

Frequently Asked Questions – SWM Landfills

Q. Why did Southwest Middlesex's landfills close?

- A. Council took the following information into consideration when making the decision to close Limerick Drive landfill and temporarily close Trillium Drive:
- as the approval authority, the Ministry of the Environment and Climate Change (MOECC) made it clear to the municipality that they were not going to permit the municipality's landfills to continue to operate as they had done for many years;
 - the municipality's insurer reviewed ministry inspection reports and withdrew environmental/pollution liability insurance in 2016;
 - the municipality does not currently have insurance for potential claims associated with the environmental impacts of either landfill;
 - a municipally-directed operational review of the Limerick Drive Landfill concluded that the landfilling area was full and based on available records there was limited use by residents of the site;
 - the MOECC increased the number of requirements for operating at Trillium Drive Landfill from two conditions to approximately 230 conditions in January 2018;
 - the new conditions reflect the MOECC's expectations for landfill operations;
 - MOECC told the municipality that noncompliance incidents may be referred to their Investigations and Enforcement branch for investigation and potential prosecution;
 - the operational review of the Trillium Drive Landfill proposed options for closure and for expansion. The landfill cell being used at Trillium Drive Landfill appears to be nearly full, and to construct a new cell an approved Operational Plan must be in place to meet the MOECC's conditions;
 - council had concerns that continued landfilling operations at the sites could cause greater environmental issues and may cause additional remediation and closure costs not yet identified;
 - there is little to no existing information as to the extent or possible effects of previous landfill operations.

Not following the new rules and environmental laws for our landfills is not an option for the Municipality or for Council. Closing the landfills provides the municipality with time to investigate the Trillium Drive landfill site with the assistance of a qualified Engineering firm to provide a proper informed assessment of the Trillium site as to operation and/or closure plans and the preparation as set out in the ECA.

Council made its decision based on advice received from its solicitors on several occasions, and from consulting engineers with experience in landfill operations.

Q. What is the Ministry of the Environment and Climate Change’s role leading to council’s decision to close the landfills?

A. The MOECC has allowed the municipality to operate its two landfills since the early 1970s with two general conditions:

- That only clean wood and brush be burned; and
- That garbage be compacted and covered.

Routine inspections of the landfills were conducted to determine if the municipality was adhering to the requirements and if there were other concerns.

MOECC notified Southwest Middlesex that due to ongoing operational deficiencies identified during past inspections, the Trillium and Limerick landfills have been flagged as priority sites for annual inspection. The ministry identified that these landfills would continue to be considered priority sites for inspection until the municipality could achieve ongoing compliance with the ECAs, the Environmental Protection Act, and any other statute, regulation or legal requirement.

The ministry advised Southwest Middlesex that the compliance with the Environmental Protection Act is expected, and cited section 186(3) which states “(e)very person who fails to comply with the terms and conditions of an environmental compliance approval, certificate of property use or renewable energy approval or of a license or permit under this Act or who fails to comply with the terms of a report under section 29 is guilty of an offence”.

Failure to comply could result in fines and jail time.

Q. What information from the insurance company led to council’s decision to close the landfills?

A. In 2016, Southwest Middlesex’s municipal insurer excluded the pollution/environmental liability impairment insurance based on the MOECC 2014 inspection reports of the two landfills.

Southwest Middlesex’s current insurer has noted all inspection findings of the landfills as a ‘pre-existing condition’. This means that a claim arising as a result of the conditions of the landfills would be excluded from insurance coverage leaving the municipality open to significant financial risk.

Q. What information from the Middlesex County solicitor led to council’s decision to close the landfills?

A. Council received legal advice about legal obligations for council members, the corporation and for staff related to environmental and health and safety laws. Additionally, County CAO Bill Rayburn informed the municipality that if Southwest Middlesex Council was unwilling to comply with environmental laws, the County would have to withdraw their legal representation on files related to the landfills.

Q. Why couldn't SWM just pay the MOECC fine and continue to operate?

A. Fines are levied per day and continue until the particular violation has been brought into compliance.

Environmental penalties can be levied as follows:

- ❖ Less Serious Offence (i.e. failure to comply with an order):
 - Not more than \$250,000 PER DAY;
 - Not more than \$500,000 PER DAY for any subsequent conviction
- ❖ Serious Offence (i.e. discharge any material that may impair the quality of water):
 - Not less than \$25,000 and not more than \$6,000,000 on a first conviction PER DAY;
 - Not less than \$50,000 and not more than \$10,000,000 on a second conviction PER DAY;
 - Not less than \$100,000 and not more than \$10,000,000 on each subsequent conviction PER DAY

Q. Why was there not any public consultation before the decision to close?

A. Council has discussed the landfill issues in public session over the past nine months, and also formed a landfill committee where members of the public attended landfill tours and heard presentations with the committee. Council members are elected to both represent the public and to uphold their fiduciary responsibilities to the municipal corporation. The threat of fines, exposure to insurance claims, and lack of legal representation were the reasons for council's action. There will be decisions to be made in the coming month's related to service levels and costs that council will discuss.

Q. How do I get rid of my garbage?

A. Roadside garbage and recycling pickup will continue as usual and is available to all SWM residents. Trash must be in a clear bag with a bag tag affixed.

The Twin Creeks site in Watford can take waste and has a minimum charge of \$75.

Q. Where do I buy bag tags?

Bag tags are \$1.75 each and available at the following locations:

1. Ace Hardware, Glencoe
2. Bryan's Variety, Glencoe
3. Dave's Café, Wardsville
4. Dreamcatchers, Glencoe
5. Glencoe Library
6. Glencoe Pharmacy
7. Muscutt's Country Store, Appin
8. Newbury Foodmarket

9. UPI Gas Station, Glencoe
10. Wardsville Library
11. Wilton Mini Mart, Melbourne

Residents will need to hold on to items too large for curbside pickup until a transfer station can be opened.

Q. When will a waste transfer station be open?

A. SWM is working to get a transfer station set up at the Trillium Drive site where residents can bring items that they cannot dispose of through the household curbside pick-up program.

The municipality is working with the MOECC to have temporary station operational in the near future.

Q. Am I able to remove items from the landfill?

A. Scavenging at any landfill site is prohibited by law.

Q. What other options are there for dealing with my waste?

- A. There are several certified waste haulers including, but not limited to:
- i. Waste Management
 - ii. Waste Connections of Canada
 - iii. Emterra
 - iv. Wilson's 5 Star Mini Bin
 - v. Global Waste Disposal London Ltd
 - vi. Aarts Trucking Inc.
 - vii. Canadian Containers

Q. Where can I find more information and reports on the landfill?

A. Reports have been compiled and placed on the SWM website for viewing at: <http://www.southwestmiddlesex.ca/Public/Garbage-and-Recycling>

Q. Will taxes increase to deal with waste management?

- A. Staff were directed to work with an engineering firm to prepare an analysis comparing the cost of the following options:
1. re-open Trillium site as a landfill operating under all of the ECA requirements
 2. function with a transfer site and continue to haul curbside waste to Waste Management's Twin Creeks site in Watford.

The known and estimated costs of the options will be made available to council for use in making decisions on managing waste and serving the community.

The MOECC has made it clear that we are unable to continue to operate as we have in the past.

Q. Is it OK to burn my garbage?

A. No. Municipal by-law 2001/075 states that 'no person shall conduct, or permit to be conducted, an open air burning within the boundaries of the Municipality unless permission has been given by the Fire Chief of the applicable area.