

February 9, 2015

**BY EMAIL**

The Hon. Glen Murray  
Minister of the Environment and Climate Change  
11<sup>th</sup> Floor, Ferguson Block  
77 Wellesley Street West  
Toronto, Ontario  
M7A 2T5

Dear Minister:

**RE: PROPOSED TERMS OF REFERENCE: WALKER ENVIRONMENTAL GROUP'S "SOUTHWESTERN LANDFILL" (ZORRA TOWNSHIP)**

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Please be advised that CELA serves as counsel for the Oxford People Against the Landfill ("OPAL") Alliance with respect to the above-noted matter.

On behalf of OPAL, CELA provided detailed written submissions to your Ministry on several occasions in 2013 and 2014 to outline the legal and technical reasons why the proposed Terms of Reference ("TOR") for the Southwestern Landfill should not be approved under the *Environmental Assessment Act* ("EAA").

These submissions have been supplemented by expert reports from OPAL's consultants as well by submissions from OPAL members, other stakeholders, local municipalities, and the public at large.

In light of these highly critical public comments, there appears to be an overwhelming consensus that the proposed TOR (as amended) remains marred by significant data gaps, questionable assumptions, unacceptable EA methodology, and an alarming lack of detail about how the direct and cumulative impacts of the massive Southwestern Landfill will be identified, evaluated, and managed for EA planning purposes.

Accordingly, CELA maintains that the proposed TOR does not meet the legal test for approval under subsection 6(4) of the EAA. More specifically, it is our opinion that there is no reasonable basis for concluding that an EA conducted in accordance with the proposed TOR will be consistent with the purpose of the EAA and the public interest.

To the contrary, CELA concludes that the public interest and the purpose of the EAA will be thwarted or undermined by permitting the proponent to proceed with a focused EA that not only avoids key environmental planning issues (i.e. need/alternatives), but also fails to ensure that the

potential (if not inevitable) environmental impacts of the large-scale undertaking will be fully identified and properly evaluated during the EA process.

Now that the TOR process has dragged into 2015, we are writing to request that you take all necessary steps to ensure that the TOR is rejected forthwith. It is unclear to CELA why it has taken the Ministry a prolonged period of time to reject a fatally flawed and clearly unapprovable TOR.

In our view, this proposed undertaking has been hanging over the heads of our client and other local communities for far too long, and it is now time for the Ministry to take firm and decisive action to refuse the proposed TOR.

We further note that since the TOR was first proposed, there have been a number of other relevant (if not inconsistent) proposals affecting the quarry lands in question (i.e., proposed water-taking permit for the quarry lake; proposed amendment to the existing rehabilitation plan to keep the quarry lake intact, etc.). This provides an additional reason for the Ministry to quickly reject the proposed TOR in order to end the uncertainty about future land use, environmental protection and resource conservation on and near the subject property.

We look forward to your reply to this request for immediate rejection of the proposed TOR. Please feel free to contact the undersigned if you have any questions or comments arising from this letter.

Yours truly,

**CANADIAN ENVIRONMENTAL LAW ASSOCIATION**



Richard D. Lindgren  
Counsel

cc. Steve McSwiggan, OPAL  
Theresa McClenaghan, CELA