



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

October 30, 2009

BY FAX

The Hon. John Gerretsen
Minister of the Environment
77 Wellesley Street West,
11th Floor, Ferguson Block
Toronto, Ontario
M7A 2T5

Dear Minister Gerretsen:

RE: NEED FOR IMMEDIATE CLOSURE OF RICHMOND LANDFILL SITE

We have received a copy of your letter dated October 26, 2009 to Chief R. Donald Maracle of the Mohawks of the Bay of Quinte (MBQ) in relation to the Richmond Landfill Site.

As you may know, we are counsel for the Concerned Citizens' Committee/Tyendinaga & Environs (CCCTE), which consists of persons living immediately beside or near the Richmond Landfill Site, as well as other concerned residents within the Township of Tyendinaga and the Town of Greater Napanee.

Please be advised that our clients share the MBQ's well-documented concerns about the environmental risks associated with the continued operation of the Richmond Landfill Site. Our clients also strongly agree with the MBQ that your Ministry must take all necessary steps to ensure the prompt and permanent closure of the Richmond Landfill Site.

On this point, we note that the Environmental Commissioner of Ontario has recently reviewed the available evidence, and has specifically recommended that "the MOE require the immediate closure of the Richmond Landfill" (2008-09 Annual Report, Recommendation 11). Among other things, the Environmental Commissioner concluded that:

The ECO believes that the continued operation of the site poses an unjustified risk to the environment and urges the MOE to require the orderly closure of the site immediately. The geology of the site is inherently unsuitable for waste disposal... Contamination of the groundwater appears to be inevitable. Closure of the site would lessen the amount of leachate entering the groundwater and therefore the risk.

The ECO is concerned that even a robust monitoring program will not reliably detect groundwater contamination and will not provide sufficient lead time to implement protective measures...

In conclusion, the ECO believes that there are compelling environmental reasons for MOE to require the immediate, orderly closure of the site, and no compelling social or economic reasons for continuing to keep it open (2008-09 Annual Report Supplement, page 176).

We are unclear why your October 26th letter to Chief Maracle makes no reference to the site closure recommendation made by the Environmental Commissioner, even though the ECO's 2008-09 Annual Report was provided to the Ontario Legislature approximately three weeks before you wrote to Chief Maracle about this very matter.

In any event, CELA agrees with the ECO and MBQ that it is now incumbent upon your Ministry to utilize its mandatory abatement tools under the *Environmental Protection Act* to require the proponent to implement the following measures forthwith:

- the immediate cessation of all waste disposal activities at the site;
- the proper capping, covering and closure of the site; and
- the provision of appropriate post-closure care (i.e. site maintenance, monitoring, reporting, remedial work, financial assurance, contingency measures, etc.).

In our view, these closure and post-closure requirements are long overdue, and must be immediately imposed by your Ministry in order to protect the environment and safeguard public health and safety.

In closing, we note that it was almost exactly three years ago that your predecessor, the Hon. Laurel Broten, correctly refused to approve the proposed expansion of the Richmond Landfill Site because of unresolved environmental concerns. In our view, it now falls to you to finish the job by ensuring the immediate closure of the existing Richmond Landfill Site because of unresolved environmental concerns.

We look forward to your timely reply to our clients' request for immediate closure of the Richmond Landfill Site.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Richard D. Lindgren
Counsel

cc. The Hon. Leona Dombrowsky, M.P.P.

Gord Miller, ECO

Doris Dumais, Director, MOE EA & Approvals Branch

Gayla Campney, MOE Regional Director

Chief R. Donald Maracle, MBQ

Reeve Margaret Walsh, Tyendinaga Township

Mike Bosio, CCCTE