



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 assessment¹.

- 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 day², 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 Project³.

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

² 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.

³ 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.⁴

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.

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”).

⁴ 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.”⁵

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:

⁵ “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 day⁶ (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

⁶ 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
Landfill - ECA# A021304			
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 ⁷	No change requested	
Total Capacity	Does not specify approved waste capacity (total waste volume that can be accepted at the site). ⁸ 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"> Incorporates a maximum theoretical capacity of 1,620,000 cubic metres. (including an estimated 40,000 that is already landfilled) 	
Daily fill rate	Does not specify daily fill rate ⁹	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 ¹⁰	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	

⁷ MECP 2022 Letter

⁸ MECP 2022 Letter

⁹ MECP2022 Letter

¹⁰ 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 ¹¹
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"> • installation of monitoring wells • construction of an engineered landfill with a compacted clay liner, a geomembrane liner, and a leachate collection and extraction system and pond; • construction of a stormwater management system and collection and conveyance ditches; and • construction of berms along the south, west and north property boundaries. 	
Waste Transfer Station - ECA# A020401			
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"> • Maximum limit of recyclable materials received from 6,000 mT per day • 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; 	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

¹¹ 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.

	Existing ECA Approval	Amended Approval Submitted by YORK1 2023	Further Amendments proposed by YORK1
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"> • 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 • 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. <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.

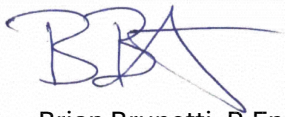
A comprehensive EA **should not** be required for YORK1 to commence the operation of its regenerative recycling facility. We hope that this letter clarifies the actual nature of YORK1's facility: a recycling and resource recovery Project whereby non-hazardous construction waste and excess soil is brought 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



Brian Brunetti, P.Eng.
President & CEO

PART ONE: HISTORIC ECAS and Associated Documentation

	Document	Date	Issued to	Details	Notes
WASTE DISPOSAL (LANDFILL)	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"> 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) Reads: "Further to the letter of July 21st 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." 	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"> Letter to Carl McFadden, Clerk-Treasurer (Township of Camden) from J. Kennedy, Waste Management Engineer (Ministry, Waste Management Branch) 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 	
	Application package: A021304 Reissue	June 19, 1973	Dresden Tile Yard	<p>Includes:</p> <ul style="list-style-type: none"> Form: Recommendation of Regional Engineer—REISSUE <ul style="list-style-type: none"> Location: Lot 8, concession 5, Township of Camden; notes that professional certificate to expire on June 15, 1974 Handwritten note: "Site closed in July/72" Application Summary Form <ul style="list-style-type: none"> Application for reissue; file complete and verified Inspection Report Form for A021304 (Lot 8, Concession 5) <ul style="list-style-type: none"> 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. 	



