

Comments on Taggart Miller's Proposed Terms of Reference

Dr. Noel Murray, October 3, 2012

- 1. Taggart Miller's proposal is long on rhetoric and laced with platitudes in an attempt to cloud the issue and divert attention away from their real objective – a landfill to reduce their tipping fees.**

While Taggart Miller's objective is to establish a long-term business to divert waste from disposal and recover resources, it's obvious that, at least for the foreseeable future and perhaps many more years to come, any chances of success will be constrained by limited or non-existent diversion technology and relatively undeveloped markets for diverted and recycled materials. Recognizing this, Taggart Miller proposes that "diversion components ... will be developed as part of the initial site development together with the first cell(s) of a disposal component". They indicate that the project "will be implemented on a scale appropriate for the level of business that might reasonably be expected during the initial period of the operation" and that "[t]he facilities will be scalable in order to respond to changing market conditions and new government regulations". The obvious conclusion from this is that economic imperatives dictate that land filling will continue to be the preferred option, but they will keep a watching brief on developments.

Even under existing regulations, Taggart Miller expects to achieve a 30 to 40% diversion of the incoming industrial, commercial and institutional (IC&I) and construction and demolition (C&D) waste stream over time. Whether or not this is a realistic goal cannot be ascertained from the Terms of Reference (TOR). They do not provide sufficient justification. It's simply their unsubstantiated opinion together with a vague allusion to taking advantages of "preferential rates" from the production of renewable energy from a "**unique** [*emphasis added*] anaerobic digestion process". Taggart Miller provides scant details of this process. It appears to be an untested, unproven technology. In fact, they seem to be far from confident that it would be approved by the Ministry of the Environment (MOE) anyway and suggest they would be "willing to proceed" at a "demonstration scale". At first glance, assurances that organic materials will be housed in a "covered facility" under "negative pressure" and "exhausted through a biofilter for odour control" with "minimal storage times" seem reasonable. However, it appears that, once again we are being subjected to smoke and mirrors. Taggart Miller are very good at "pressing the right buttons" to sugar coat their proposal. In the end, it really is all about a landfill.

The important question is when, if ever, diversion and recycling on the scale envisaged by Taggart Millar will be likely to be economically viable? Despite one of the key factors in the successful operation of a diversion business being the development of markets for recovered materials, Taggart Miller barely mentions in passing that are "presently doing this in other areas where they operate diversion facilities". Given this apparent success, it's rather surprising that they have not provided substantive examples. One can only speculate that these successes are pretty limited. So, in the meantime, dump the waste in a landfill?

Given that viable markets for diverted materials and recovered resources are critical drivers, it's

surprising that Taggart Miller seemingly has no plans to foster their growth. Similarly, they are not forthcoming on any investments they are prepared to make to develop technological solutions.

Taggart Miller repeatedly discuss the concepts of diversion, resource recovery and disposal of residuals, yet provide scant, if any projections of the likely relative volumes of each given the following ongoing challenges:

- regulatory environment
→ unless there's government intervention, it's just cheaper to dump it!
- the quality and composition of incoming materials together with the amount of source separation
→ unless materials can be separated at source, it's just cheaper to dump it!
- limited/no markets for recovered materials
→ unless there are viable markets, it's just cheaper to dump it!
- the ability to provide a cost competitive waste management solution for their customers
→ it's just cheaper to dump it!

2. Taggart Miller's proposal to establish an "integrated resource recovery and diversion facility" is nothing more than an attempt to sugar coat a huge landfill.

While Taggart Miller are to be congratulated for their concerns about the significant volumes of IC&I and C&D waste materials that continue to be disposed of in landfills, their proposal to establish an integrated resource recovery and diversion facility appears to be based on the premise of "Build it and they shall come". Undoubtedly there is significant potential, particularly with diversion rates falling well short of the Provincial target of 60%. Indeed, this has been the case for many years, with the overall rate of diversion from all sources of waste having stalled at "about 23 percent since about 1998". As discussed in the TOR, although there has been an increase in the diversion of residential waste, the diversion of IC&I and C&D wastes, which comprise approximately two thirds of the total waste volume, sits at 12-14%.

