

June 11, 2010

Ms. Peggy Van Mierlo-West
Director of Community Services
Municipality of Lambton Shores
9575 Port Franks Road, RR #1
Thedford, ON N0M 2N0

Dear Ms. Van Mierlo-West:

Between February 22 and March 30, 2010, the Minister of the Environment received four requests asking that the Municipality of Lambton Shores (Municipality) be required to prepare an individual environmental assessment (EA) for the proposed Grand Bend 'Zone 3' Sanitary Sewage Collection System (Project).

As a result of the Part II Order requests, Ministry of the Environment (MOE) staff have thoroughly reviewed the Project documentation and determined that the Municipality has not meet the requirements for public consultation under the Municipal Engineers Association's Municipal Class Environmental Assessment (Class EA).

Given that every property owner within Zone 3 will be impacted as a result of this Project due to direct costs to connect to the proposed municipal sewage system and property impacts as a result of construction activities required for the hook-up, all property owners located in Zone 3 should have been directly contacted by the Municipality.

As per the Class EA, proponents are required to consider all stakeholders, including property owners, who may be affected by the Project. The Class EA also requires that proponents develop a public consultation plan that considers, as a minimum, potential stakeholders and general timing for contact. The Municipality has confirmed to MOE staff that not all property owners in Zone 3 received a copy of the Notice of Completion.

In order to meet the consultation requirements required by the Class EA, the Municipality is required to complete the following steps before the Ministry will consider the Part II Order requests:

1. The Municipality is required to re-issue the Notice of Completion (NoC) for a 30 day public review period. The Project documentation shall be made available for public review and comments. If concerns cannot be resolved with the Municipality, the public will have a further opportunity to submit a written request for a Part II Order to the Minister of the Environment.



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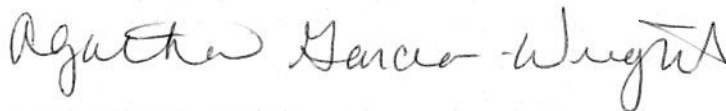
2. The NoC will be issued during the months of June, July, or August to provide both seasonal and non-seasonal residents an opportunity to comment on the Project.
3. The City will mail out a copy of the NoC to each owner of a property located in Zone 3 and publish the NoC in the local newspapers.
4. The Project File will be available for viewing during the comment period on the Municipality's website and available at a public location that is accessible to property owners.

Once the above requirements have been completed, MOE staff will undertake the review of the Part II Order requests received between February 22 and March 30, 2010, in addition to any other requests received after the re-issuance of the NoC. I encourage you to continue to work with the requesters and attempt to resolve the concerns raised in their Part II Order requests and in the letters of concern.

Until the Municipality completes the required consultation and the Minister of the Environment has decided on the Part II Order requests, the Municipality does not have approval under the *Environmental Assessment Act* to proceed to Project implementation. I would like to ensure that the Municipality understands that failure to comply with the EAA, the provisions of the Class EA, to meet the requirements outlined above, and to implement the Project in the manner as described in the Project File, are contraventions of the EAA and may result in prosecution under section 38 of the EAA. I am confident that the Municipality recognizes the importance and value of the EAA and will ensure that its requirements and those of the Class EA are satisfied.

Should you have any questions about the information provided in this letter, please contact Mr. Michael Harrison, Supervisor, Environmental Assessment and Approvals Branch at 416-314-7237.

Sincerely,



Agatha Garcia-Wright
Director, Environmental Assessment and Approvals Branch
Ministry of the Environment

c: Requesters
Mr. Louis Tasfi, Ph. D., P. Eng., Project Manager, Dillon Consulting Limited