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York1 Environmental Waste Solutions Ltd.
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Submitted via Environmental Registry of Ontario

RE: Summary of Comments Related to York1 ECA Amendment Number 019-8205

The County of Lambton, with the services of GHD, has reviewed the Environmental Compliance Approval (ECA) amendment application (ERO number 019-8205) and associated documentation submitted by York1 Environmental Waste Solutions Ltd. as general partner for and on behalf of York1 Environmental Waste Solutions LP (“York1”) on January 31, 2024. We understand that York1 is proposing to amend their existing ECA application at 29831 Irish School Road Dresden, ON (herein referred to as the “Site”) to allow for an increase in the area of the waste processing site to 25 hectares and to allow a maximum daily receiving rate of 6,000 tonnes per day of non-hazardous solid waste including construction and demolition waste and excess soil for beneficial reuse, and 1,000 tonnes per day of residual waste for final disposal on an annual average basis. The County of Lambton is submitting the following comments regarding the noted ECA amendment application.

Comments related to O. Reg. 50/24

We reviewed the ECA amendment application within the context of O. Reg. 50/24: Park II.3 Projects – Designations and Exemptions under the Environmental Assessment Act. We note that York1 is proposing to send no more than 1,000 tonnes per day of residual waste for final disposal on an annual average basis. This suggests a recovery rate of approximately 83%. Can York1 please provide more information about how this rate will be tracked, and whether an environmental screening would be completed should the disposal rate increase above 1,000 tonnes on an annual average basis? Can York1 clarify whether the 1,000 tonnes of residual waste will be received in addition to the 6,000 tonnes of soil and construction materials expected each day, meaning the site would see a total of 7,000 tonnes of materials delivered per day? The ECA application currently notes “...to allow a maximum daily receiving rate of 6,000 tonnes per day of non-hazardous solid waste including construction and demolition waste and excess soil for beneficial reuse, **and** 1,000 tonnes per day of residual waste for final disposal on an

annual average basis." (bold and underline added by the author for emphasis).

York1 has stated that the current service area for the transfer station is the Province of Ontario. Can York1 please provide Lambton County with the ECA that confirms this service area? If the service area is changing from what is currently outlined in the existing ECA, will an environmental screening under O. Reg. 50/24 be triggered?

York1's application noted that the proposed amendment also includes the "installation of stationary equipment for processing construction and demolition waste into alternative low-carbon fuels (ALCF) in the new processing/sorting building". Will the production of ALCF require thermal treatment, and if so, will requirements for a comprehensive environmental assessment or environmental screening under O. Reg. 50/24 be triggered?

Comments related to the ECA Amendment Application

We note that York1 has submitted three separate applications for ECAs or ECA amendments for the Site (ERO numbers 019-8205, 019-8313, and 019-7917). We understand from supporting documents that York1 intends to apply for air and noise ECAs for the site in the future. It is difficult to assess potential impacts to the Site and surrounding community, including impacts to Lambton County services, when applications are submitted separately. A comprehensive ECA application is particularly important for the aspects of the separate ECA applications that are operationally dependent on each other, such as the stormwater management pond. Would York1 consider submitting one comprehensive ECA application encompassing all of the proposed changes to site and their associated environmental approvals?

We noticed discrepancies between the public-facing materials (i.e. project website and public open house slides) prepared by York1 and the supporting documentation submitted to the Ministry of Environment, Conservation, and Parks. Will York1 be updating their public-facing materials to reflect the information provided in the technical documentation submitted for the ECA amendment application?

There are several First Nations and the Métis Nation of Ontario Region 9 within the vicinity of the Site. Has York1 contacted any of these Indigenous Nations and communities to confirm whether they have an interest in providing feedback on the proposal?

Please note that the Site is located within the St. Clair Region Source Protection Area. The ECA amendment application should be updated to reflect this.

Has York1 completed a Stage 1 archaeological assessment of the Site to confirm that no further archaeological potential remains for any portion of the Site that will be developed as a part of this ECA amendment application?

We have noted that York1 intends to receive asbestos-containing materials (ACM) at the waste transfer station. Has York1 determined the final disposal location of any received

ACM? Can York1 confirm that no ACM will be landfilled at the Site?

The ECA amendment application indicated that York1 is seeking to extend operations of the waste transfer station to 24 hours per day and 7 days per week. The current Chatham-Kent noise by-law prohibits sound resulting from loading, unloading, delivering, or otherwise handling containers, products, materials, or refuse on Monday to Saturday from 2300 to 0700 and all day on Sunday and statutory holidays. Does York1 intend to seek a by-law amendment for their operations, or will the operations be limited to comply with the existing by-law?