The TOR indicates that the Province and the City of Ottawa have a "well-established and clearly stated desire" to significantly increase diversion rates. However, such desires and "clearly stated objectives" that apparently date back over many years are simply a series of platitudes in the absence of supporting legislation, incentives and market led initiatives for recycled and recovered materials. It's hardly an environment that presents a significant business opportunity. Yet this is what Taggart Miller would have us believe. They are "prepared to commit to significant investments in diversion facilities **in anticipation of ... regulatory changes** [*emphasis added*] and to lead the development of IC&I and C&D waste diversion infrastructure in the Capital Region".

Given that a lack of diversion from landfill has been recognized as a significant issue for at least the last 14 years, that little or no progress has been achieved on the regulatory front, together with

the protracted nature of the legislative process, it appears that the situation is unlikely to change anytime soon. It's against this backdrop that Taggart Miller deem it to be "critical to have assured and economical disposal capacity available in order to confidently be able to make the significant investments in the diversion components at the time of project start-up".

If there were new regulations mandating increased diversion, Taggart Miller plans to be the leader in providing the necessary processing capacity for the Capital Region and the secondary service area of Eastern Ontario. While the "ultimate result" may be "much greater levels of diversion", it's obvious that initial plans, as well as those into the foreseeable future, would see the majority of IC&I and C&D wastes going directly to landfill. And this could continue for decades.

Taggart Miller's proposal amounts to nothing more than a series of platitudes and essentially a cover for a landfill operation to deal with their own short and long term need to minimize their tipping fees. Their proposal would turn the North Russell Road Site into nothing more than a dumping ground for The City of Ottawa and Eastern Ontario (and most likely beyond) with devastating environmental consequences, especially given the inevitable contamination of the groundwater.

3. Taggart Miller's proposal for the North Russell Road Site poses a profound threat to ground and surface water with inevitable, irreversible and catastrophic consequences.

Taggart Miller claims that the "presence of standing water [in the quarry] was intermittent" "while the quarry was in operation" as it was "dewatered regularly". This is extremely misleading. The quarry was only ever a seasonal operation, primarily over the summer months, with constant pumping required to keep water levels under control. Furthermore, Taggart Miller apparently believes that the water in the quarry is surface run-off, as proclaimed repeatedly by their consultants without any substantive supporting evidence at their Open Houses. A curious belief indeed, particularly when one considers that the quarry is on top of a hill surrounded by a very flat landscape for as far as the eye can see. It covers a substantial acreage with a depth apparently exceeding 30 feet at its deepest. Even a cursory calculation of its volume would put paid to the notion that it fills up as a result of snowmelt and spring run off, augmented by regular rainfall throughout the year. A precipitation event of biblical proportions would be needed each and every year to fill the quarry under Taggart Miller's preferred scenario. And we haven't experienced one of those since the time of Noah, several thousand years ago. Of course, the reality is that the quarry is constantly replenished by groundwater from the underlying aquifer and augmented to a much, much lesser degree by regular rainfall and snowmelt.

Taggart Miller and their consultants have repeatedly claimed without any substantive and convincing supporting evidence that the aquifer under the North Russell Road quarry is minor and not connected to a large esker to the east that supplies drinking water to many rural towns. We are expected to accept this even though it's a geologically unstable area with a complex network of fractured shale that is in contact with a layer of glacial till that extends from the quarry site to the esker. Taggart Miller seemingly ignores this layer in their assessment. Instead, they focus their attention on a thick deposit of silty clay overlaying the bedrock. They state that "[t]he shale bedrock that underlies the proposed CRRRC property stops about 3.5 kilometres

west of the esker aquifer, and is disconnected from the esker by the presence of an intervening thick, low permeability silty clay deposit and relatively low permeability limestone bedrock”. No mention is made of the layer of glacial till that connects the shale bedrock to the sand flanks of the esker. And, it’s a 35-meter down hill drop from where the glacial till contacts the shale bedrock in the vicinity of the quarry to the sand flanks of the esker. Quite obviously Taggart Miller can’t simply ignore the glacial till layer, which in all likelihood would act as a conduit for contaminated groundwater from the quarry site to the esker.

