Area is generally good.

Existing air quality in the Primary Study Area will be described and the potential effects of the soil management facility on that existing air quality will be identified and evaluated.

5.1.10 SOCIO-ECONOMIC

The EA will include a study of potential positive and negative effects of the proposed soil management facility on existing and planned businesses, community facilities, general community values and on relevant Township finances within the primary Study Area.

5.1.11 DESIGN AND OPERATIONS CONSIDERATIONS

The potential effects of site design and operations considerations for the proposed soil management facility will be identified and evaluated. This will include the preparation and evaluation of one or more "Alternative Methods" (i.e., alternative conceptual site designs demonstrating potential site development configurations and alternative access route(s)).

5.2 SECONDARY STUDY AREA

5.2.1 TRANSPORTATION

Potential effects of the soil management facility on existing and proposed roads (including traffic patterns, safety and access to and on potentially-affected Amaranth Township, Town of Mono and County of Dufferin roads and Provincial highways) will be identified and evaluated during preparation of the EA. Alternative access routes will be identified, studied and evaluated, through appropriate traffic studies developed in consultation with the Township, Town and County and the Ontario Ministry of Transportation, to determine potential effects on the environment.

Potential effects on existing residential, agricultural and industrial activities (e.g., driveway entrances, school bus routes; use of roads by gravel trucks and for livestock movements, farm machinery transportation; field accesses, etc.) will be identified and assessed.

5.3 PROVINCIAL POLICY STATEMENT

The EA will include a review of the soil management facility within the context of the Provincial Policy Statement, with the intent of ensuring consistency of the proposed facility with the Provincial Policy Statement.

6.0 CONSULTATION

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

6.1 TERMS OF REFERENCE CONSULTATION

The Company completed a consultation program during the preparation of this ToR. The program consisted of the following key elements:

- Conduct of a pre-consultation meeting with MOE, during which the proposed Project and general approach to the ToR and EA were discussed;
- Publication of a "Notice of Terms of Reference Commencement" in the *Orangeville Citizen*, *Orangeville Banner* and the *Shelburne Free Press* announcing the commencement of the ToR and EA processes;
- Publication of a Notice in the *Orangeville Citizen*, *Orangeville Banner* and the *Shelburne Free Press* announcing the date, place and time and subject matter for the first ToR Public Information Open House;
- Direct mailing of letters to municipalities, agencies and Aboriginal Communities announcing the commencement of the ToR and EA processes, advising of the date, place and time and subject matter for the first Public Information Open House and inviting attendance at the Open House;
- Availability of copies of the draft Proposed ToR on Conestoga-Rovers & Associates' website (www.craworld.com - click on "News and Events" and "Public Notice Documents"), in printed form at the Amaranth Township office and on the Township's website (www.amaranth-eastgary.ca);
- Conduct of the first Public Information Open House, at the Amaranth Township office, on Tuesday, April 12, 2011, during which information about the proposed Amaranth Soil Management Facility was provided and public comments were invited on the draft Proposed ToR;
- Circulation of the draft Proposed ToR to MOE, agencies, the public and Aboriginal communities, along with a request for comments;
- Communication with MOE, during which the revised draft Proposed ToR was reviewed and suggested changes discussed and agreed upon;
- Finalization of the Proposed ToR taking into consideration all comments received;

- Conduct of the second Public Information Open House, at the Amaranth Township office, on May ??, 2011, during which information about the Proposed ToR was presented. Information about opportunities for further input into the ToR and EA processes was also provided.

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

6.2 EA CONSULTATION

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

- (a) The EA consultation process will be open by making all reasonable efforts to ensure that potentially affected or interested parties are given the opportunity to make their views known;
- (b) The EA consultation process will be transparent by documenting the consultation process that is carried out for the development of the EA so that the process can be understood and traced;
- (c) The EA consultation process will be responsive by providing opportunities for stakeholders to comment on the EA at key stages and by ensuring that such comments are addressed in the EA;
- (d) The EA consultation process will be meaningful by identifying how comments and concerns have been considered throughout the EA process;
- (e) The EA consultation process will be flexible by allowing response to new issues that emerge as the EA proceeds.

The EA consultation process will include the following key activities:

1. Public, agencies and Aboriginal communities will be consulted on the evaluation method and the evaluation criteria as well as on the priority and weighting of the evaluation criteria for assessment of potential impacts.
2. Publication of a newspaper notice in one or more of the *Orangeville Citizen*, *Orangeville Banner* and the *Shelburne Free Press* and on Conestoga-Rovers & Associates' website (www.craworld.com - click on "News and Events" and

"Public Notice Documents"), in printed form at the Amaranth Township office and on the Township's web site (www.amaranth-eastgary.ca) announcing the approval of the ToR, commencement of the EA and providing notice of EA Public Information Open House #1. EA Public Information Open House #1 will include distribution of information such as: display boards summarizing the key components of the EA; a Sign-In Sheet; hand-out material; and Comment Sheets to the public for discussion and comment on the Project and background information.

