

May 7, 2025

BY EMAIL & REGISTRY

Dresden Landfill Comments
Environmental Assessment Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Ave West, 4th Floor
Toronto, ON M4V 1P5

Dear Sir/Madam:

RE: ERO 025-0389 – PROPOSED EA EXEMPTION FOR DRESDEN LANDFILL

Please be advised that CELA is counsel for Dresden Citizens Against Reckless Environmental Disposal (Dresden C.A.R.E.D.) in relation to the above-noted matter. Our client is an incorporated residents' group that opposes the project for environmental and planning reasons.

We have been instructed by Dresden C.A.R.E.D. to respond to Schedule 3 of Bill 5 (*Protect Ontario by Unleashing our Economy Act, 2025*), which proposes amendments to the *Environmental Assessment Act* (EAA) which are intended to wholly exempt the Dresden landfill project from the EAA.

In 2024, this contentious proposal was appropriately designated by O.Reg.284/24 under the EAA as a project to which the Act applies., and it is our understanding that the proponent has not yet proposed the Terms of Reference for a Comprehensive Environmental Assessment. If enacted, however, Schedule 3 of Bill 5 revokes the designation regulation and wholly exempts the project from Part II.3 of the EAA.

Dresden C.A.R.E.D. strongly objects to this proposed EAA exemption for several reasons. First, it is unclear why the Ontario government has opted to use special legislation to exempt the project from the EAA. This is particularly true since the EAA already contains mechanisms for exempting projects if warranted in the public interest. In our client's view, the Dresden landfill project does not warrant an exemption from the EAA in light of its environmental risks and sensitive site location.

Second, the Ontario government has provided no compelling environmental rationale or persuasive evidence to justify the proposed project exemption from the EAA. For example, the ERO notice¹ claims that the Dresden landfill project is being exempted from the EAA in order to "help provide additional waste capacity in Ontario due to the threat of US tariffs impacting Ontario's waste sector." However, the possibility of border closures that constrain Ontario waste exports has been omnipresent for decades, and speculation about what may (or may not) happen in the future does not provide a credible policy basis for exempting the Dresden landfill project

¹ [Removing Environmental Assessment Requirements for the YorkI Waste Disposal Site Project | Environmental Registry of Ontario.](#)

from the EAA. Moreover, if border-related conjecture is the basis for exempting the Dresden landfill project, then it will likely serve a precedent for other landfill proponents to also request exemptions from the EAA, although large landfills are expressly subject to the EAA under O.Reg.50/24 (Part II.3 Projects – Designations and Exemptions). If the provincial government is genuinely concerned about tariffs or border closures related to waste, then it should be focusing attention on enhancing and strengthening 3R initiatives (reduce, reuse, recycle) throughout Ontario rather than fast-tracking waste disposal sites under the EAA.

Third, our client submits that exempting the Dresden landfill project is inconsistent with the public interest purpose of the EAA, which is to ensure the protection, conservation and wise management of the environment for the betterment of all Ontarians. By any objective standard, unconditionally exempting an environmentally significant project located in an ecologically important area is antithetical to, and clearly undermines, the broad societal goals of the EAA.

Fourth, it is beyond dispute that environmental assessment is not “red tape” that should be waived or dispensed with by the Ontario government for political or economic expediency. To the contrary, the EAA process is intended to be robust, participatory, and evidence-based, and it is tailor-made to identify, evaluate, and mitigate or prevent the environmental risks associated with the Dresden landfill project.

Fifth, the substantive requirements of the EAA are not duplicated in other environmental approvals that are applicable to the Dresden landfill project. For example, the ERO notice contains the dubious proposition that “the project will remain subject to strong provincial oversight and other regulatory requirements including Environmental Compliance Approvals (ECA) under the *Environmental Protection Act* (EPA) and *Ontario Water Resources Act* (OWRA).” However, only the EAA requires an examination of the need/purpose of the project, alternatives to the project, alternative methods of carrying out the project, and impacts of the project on the social, economic and built environments. In short, these fundamental environmental planning matters are not required to be addressed under the EPA or OWRA for the Dresden landfill project.

Sixth, our client is concerned that if the project is exempted from the EAA, then the provincial government may attempt to invoke the “EA exception to public participation” in section 32 of the *Environmental Bill of Rights* (EBR) in order to sidestep the mandatory notice, comment, and third-party appeal rights under Part II of the EBR.

Seventh, the Dresden landfill project is not currently subject to the impact assessment process under the federal *Impact Assessment Act* (IAA). In particular, the proposal is not caught by any of the prescribed project categories under the IAA Project List Regulation. Therefore, exempting this project from the EAA effectively means that it may not be subject to any environmental assessment requirements.

For the foregoing reasons, Dresden C.A.R.E.D. calls upon the provincial government to withdraw Schedule 3 of Bill 5 to ensure that the EAA continues to fully apply to the Dresden landfill project.

Please contact the undersigned if you have any questions or require further information about this submission.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Theresa A. McClenaghan
Executive Director



Richard D. Lindgren
Counsel

cc. Dresden C.A.R.E.D.
 Tyler Schulz, Commissioner of the Environment