Even if Taggart Miller digs another hole for a landfill and fills in the quarry, the issue remains the same. We are asked to put all our faith in a liner that probably won’t be compromised, even though it a geologically unstable area. We are also asked to accept that they will be able to effectively “monitor” breaches and rectify the situation. However, in all likelihood, once a breach is detected it would be too late to avoid contamination of nearby wells used for drinking water for families and livestock and other household and farm uses. Of course the impact would escalate dramatically if the contamination could not be locally contained. Perhaps Taggart Miller believe they could establish an ever increasing “exclusion zone” by buying up land surrounding the site.

Taggart Miller claim, without providing any supporting evidence that the “majority” of the development in the villages of Russell and Embrun are connected to a municipal supply from the City of Ottawa and that only “some” individual remain on wells. It’s astonishing, given the critical nature of this issue that they are apparently unable to provide a more accurate account of the number of houses in each community, together with surrounding homes and farms in the rural areas that are on either municipal water or wells. In reality, more than just “some” homes are on wells – there are quite a few. This is, yet again, another glowing example of Taggart Millers blatant attempts to downplay concerns. It’s just simply misleading.

4. Despite Taggart Miller’s apparent belief, the quarry on the proposed North Russell Road Site was only ever a seasonal operation with a limited impact on the neighboring community. This stands in dramatic contrast to what would happen if Taggart Millers wishes for a huge landfill come to pass.

Taggart Miller considers that the North Russell Road Site is attractive “because the site historically had an industrial type use for many years, with the associated site-related traffic including trucks, and it was a relatively large piece of land under single ownership”. What Taggart Miller fails to acknowledge (repeatedly) is that the quarry was only ever a seasonal operation for a few short months over the summer. The quarry pit had to be pumped in the spring before operations could commence and, from all accounts, pumping continued throughout the summer months to control the water levels. The quarry was in fact a mining operation, not an “industrial type” operation with all the associated baggage that Taggart Miller would have us believe. It appears that they are trying to justify their proposal on the grounds that a landfill and “recycling facility” are essentially a continuation of the type of “industrial” activities that have occurred in the past.

As far as “site related traffic” is concerned, it was, once again, a seasonal activity. The coming and going of trucks at the peak of its operations would pale into insignificance compared to Taggart Miller’s proposed operation. Quite simply, Taggart Miller is yet again trying to window-

dress its proposal. However, it doesn't withstand even the most casual scrutiny.

Taggart Miller allude to "quarry activities" on the site having contributed to the "background air (i.e. dust) and noise levels" without mentioning that the quarry hasn't been active for many years and, as discussed above, was only ever a seasonal operation. It was never a year round operation as Taggart Miller would have us believe. Compared to the proposed landfill and "recycling" facility, which would be intensively run year round, the quarry's impact would have been minimal.

5. Taggart Miller is attempting to downplay the proximity and extent of the surrounding rural community to their proposed "mega dump" on the North Russell Road Site.

Taggart Miller states that "[t]here about 30 residences within 500 meters of the CRRRC property boundaries" of the proposed North Russell Road Site. They don't indicate how many farms and hobby farms are within this distance but rather dismissively indicate that there are "also some farm related uses". Furthermore, why have they chosen 500 meters as a cut-off? They don't offer any rationale to support such a distance. In fact, if we increase it to 1,000 meters, then there are approximately 150 residences, including quite a few farms, as well as a subdivision (Stanley Crescent) with at least 42 residences to the North West. Quite clearly, there is a reasonably sized rural community within a very peaceful intensively farmed setting within a very short distance from the Site. Taggart Miller would appear to be deliberately downplaying the significance of the surrounding rural community in an effort to mislead the MOE as to the nature of the surrounding socio-economic environment. While they indicate in their Land Use and Socio-economic work plan that the "Site-vicinity for land use aspects may be increased to 1km ... [t]o provide a more robust review of the Alternative Sites", the preceding discussion should confirm that one kilometer is the absolute minimum distance from the Site boundaries that should be considered, not just for land use but for all aspects of the various work plans.

