December 14, 2007

His Worship Fred Eisenberger
Mayor of the City of Hamilton
Hamilton City Centre
77 James Street North, Suite 230
Hamilton, ON L8R 2K3

Dear Mayor Fred Eisenberger:

Thank you for your October 25, 2007 letter, and subsequent letters from City of Hamilton staff, dated November 12 and December 10, 2007, to the Director of the Environmental Assessment and Approvals Branch (Director) in which you request that the proposed Liberty Energy Centre (Project) be elevated to an individual environmental assessment (EA) under the Environmental Assessment Act. I am pleased to respond on behalf of the Director.

It is the understanding of this ministry that the Project is currently being developed by Liberty Energy Inc. (Liberty Energy) under the Environmental Screening Process (ESP) for waste management projects. The ESP is a planning process prescribed by Waste Management Projects Regulation, Ontario Regulation 101/07, that proponents must follow for projects of this type in order to be able to proceed with the project under the Environmental Assessment Act. Despite this process, proponents may, in response to requests from the public such as yours, be required to prepare an individual EA.

Staff at this ministry will review the issues and concerns you have cited as reasons for which an individual EA should be prepared. Your request will be forwarded to Liberty Energy. Liberty Energy will be directed to review your request and to provide any project documentation and other information necessary to assist the ministry in its review of your request. This information will be considered by the Director when making a decision about the request. Where required, ministry technical staff and staff at other agencies may also review the matter.

On the basis of this review and other matters required to be considered by the Director under the ESP, the Director will make a decision about whether or not an individual EA should be prepared by Liberty Energy for this Project. In accordance with the ESP, the Director’s decision must be made within 30 days of receipt of all the necessary information from Liberty Energy required to evaluate the elevation requests and make a decision.

If a decision is made that an individual EA should be prepared, it is subject to a government review, following which the Minister and Cabinet must decide whether or not to approve the
proposed Project. If the Director denies the request, Liberty Energy may proceed with the Project to completion under the ESP and subject to any other permits and approvals required.

The Director has the option, if she decides to deny the request, to impose conditions on the Project. This allows the proponent to proceed with the Project, subject to the fulfillment of the conditions imposed.

The Director has the options, prior to making a final decision about your request, to require the proponent to conduct additional study or referring matters in connection with your request to mediation.

Please note that personal and other information in your letter such as name, address, and telephone number and your concerns with this project will form a part of the public record on this matter. If you wish this information to be excluded from the public file, this Branch must be advised. Notwithstanding the above, this information may still be obtained by members of the public if the ministry is required to disclose it under the Freedom of Information and Protection of Privacy Act.

Thank you for taking the time to share your concerns regarding this Project. You will be notified in writing of the Director’s decision once it has been made.

If you have any questions regarding the ministry’s review of your request, please call Ms. Alissa Sugar of this Branch at (416) 314-8311.

Yours sincerely,

[Signature]

Sarah Paul
A/Manager, Client Services Section
Environmental Assessment & Approvals Branch

c: Mr. Wilson Nolan, Chief Executive Officer, Liberty Energy Inc.
Mr. Doug Robertson, Conestoga Rovers and Associates