3. Publication of a notice in the *Orangeville Citizen*, *Orangeville Banner* and the *Shelburne Free Press* explaining that the draft Environmental Assessment Report has been completed and is available for review and comments, explaining where copies of the draft Environmental Assessment Report are available for viewing, explaining how public comments can be made, the deadline for comments and who to address them to and providing the date, time and location of the Public Information Open House.
4. Posting of a similar notice on Conestoga-Rovers & Associates' web site and a printed copy of the newspaper notice at the Township of Amaranth office for the duration of the comment period.
5. Comments on the Draft EA Report will be considered in preparation of the Final EA Report. Comments can be made at the Public Information Open House or can be directed to the Municipality or its consultant any time within the comment period.
6. Copies of the Draft EA Report, in printed or electronic format, will be placed in several locations accessible by the public for viewing, including:
 - Amaranth Township office and web site (www.amaranth-eastgary.ca)
 - Conestoga-Rovers & Associates web site (www.craworld.com - click on "News and Events" and "Public Notice Documents")

Review agencies identified on the contact lists will receive a copy of the Draft EA Report by mail or e-mail along with their individually-addressed letter, as per the EA Report circulation protocol provided by MOE in its guidelines.

7. After the Draft EA Report comment period, the report will be revised if and as necessary to reflect the agency/stakeholder comments and concerns and the final EA Report will be produced. A revised stakeholder list will be prepared following completion of the initial round of agency/stakeholder consultation for the Draft EA Report. This revised list will be provided to the Ministry of the Environment for its use in the formal EA Review.

8. Upon completion and submittal of the Final EA Report the Ministry of the Environment will conduct its formal review of the Final EA Report.
9. Direct contact, by way of such means as e-mail, telephone, fax and/or regular post with potentially affected Aboriginal communities in order to provide notification of project milestones, and, when appropriate given the level of interest that has been expressed, to invite comment on EA documents disseminated for review, as described in this ToR.
10. Copies of all consultation documents (e.g., stakeholder/contact/ mailing lists, letters sent and received, newspaper notices, etc.) will be compiled in the EA "Record of Environmental Assessment Consultation" which will accompany and support, but will not be part of, the EA Report.

6.3 CO-ORDINATED FEDERAL/PROVINCIAL EA PROCESS

Federal/Provincial EA Co-ordination

The Proponent's undertaking is subject to the requirements of the Ontario *Environmental Assessment Act*. In the event that the *Canadian Environmental Assessment Act* also applies, the Proponent intends to work in a co-ordinated way with provincial and federal governments, both governments having formally agreed to coordinate their respective EA processes pursuant to the Canada-Ontario Agreement on EA Cooperation (November 2004).

Coordinated EA Process

The Proponent will be guided by the federal/provincial coordination process chart outlined in the supporting documentation that accompanies this Terms of Reference. This proposed approach is designed to address the information requirements of both federal and provincial environmental assessment acts.

Application of the Co-ordinated EA Process to the Proposed Project

It is recognized by both the Canadian Environmental Assessment Agency (on behalf of the federal authorities), and the Company, that ongoing dialogue on the information requirements is required throughout the EA process as more is learned about the specifics of the undertaking. As such, it may be necessary for the Company to provide additional or more detailed information as the EA process proceeds. The intent is to produce a single EA body of documentation on environmental effects to meet all of the

information needs of both the federal and provincial governments. To the extent practical, federal/provincial information requirements regarding potential factors to be assessed in the context of this study have been integrated.

6.4 CONFLICT RESOLUTION

Through implementation of the Environmental Assessment Consultation Program described in Section 6.2 of this ToR the Company is committed to working co-operatively and constructively with all stakeholders to address and resolve concerns to the greatest extent possible.

7.0 EA WORK PLAN

The following is a summary of the key tasks to be completed in preparing the Environmental Assessment, in conformity with Section 4.0, EA METHODOLOGY, of this ToR:

- Distribution of information about the proposed EA via publication of a Notice in one or more of the *Orangeville Citizen*, *Orangeville Banner* and *Shelburne Free Press*; on Conestoga-Rovers & Associates' web site (www.craworld.com – click on "News and Events" and "Public Notice Documents"); e-mail and regular mail; placement and/or posting of information at the Amaranth Township office and on the Township's web site (www.amaranth-eastgary.ca). Information distributed will also contain details about the purpose, date, place and time of Public Information Open House #1;
- Conduct of Environmental Assessment Public Information Open House #1 to provide updated information on the Environmental Assessment work to date and to present information about and to receive comments on the Environmental Assessment (including the purpose, work plan/process, preliminary Environmental Assessment methodology information, etc.);
- Compilation of the results of Public Information Open House #1 and related public, agency and Aboriginal comments/questions for inclusion in the "Record of Environmental Assessment Consultation";
- Conduct of EA studies to describe the existing environment, including, but not limited to:
 - Geologic and hydrogeologic features & conditions
 - Soils
 - Groundwater/surface water features & conditions
 - Biological features and conditions (including terrestrial and aquatic ecosystems, flora, fauna, including species-at-risk)
 - Archaeologic & heritage features and conditions
 - Socio-economic features and conditions
 - Existing and planned land-use
 - Transportation features & conditions
 - Agriculture/forestry/mineral extraction features and conditions
 - Air quality
 - Design and operations considerations
- Identification of net effects (and advantages/disadvantages) of the undertaking;