It's worth noting that there are 15 homes located on land that immediately borders (8) the proposed North Russell Road Site or that are just over the road (7). In dramatic contrast, Lafleche's integrated waste management facility, which is much the same size and scale as Taggart Miller's proposal does not share a boundary with any homes. In fact, the closest home is over 600 meters to the west of the northwestern boundary of the facility. To further underscore just how unsuitable Taggart Miller's site is relative to the number of homes within the immediate vicinity, there are only three to four houses within one kilometer of Lafleche, and just a handful more within three kilometers. The closest village is Moose Creek itself, five kilometers to the south. It should be obvious, all other considerations including the threat to groundwater aside, that the location of Taggart Miller's proposed site is just so inappropriate. Whatever they have been thinking it's certainly not good corporate or environmental stewardship. It's quite simply inexcusable that they would even consider proposing to establish a landfill and "recycling facility" in such a populated area.

Another fact not mentioned in the TOR is that within four to five kilometers from the proposed North Russell Road Site in the village of Russell there are five schools (three elementary and two high schools) with approximately 2,500 students. Quite a few of these students live in the surrounding rural area and travel to school each day on school buses. Obviously, if the proposed

North Russell Road Site were approved, the resulting truck traffic would severely disrupt the school bus routes, leading to inevitable delays and the distinct possibility of serious accidents involving the most vulnerable members of our community.

In addition to concerns involving school bus routes, Taggart Miller's proposal would inflict a traffic nightmare on the community with so many trucks hauling waste. It would obviously have an enormous impact on local traffic flows and significantly accelerate the deterioration in the road infrastructure. Both the Boundary Road and Vars exits off the 417 are the primary access routes for residents and visitors to Carlsbad Springs, Edwards, Russell, Embrun and many other small towns in the surrounding area as well as rural residents and the farming community.

6. Taggart Miller's proposed "mega dump" on the North Russell Road Site will radiate unpleasant, disruptive noises and release foul smelling, invasive odors.

Surprisingly, Taggart Miller have put forward a very superficial work plan to determine the impact of noise associated with operations on the proposed Site and along truck haulage routes. In fact, Volume 1 outlining the proposed TOR makes a passing reference to a "noise analysis [that] will be conducted for on-site stationary sources". That's all very well and good, but what about truck traffic along haulage routes, particularly in the vicinity of the site and their dumping activities once on site? Obviously there would be other non-stationary noise sources including bulldozers, shredders and other heavy machinery.

Not so reassuringly Taggart Miller points to "more detailed studies of background levels" and "noise measurement surveys to determine baseline noise levels at potential sensitive points of reception around the Site and/or along the possible haul route(s)" in their discussion of the "atmosphere environment". Really! Background levels at the existing quarry site! It's very quiet apart from the wind in the trees, some birds and migratory Canada geese and Snow geese in the spring and Fall each year. And these are actually natural, pleasant sounds, not noise.

While Taggart Miller indicate that their proposal will not be approved unless it meets provincial noise standards, it's apparently left to Golder, a consulting firm actually working for them, to undertake a study "to determine the expected noise emissions", including "a noise prediction model". This obviously puts Golder into a position of conflict of interest. It's simply not possible for them to provide assurances that they would not be influenced by the pre-determined wishes of their client (Taggart Miller) and that their work could reasonably be considered to be independent and objective. In such a situation of obvious conflict of interest, who is responsible for peer reviewing their work to verify that their approach, assumptions, inputs, analysis, results, conclusions and proposed noise mitigation measures are all valid and reasonable? In the absence of adequate peer review by independent experts it would be a failed process where little credence could be ascribed to the findings of any studies undertaken for this particular issue, or for that matter, any other studies undertaken by any consultant working for Taggart Miller.

Taggart Miller does not appear to consider the profound impact that noise and odours emanating from a landfill and "recycling facility" will have on people living in their homes in a very peaceful, untainted rural setting in the neighborhood of the proposed North Russell Road Site. They indicates that "[t]he Province of Ontario has regulations and standards for air quality and

noise, which set limits protective of the surrounding environment and the use and enjoyment of property”; that “noise levels at potential sensitive points of reception around the Site” will be measured; and, that “potential effects on existing and proposed off-site agricultural use will be assessed” including on “crop yields” and “livestock facilities”. Somehow we are supposed to be reassured. However, it’s curious that impacts on people themselves do not appear to be considered, unless of course they are considered to be “points of reception”. This is a significant oversight and one of extreme concern to the families and their children in the vicinity (within at least several kilometers) of the site.

7. There’s surely a natural limit on the number of landfills within any given area. Lafleche is already operating a large integrated waste management facility providing exactly the same services (and more) that Taggart Miller are proposing just a few kilometers to the east along Highway 417.

