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May 15, 2025

Dresden Landfill Comments  
Environmental Assessment Branch  
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Submitted via Environmental Registry of Ontario

**RE: Removing Environmental Assessment Requirements for the York1 Waste Disposal Site Project - ERO Number 025-0389**

The County of Lambton (the “**County**”) has reviewed the proposal set out as Environmental Registry of Ontario (“**ERO**”) number 025-0389 (the “**Proposal**”) to remove environmental assessment (“**EA**”) requirements for the York1 waste disposal site project through the proposed *Protect Ontario by Unleashing our Economy Act, 2025*. The Proposal includes revoking Ontario Regulation (“**O. Reg**”) 284/24, (which designated the Chatham-Kent Waste Disposal Site), and removing EA requirements for York1 Environmental Waste Solutions Ltd.’s proposal to resume landfill operations and expand waste handling, processing, and transfer operations at the former Dresden Tile Yard, in Chatham-Kent (the “**Project**”).

Lambton County Council, at its meeting on May 7, 2025, formally opposed the Proposal by passing the following motion:

*#6: Broad/Case: That County Council request that an Environmental Assessment (EA) for the York1 waste disposal project site be required, and that this request be provided to the Premier, the Minister of the Environment, Conservation and Parks, M.P.P. Bob Bailey and M.P.P. Steve Pinsonneault.*

*Carried.*

The letter dated May 8, 2025, prepared and issued as directed by the above noted motion, is attached to this correspondence.

As part of the County’s review, with the services of GHD, it is noted that the Project was previously designated by the Ministry of Environment, Conservation and Parks (“**MECP**”) as a Part II.3 project under the *Environmental Assessment Act, 1990* (“**EAA**”)

as requiring a comprehensive EA. The authority of the Minister to exempt projects from the application of Part II.3 under the *EAA* as Section 3.2. of the *EAA* states:

- (1) Subject to subsection (1.1), the Minister may by order, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate,
  - (a) declare that this Act, the regulations, any provision of this Act or the regulations or any matter provided for under this Act does not apply with respect to an undertaking, class of undertakings, designated project, class of designated projects, person or class of persons;

Under the proposed changes, it is recognized that the Project will still be subject to Environmental Compliance Approval (“**ECA**”) applications under the *Environmental Protection Act, 1990* (“**EPA**”) and the *Ontario Water Resources Act, 1990* (“**OWRA**”). However, the County maintains that it remains in the best interest of the public to have the Project subject to Part II.3 under the *EAA* to ensure that a full alternative analysis review is conducted; all anticipated and resulting impacts are considered as one collective project; and an appropriate level of public, municipal, and First Nation consultation is carried out prior to any required approvals.

The Proposal to remove the Part II.3 condition on the Project has created the following concerns which would have otherwise been addressed.

### Comments on Proposed Project Description

Previous reviews were carried out of the three prior applications for ECA or ECA amendments associated with the Project (ERO numbers 019-8205, 019-8313, and 019-7917) submitted by York1 Environmental Waste Solutions Ltd. (the “**Prior Proponent**”). Recent changes in ownership of 29831 Irish School Road., Dresden, ON (the “**Site**”) are noted and it is unclear whether the proponent of the Project will remain the same. It is assumed that the *EAA* exemptions apply to the Site. Please clarify that the *EAA* exemptions to the Project apply regardless of the Proponent.

The proposed Project as described in ERO number 025-0389 provides a description of the original Prior Proponent submissions, including specifications about the vertical expansion of the site. However, the description omits the proposed maximum daily waste intake included in the prior ECA or ECA amendment applications. Does the exemption of the Project from the EA requirements apply regardless of the proposed daily waste volume?

The Project description in ERO number 025-0389 includes installing a soil washing system for processing soil and liquified soil. It is understood that the site is not currently serviced by municipal water infrastructure. Has a source of water been identified for the soil washing system?

## Comments on ECA Application

The Prior Proponent of the Project submitted three separate applications for ECAs or ECA amendments for the Site (ERO numbers 019-8205, 019-8313, and 019-7917). At the time of these applications, the associated supporting documents indicated future air and noise ECA applications for the Site and a potential ECA application for a leaf and yard waste composting facility. Assessing the overall environmental and community impacts, including effects on Lambton County services, is challenging when applications are submitted separately. A comprehensive application mechanism is critical for the review of all aspects of the separate ECA applications that are operationally dependent on each other, such as the stormwater management pond. One comprehensive application encompassing all the proposed changes to the Site and any associated environmental approvals should be required.