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"> Application for reissue of A021304 (indicates that provisional certificate issued on July 25, 1972) <ul style="list-style-type: none"> Location: Lot 8, Concession 5 Type: Incinerator Ash-Residue Disposal Total area of site: 3 acres (with 3 acres available for waste disposal) Type of Waste: 95% domestic; 5% commercial Hours: Monday to Friday Population Served: 2366 Total "Tons Per Day": 6 Notes that the application would transfer Certificate from Town of Dresden to Dresden Tile Yard 	Note: 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"> Waste to be disposed of: 95% Domestic; 5% Commercial (incinerated ash) Applicant: Town of Dresden Type of Waste: Incinerator Ash disposal Quantity: 1 ton incinerated (estimated) per day 	
	MOE Letter to Chatham- Kent Health	August 19, 1976	n/a	<ul style="list-style-type: none"> Letter to Mrs. D. Kemp, Certificate Clerk (Municipal & Private Approvals Section, MOE), from D. H. Edwards, District Officer (Municipal & Private Abatement, MOE) States that Area 1 (on original site plan in Document 1) is exhausted, and Site 2 is currently being used 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." States that the original certificates expired in July 1976, and recommends 	Note: 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"> Provisional Certificate of Approval: Waste Disposal Site “For the use and operation of an 8-hectare landfilling total site within a total site area of 35 hectares” Location: Southwest ¼ of Lot 8, West ½ of Lot 7, Concession 5, Township of Camden, County of Kent Site may be used for the DISPOSAL of “5% commercial and 95% ‘other’ limited to incinerator ash” Issued under <i>The Environmental Protection Act, 1971</i> 	
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"> 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"> Applicant: Town of Dresden; Location: Concession 5, SW1/4 Lot 8, W1/4 Lot 7, Hwy 21; Present land use: 8 ha of landfill with 35 ha vacant land States that final disposal sites are A021603 and A021601 (located in Harwich Township) 	Note: This is for “application is for notification of changes in use, operations, or ownership” for certificate A021304 ”
	Letter from Town of Dresden to MOE	January 4, 1991	Town of Dresden	<ul style="list-style-type: none"> Letter to George Segart (Town of Dresden) from Christopher Hutt, Environmental Officer (MOE) 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. 	
	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"> Applicant: Wood Waste Disposal Ltd. (Landowner: Corporation of the Town of Dresden) Population served: "Population of five counties . . . Essex., Kent, Lambton, Middlesex, and Elgin) Total area: 2 acres Type of facility: resource recovery and grinding and shredding 	
	A020401	August 17, 1992	Waste Wood Disposal Limited	<ul style="list-style-type: none"> Provisional Certificate for a Waste Disposal Site "for the use and operation of a 0.8 hectare waste processing site" Location: "Part of Lot 7, Concession 5, Camden Gore" Site may only be used for the processing of "solid non-hazardous industrial wastes consisting of scrap wood" Serving the residents of the County of Kent, Essex, Elgin, Lambton, and Middlesex 	
	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"> Present land use: agricultural/waste disposal processing site Maximum rate at which site can receive waste per day: Municipal, 30 tonnes; Commercial, 45 tonnes Type of waste: solid non-hazardous industrial, commercial, institutional, and municipal waste Area to be served: Ontario Total area: 83 acres Maximum estimated site storage capacity: 75 tonnes 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 	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"> • Estimate start of construction: March 16, 1998; estimated start of operation: April 16, 1998 • Includes map 	
	Amendment to A020401	October 9, 1998 (signed October 13, 1998)	Waste Wood Disposal Limited	<ul style="list-style-type: none"> • Provides for the “storage, transfer, and processing” of “non-hazardous solid waste from the Industrial, commercial, institutional, and municipal sectors” • 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.” • Issued under the <i>Environmental Protection Act, R.S.O. 1990</i> • The maximum amount of waste “shall not exceed 75 tonnes per day” and the waste stored on site “shall not exceed 75 tonnes” • Waste only permitted to be accepted and processed between 7am and 9pm, Monday to Saturday. 	As the application listed Ontario as the service area, this was the service are for the facility
OTHER (MOBILE DEVICES)	A800646	July 19, 1994	Waste Wood Disposal Limited	<ul style="list-style-type: none"> • Provisional Certificate of Approval for a Waste Management System serving the Province of Ontario • Use of the system “limited to the collection, handling, and transportation of waste” • 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. • Only permits the transportation of “domestic, commercial, and non-hazardous solid industrial waste” 	Note: 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"> • 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 • The mobile Certificate of Approval applies province-wide—but note that it only applies to the mobile unit (<i>i.e.</i>, the shredder) 	
	8-1104-95-006 Portable Air ECA	November 8, 1995	Wood Waste Disposal Limited	<ul style="list-style-type: none"> • Approval for an industrial portable tub grinder • Maximum capacity: 18 tonnes/hour with equipped engine rated at 130 kilowatts • Operating hours restricted to 7am to 7pm 	

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 not 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"> 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. 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>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, and	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 not 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 not 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 not 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 not 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, and	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.