- Development of an Environmental Assessment Monitoring Plan;
- Preparation of a draft Environmental Assessment report;
- Distribution of information about the draft Proposed Environmental Assessment report via publication of a Notice in one or more of the *Orangeville Citizen*, *Orangeville Banner* and *Shelburne Free Press*; on Conestoga-Rovers & Associates' web site (www.craworld.com - click on "News and Events" and "Public Notice Documents"); e-mail and regular mail; placement and/or posting of information at the Amaranth Township office and on the Township's website (www.amaranth-eastgary.ca);
- Finalization of the EA Report;
- Submission of the final EA Report to MOE.

8.0 EA MONITORING PROGRAM

An Environmental Assessment Monitoring Plan will be developed and summarized as part of the EA prepared under this ToR. The purpose of the Plan will be to provide for post-EA approval monitoring of:

- (a) Fulfillment of conditions of EA Approval
- (b) Confirmation that net effects actually occurring in the Study Areas conform to those predicted/anticipated during preparation of the EA and, if they do not, determination of the need for additional mitigation measures, if necessary
- (c) Fulfillment of commitments made during preparation of the EA

9.0 OTHER APPROVALS

In addition to approval of the EA under the *Environmental Assessment Act*, applications and submissions will be made concurrently, as necessary, under a number of provincial statutes for approval to implement the soil management facility including, but not limited to:

- *Environmental Protection Act* (CofA amendment - under Section 27);
- *Ontario Water Resources Act* (CofA - Section 53 - Industrial Sewage Works);
- *Planning Act* (Environmental Impact Assessment and potential Site Plan Approval Application - Amaranth Township Official Plan policies);
- *Conservation Authorities Act* (GRCA - Wetlands Policy, O.R. 150/06, Environmental Impact Study).

During preparation of the EA, any federal interests applicable to the undertaking will be identified by way of consultations with relevant federal agencies. It is not anticipated that any approvals under federal statutes will be required for the Project. However, if some element of the undertaking triggers application of the *Canadian Environmental Assessment Act*, then the Coordinated Federal/Provincial EA Process described in Section 6.3 of this ToR will be followed.

10.0 FLEXIBILITY OF THIS TERMS OF REFERENCE

As approved by the Minister of the Environment, this ToR provides the framework for preparing the EA Report and will serve as a benchmark for reviewing the EA Report.

It is understood that, given the nature of ToR, they are not intended to present every detail of all the activities that will occur when preparing the EA. It is therefore possible that in carrying out the work contemplated by this ToR it may become evident that certain modifications to the ToR may be necessary. It is important to note that the commitments described in this ToR are a minimum that must be met, although more may be required if necessary. It is envisioned that such changes may include:

- Requirements for additional or expanded studies or work, such as those referred to in Section 5.0, to ensure that the nature and magnitude of potential environmental effects are appropriately identified and evaluated.
- Changes in method of the studies, such as those referred to in Section 5.0 of this ToR. This may be in response to studies that show environmental effects to be greater or less than previously estimated.
- Response to opportunities, unknown at the time of preparation of the ToR, to acquire other lands surrounding the Site (e.g. for purposes of providing additional buffer zone area) and include them in the EA studies and potential effects evaluations.
- Modifications to the consultation program.

This list is not intended to be exhaustive. Rather, it sets out, by example, the types of changes that will be considered routine and/or that are likely to result in insignificant effects on the environment, and therefore can be accommodated within the framework of the approved ToR.

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

11.0 SUMMARY

This Terms of Reference provides the framework for an environmental assessment process to be followed by Amaranth Soil Management Facility Inc. to prepare an environmental assessment of its proposal to re-engineer, re-permit and re-construct the existing Township of Amaranth Landfill Site (Site), for use as a soil treatment and disposal facility capable of accommodating up to 5,000,000 m³ of non-hazardous impacted soils from remediation and redevelopment sites for treatment and/or disposal.

The proposed undertaking is being developed in response to and in the context of rapidly evolving Ontario government brownfields statutes, regulations and policies promoting urban redevelopment and resulting in the generation of significant quantities of soils requiring treatment and disposal.

This Terms of Reference has been prepared under Section 6 (2) (c) of the *Environmental Assessment Act* and the EA that will be prepared under it will be prepared under Section 6.1 (3) of the *Environmental Assessment Act*.

The Terms of Reference were developed by the Company through consultation with the public (including the general public and area property owners); municipalities (including, but not limited to, the Township of Amaranth, Town of Mono and County of Dufferin); agencies (including provincial and federal agencies and others, such as the Grand River Conservation Authority); Aboriginal communities (including the Saugeen Ojibway Nations, Six Nations of the Grand River and the Métis Nation of Ontario); and other interested parties, all as described in the "Record of Terms of Reference Consultation" which accompanies and supports, but does not form part of, this Terms of Reference.

The EA that will be prepared under this Terms of Reference will conform to the EA methodology and EA Work Plan described herein.