Comments related to available background information

We note that York1 is proposing to install a soil washing system for processing soil and liquified soil. We understand that the site is not currently serviced by municipal water infrastructure. Has York1 identified a source of water for the soil washing system?

York1 identified that up to 30,000 tonnes of soil will be stored on site. Is there any design information available about the proposed outdoor storage areas? We would like to review the proposed sloping, stabilization measures, erosion and sediment control systems, and ground protections to better understand potential impacts from the stockpiling of soils at the Site.

York1's consultant has provided preliminary information about the potential vehicle traffic expected to enter and leave the Site each day. More detailed information is required to properly assess and comment on the potential impacts to surrounding roads, including Lambton County roads, from a threshold increase in vehicle traffic. Is York1 preparing a Transportation Impact Assessment (TIA) for the proposed operations at the Site that can be shared with the County of Lambton? We suggest that the TIA should examine existing traffic, including any seasonal variations, to/from the facility for all proposed operations onsite and over the design life of the facility. The TIA should review the capacity of the existing road network, current and future traffic patterns with background growth, including vehicle, pedestrian, and cyclist movements. The report should include a breakdown of the assumed inbound and outbound waste routes to and from the facility and specifically the expected traffic volumes utilizing and routes on County of Lambton roads. The report should include a level of service analysis for all roadways, intersections, and the site entrance and shall itemize any roadway improvements (i.e. turning lanes, queue lengths, acceleration/deceleration lanes, etc.) required as a result of the development. York1 should also assess the potential impacts of noise, dust, tracking of mud, and vehicle exhaust from increased truck traffic on surrounding roadways, residents and other land users.

The proponent's application and their consultant's Design and Operations Reports reference several other approvals/permits for the facility. The County requests that York1 provide copies of the following approvals/permits itemized below:

- A800646 - Waste Management System ECA (1994);
- A800717 - Waste Management System (Shredder Site) ECA (1995);
- 8-1104-95-006 – Portable Air ECA (1995);

- A080003 Waste Disposal Site (Processing) ECA (1995); and
- Aggregate License under MNR No. P822040.

York1's consultant's Design and Operations Report states that "the property will be developed with ... a composting facility for leaf and yard waste." It further states that the composting facility is not part of this application and is covered in a separate report. Can York1 please clarify if a separate ECA application will be submitted for this facility, or if the current ECA amendment application will be updated to include this facility? Can the County of Lambton obtain a copy of any reports or applications prepared by York1 or their consultants for this facility?

Comments related to consultation

We noted that members of the public expressed a great deal of interest in York1's proposal, and both open houses were widely attended. Has York1 considered hosting additional open houses, including a virtual open house, to reach additional members of the local community about this proposal? We would also like to understand whether York1 has consulted with the St. Clair Region Conservation Authority about potential works within the regulated area or floodplain at the Site.

The County of Lambton notes that the lack of specific, detailed, and consistent information available via the publicly facing materials and open houses throughout the review process has created unnecessary confusion and speculation among stakeholders and the surrounding community. Will York1 be creating a community engagement, outreach and communication plan to receive and address public and municipal concerns?

The County of Lambton is not aware of outreach to upper- and lower-tier municipalities outside of the Municipality of Chatham-Kent, some of which having municipal boundaries within two kilometres of the Site, within the review period. Will York1 be arranging specific engagement sessions with all surrounding municipal administration teams and attend municipal Council meetings to provide project details and address questions related to the Site?

Closing

The above items are presented to identify specific technical questions that remain outstanding or unknown regarding this amendment application. In addition, further items may be identified as the missing or conflicting information is released.

The proposed operations at the Site will have a clear and direct impact on public services provided by the County of Lambton and associated local municipalities. The current information available is not sufficient to conduct a complete analysis of municipal and public impacts resulting from the submitted amendment. In addition, the piecemeal submission of this application in conjunction with other submissions relating to the Site obfuscates the full and compounding nature of each of the Site components.

Lastly, it is requested that York1 conduct additional public outreach and municipal consultation to adequately recognize, compile, and address the resulting impacts from the changes noted in the ECA amendment application. This is particularly relevant due to the magnitude of potential waste and traffic volumes included as part of the amendment, as compared to observed historical activity at the Site.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Cole', with a stylized flourish at the end.

Jason Cole, P.Eng.
General Manager