According to Taggart Miller’s “Analysis of Opportunity” the catchment area for the proposed dump (landfill and “recycling facility”) encompasses Eastern Ontario, extending at least as far away as Belleville and Kingston. It seems that Taggart Miller glosses over the fact that there is already a large integrated waste management facility that is providing exactly the same services (and more) that they are proposing to offer just a few kilometers to the east along Highway 417. This facility, owned and operated by Lafleche Environmental Inc. near Moose Creek, “offers integrated solid waste services serving the commercial, industrial, institutional, and residential sectors of Eastern Ontario” (<http://leic.com>). It’s currently in the process of establishing a Transfer Station with longer-term plans for a Material Recovery Facility in the 417 Industrial Park in the Township of Russell near Vars. It’s worth noting that the Industrial Park is already an industrial zone. In contrast, Taggart Miller’s proposed North Russell Road Site is on land that is either zoned as Agricultural or Aggregate.

Taggart Miller’s characterization of the services that Lafleche provides is superficial and potentially misleading. Scant details are provided, with reference made only in passing to Lafleche operating a “waste management facility” and “composting facility” as well as it being a “waste disposal site” and “licensed to treat contaminated soils”. Curiously, Taggart Miller does not discuss either the recycling services currently offered by Lafleche or their future plans. Instead, Taggart Miller focuses on Lafleche’s landfill capacity, essentially assuming that all the IC&I and C&D waste handled by Lafleche goes directly to landfill. Based on this implausible and misleading assumption, Taggart Miller forecasts that the Lafleche’s landfill site will have reached its capacity around 2025.

Quite clearly, Taggart Miller’s projections of a capacity deficit in the coming years are erroneous. There is already ample capacity in the region. Their conclusion that there is “both an opportunity and a need to provide IC&I and C&D waste management capacity” cannot be substantiated. In fact, contrary to what they claim, the private sector is already “taking the lead on investments in diversion and residuals disposal infrastructure” with a “reasonable prospect of meeting local or provincial diversion goals given the current waste management infrastructure”. Obviously, there is no need for Taggart Miller’s proposed “integrated waste management project.”

Even if there were a need, which quite clearly there isn’t, to consider allowing another integrated

waste management facility with its associated mega-dump within a few kilometers of an existing site is not only be indefensible but also environmentally reckless. As far as capacity is concerned, there is surely a natural limit on the number of landfills within any given area.

8. At the end of the day Taggart Miller’s proposal really just comes down to a landfill to reduce their tipping fees and maximize their profit margin. But it’s at a huge cost to the surrounding communities and the environment. It’s not a glowing example of good corporate citizenship!

It’s worth considering Taggart Miller’s “Assessment of alternatives to the undertaking [as per the MOE’s requirements for an Environmental Assessment]”. Perhaps it was a Freudian slip, but they stated that “[i]n order to better meet the waste management **needs of their business** [*emphasis added*], the Taggart group of companies commenced a search for a suitable site for a waste management facility ... in 2010”. In other words, Taggart Miller are seeking ways to reduce their tipping fees, although they would have us believe they are looking to redress a future “capacity deficit” and assist the City of Ottawa and the Province of Ontario in fulfilling their long held waste diversion targets. Taggart Miller’s attempts to dress their project up as one that maximizes diversion and minimizes the disposal of residuals would seem to be a cynical attempt to hit all the right marks to maximize the chances that their TOR and ultimately the overall application will be approved.

In considering whether “the [various] alternatives [to the project] were likely to be approvable” Taggart Miller rather hastily and flippantly dismissed this as an unnecessary step “as all were judged [*by Taggart Miller themselves*] as likely to be approvable”. Similarly, Taggart Miller did not present the screening criterion for whether or not “proven technology” would actually be used as they considered that the various “alternatives were likely [*emphasis added*] to use proven technology”. There is obviously a considerable lack of transparency in this approach as only Taggart Miller is privy to their rationale and supporting evidence, if any.

As far as “proven technology” is concerned, Taggart Miller proposes to build an “Organics Processing Facility” that incorporates a “unique anaerobic digestion process”. By its very nature of being “unique”, it’s obviously unproven. They essentially admit this by indicating that if it’s “not initially approved by the MOE” they “are willing to proceed ... at a demonstration scale”.