## Comments on ECA Requirements

The *Guide to applying for an environmental compliance approval* (the “**Guide**”) *Part C* lists the supporting documentation and technical requirements needed for an ECA application. Section 5: *Waste Disposal Sites* states that the Director may require additional information beyond the minimum requirements<sup>1</sup>. As the minimum requirements for ECA are limited when compared to a comprehensive EA submission, it is essential that the Director utilize this opportunity to ensure a comprehensive review of potential environmental impacts to the local community, including upper- and lower-tier municipalities in the County, by requesting additional studies.

Removal of the Part II.3 designation of the Project eliminates necessary technical studies that provide detailed information to properly assess and comment on potential impacts to Lambton County roads. Will the Director require the Proponent to prepare a Transportation Impact Assessment (“**TIA**”) for the proposed operations at the Site to be shared with Lambton County? The TIA should examine existing traffic, including any seasonal variations, to and 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 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. The Proponent 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.

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<sup>1</sup> Part C: Supporting Documentation and Technical Requirements, Section 5. Waste disposal sites states: “In addition to the minimum requirements, depending on site-specific or project-specific characteristics, the Director may require additional information from you.”

Other studies that are not required as part of an ECA application, but are suggested given the scope and scale of the proposed project include:

- An Economic Assessment to assess the impacts of the Project on the local economy, including employment, the local tax base and property values.
- A Stage I Archaeological Assessment to confirm that no further archaeological potential remains for any portion of the Site that will be developed as part of the Project.

The prior descriptions of the Project identified that up to 30,000 tonnes of soil will be stored on-site. If that remains the case, will the Director require comprehensive design information about the proposed outdoor storage areas? This should include a review of the proposed sloping, stabilization measures, erosion and sediment control systems, and ground protections to provide an opportunity to better understand potential impacts of stockpiling soils at the Site.

As per the Guide *Part C*, an assessment of noise and vibrations produced by the facility is part of an ECA application. The prior ECA applications and amendment submissions sought 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. Will the Director require the Noise and Vibration Impact Assessment to assess whether the operations will comply with the existing by-law and the community effects of potential disturbances?

### Comments on Consultation

The Guide *Part A* notes that for waste disposal site proposals, adjacent property owners who may be impacted by the issuance of the ECA must be notified (also called “neighbour notification”). This is a significantly smaller scope of notification than would be required for a comprehensive EA and does not require public consultation.

However, as per the *Consultation Requirements: Public consultation: Environmental Registry of Ontario (ERO) notification* section of the Guide<sup>2</sup>, the Director has the discretion to require additional notification and may require the proponent to hold public consultation as part of the application review process because of comments received through the Environmental Bill of Rights (“EBR”) posting, the environmental significance or the complexity of the proposal. Considering the high degree of public interest in the

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<sup>2</sup> Part A, Consultation Requirements, *Public consultation: Environmental Registry of Ontario (ERO) notification* states:

“You may have to engage interested parties before an ECA application is submitted or if the Director considers additional consultation necessary. For example, because of comments received through the EBR posting, environmental significance or complexity of the proposal, the Director has the discretion to require additional notification and may require you to hold public consultation as part of the application review process.”

Project and the immediate proximity to the Dresden population centre, will the Director require additional notification and public consultation events as part of the ECA applications?

The Site is located within the St. Clair Region Source Protection Area. The St. Clair Region Conservation Authority should be consulted about potential works within the regulated area or floodplain at the Site.

### **Closing**

The proposed alterations and operations at the Site will have a clear and direct impact on public services provided by the County and associated local municipalities. The County's outstanding questions and necessary review information would all be naturally addressed through the comprehensive EA currently required under O. Reg 284/24, eliminating the need to apply individual requirements on a (or several) lesser ECA applications.

Further, the County maintains that Site approvals through the ECA application process are not sufficient to conduct a complete analysis of municipal and public impacts resulting from submitted amendments. The piecemeal submission of multiple applications relating to the Site obfuscates the full and compounding nature of each of the Project components.

Maintaining the Site as a project subject to Part II.3 under the EAA will provide the opportunity to conduct necessary public outreach and municipal/First Nation consultation to adequately recognize, compile, and address the resulting impacts from the changes noted in the previous ECA amendment applications. This is particularly relevant due to the magnitude of potential waste and traffic volumes anticipated from previous amendment applications, as compared to historically observed nominal activity at the Site.

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

Sincerely,



Jason Cole, P.Eng.  
General Manager

encl.