Of the five alternatives put forward by Taggart Miller, it’s readily apparent that the only tenable option is “Alternative 1 – Do Nothing”. They have not been able to convincingly demonstrate the need for their proposed integrated waste management facility, particularly considering that a very similar, if not almost identical facility is already operating just down the road nearby Moose Creek.

9. There is simply no need for either of Taggart Millers proposed sites for an integrated waste management facility. Apart from all other considerations, there’s already such a facility operated by Lafleche just down the road.

Taggart Miller would have us believe, that in an apparently rare moment of good corporate citizenship, they took heed of the public outcry over the proposed North Russell Road Site and

chose a second site for consideration. Furthermore, they would have us believe that they would favor just having one site rather than both, even though they are only about six kilometers apart by road. According to Taggart Miller they could not justify the investment to have two sites, one for a diversion/recycling facility and the other for a landfill for “residuals” and “materials that are not diverted”. One could certainly appreciate their concern, particularly if the diversion/recycling facility sits idle while the landfill is going *full steam ahead*. If they were genuinely committed to diverting and recycling waste, two sites could well make sense. This would be much along the lines of Lafleche’s business model. However, as we have seen, since LaFleche is already providing the services in Eastern Ontario that Taggart Miller aspires to, there is no need for either of Taggart Miller’s proposed sites.

10. The rural landscape adjacent to Taggart Miller’s proposal for a “mega dump” on the North Russell Road Site includes properties zoned as residential.

Taggart Miller states that there is no “Rural designated land between the Villages and the Site; that land is designated as protected Agriculture”. They further claim that the surrounding lands to the proposed site are Agricultural Resource, yet our property, which borders the southeastern boundary of the proposed site for a length of 300 meters is zoned Residential. Perhaps Taggart Miller is unaware of the zoning status of particular properties adjacent to their proposed site. If they were, it would be difficult to believe they could possibly be serious in citing a landfill right next door to a residential property.

Taggart Miller states that the “existing land use in the area of the [North Russell Road] Site is primarily agriculture with accessory residential units” and that “[t]here are a limited number of rural residential units on small lots”. It’s unclear what they mean by “accessory residential units”. Do they mean homes? If so, it’s very dismissive terminology as our home, which is located immediately to the south of and shares a boundary with the proposed site is a substantial family home. In addition, our home is not located on a “small lot”. Our property is in fact 25 acres, which is hardly “small”! It appears that Taggart Miller is deliberately trying to down play the significance of the homes in the surrounding area and seemingly mislead the MOE. Either that, or they are just plain ignorant of the facts, which would be even worse.

11. Taggart Millers failure to provide a French translation of the entire TOR effectively marginalizes a large segment of the population in the Township of Russell and beyond. As a result, they have failed to adequately consult with the entire spectrum of “interested persons [in this case the large French community] ... in a reasonable and meaningful way”.

In a recent email exchange between a resident from the Township of Russell and the MOE, the MOE indicated that “under the French Language Services Act, persons have a right to receive available government services and communications in French”. The MOE went on to say that “[t]he same requirement does not, however, apply to non-government third party documents submitted to the ministry or the Minister for review and decision, such as a Terms of Reference”. Although this might be true for documents submitted to the MOE, the fact that Taggart Miller have deliberately chosen to only provide a French translation of a nine page “Executive Summary” and a three page “Notice of Submission” from over 1,500 pages that constitute the

complete TOR underscores just how disingenuous they really are as far as genuine engagement with the public is concerned.

MOE's own Code of Practice (*Consultation in Ontario's Environmental Assessment Process, June 2007*) defines "Interested Persons" amongst other things as "Individuals ... with an interest in a particular undertaking". It should be obvious that language should not be a barrier to effective consultation. Given that at least 40% of the population in the Township of Russell is Francophone, Taggart Miller has a duty of responsibility as a good corporate citizen to provide a full translation of the TOR. In choosing not to do so they are deliberately excluding the Francophone community from fully engaging in the process. While some may have a good conversational level of English, it's another matter entirely to be able to read a lengthy and complex document in English. Important sections are just available in English, for example: Volume 1, which provides a much more in depth overview of the proposed TOR than the cursory "Executive Summary"; the details of the EA/EPA Work Plans (Volume 1, Appendix C); the Consultation record itself (Volume 2 and its numerous Appendices); and the Final Supporting Document detailing the Analysis of the Opportunity and Alternatives to (Volume 3).

It's obvious that Taggart Miller's failure to provide a French translation of the entire TOR effectively marginalizes a large segment of the population in the Township of Russell and beyond. They have failed to deliver. How can Taggart Miller possibly claim to have provided for the entire spectrum of "interested persons [in this case the large French community] to participate in a reasonable and meaningful way" in the consultation process?

12. Taggart Millar has failed to ask even the most basic of questions in their consultation process as to whether or not a landfill and/or "recycling" facility was needed or wanted in the community.

Amongst other factors Taggart Miller indicates that they will compare the alternative sites by taking "into account as appropriate the relative importance or ranking of the different site evaluation environmental components as established by the public consultation process". Sounds great. But how much confidence can one have in a survey or questionnaire conducted by the proponent? They pose the questions, collate and analyze the results and draw conclusions. Apart from very poor response rates, for example 154/600 (26%) at Open House #1 and even worse at Open House #2 (20/190 = 11%), the attendant biases are almost palpable. While Taggart Miller indicate that "the Dump the Dump Now opposition group advised attendees not to fill in comment sheets" at Open House #2, they fail to appreciate that the community has lost confidence in their consultation process. At both Open Houses, Taggart Miller made use of the classic *divide and conquer* technique. Rather than provide the opportunity for those in attendance to benefit from the general discussion and communal brainstorming associated with a traditional Town Hall meeting, Taggart Miller deliberately broke it up by inviting people to "review our displays and speak with our representatives". Obviously, having the opportunity to review displays and ask questions is welcomed. But, by not going to the next step and enabling attendees to regroup for an open public discourse, Taggart Miller has failed to truly engage with stakeholders.

In the interests of fairness and due process and to avoid the inevitable biases in situations such as

these, surely an independent survey by a reputable company should have been commissioned. Given that this is not the case, the results from Taggart Miller's consultations can only be viewed with suspicion. Indeed, while the "consultation" undertaken by Taggart Miller may give the impression of having been thorough and targeting all the right areas, their consultations do not withstand scrutiny. Not surprisingly, even a simple and profoundly obvious question concerning whether or not a landfill and/or "recycling" facility was needed or wanted in our community, was simply not posed. They decided on their own, based on their own self-interest, that such a question was redundant. It was apparently, such a self-evident "good idea" that they just simply skipped over it.

13. Taggart Miller ignores even the most fundamental risk assessment principles by leaping to a pre-determined outcome and working backwards.

Taggart Miller indicates that if the North Russell Road Site is chosen as the preferred site they would undertake some "initial work ... **to demonstrate** [*emphasis added*]... that the proposed landfill is capable of satisfying the [Provincial Regulatory] requirements ... in terms of groundwater protection, monitoring and contingency planning". This smacks of a pre-determined outcome. Any work undertaken should adhere to core risk assessment principles, which certainly do not include demonstrating a pre-determined outcome. A risk assessment provides a structured approach to determine what can go wrong, how likely it's to go wrong, how serious it would be if it went wrong and what can be done to reduce the likelihood and/or the seriousness of it going wrong. As a result, any work undertaken should have the objective of identifying the potential opportunities whereby groundwater could become contaminated and determining the likelihood that it can be effectively protected; that monitoring could be successfully implemented; and, that any proposed contingency measures would mitigate the devastating impacts of groundwater contamination in the short, medium and long term.

14. How much confidence can we have in a consultation process that is initiated, run by and reported on by a proponent without any recourse to independent oversight?

Who is responsible for peer reviewing the TOR to ensure that it's adequate? It seems odd that the proponent is in the box seat in terms of driving the consultation process and the overall Environmental Assessment. Where is the objectivity and independence? It does not seem reasonable that the proponent is not only responsible for initiating public consultation but that it's also on their terms. They set the agenda, the questions posed etc. This obviously introduces biases. The proponent even analyzes the results and reports on them in the TOR without any recourse to engaging an independent group to undertake a structured and unbiased survey of opinion and tease out the issues.