

M.O.E. Policy Manual

POLICY TITLE	PARTICIPATION IN HEARINGS ON WASTE DISPOSAL SITES	NO. 14-02-01
<u>Legislative Authority</u> the Environmental Protection Act, Part V		
<u>Statement of Principles</u> This policy concerns the maintenance of the neutrality of the Ministry during the course of hearings on Waste Disposal Sites. The policy is intended to permit the Director of Approvals to arrive at an impartial decision on a Certificate of Approval for Waste Disposal Sites. <u>Definitions</u> <u>Director of Approvals</u> <u>Certificate of Approval</u> Director of Approvals refers to an employee of the Ministry appointed in writing as "The Director" by the Minister to exercise authority over the operation of Waste Disposal Sites. Legislative Authority: the Environmental Protection Act, Section 4, "Certificate of Approval" refers to the authorization by the Director for the operation of a Waste Disposal Site including the terms or conditions of the certificate. Legislative Authority: the Environmental Protection Act, Section 31.		
<u>Point of Contact</u> Director Legal Services Branch		
<u>Effective Date</u>		

1. Ministry Participation in Hearings on Waste Disposal Sites

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| 1.1 <u>Neutrality at Hearings</u> | Neither the Ministry nor its Directors will convey partisanship for an applicant in a Hearing nor shall they demonstrate or appear to demonstrate partisanship for interested parties in an application unless specifically authorized. |
| 1.2 <u>MOE Technical Reports</u> | MOE technical reports concerning the proposed Site will be available to the Environmental Assessment Board and to all parties to the Hearing on equal basis. |
| 1.3 <u>Testimony by MOE Employees</u> | MOE employees who have expertise and information concerning the proposed Site will be available to testify on the request of the Board. |
| 1.4 <u>Counsel</u> | No counsel will be provided by MOE at the Hearing except to assist MOE staff who are called upon to testify and only during that portion of the hearing when they are testifying. |
| 1.5 <u>Expert Witnesses</u> | Ministry expert witnesses may, when asked, testify based upon the conclusions reached within the limits of the expertise. They must advise the Hearing that such opinions are not necessarily those of the Ministry. |
| 1.6 <u>Departures From Neutrality</u> | <p>(a) if sufficiently strong reasons indicate a departure from neutrality, the Regional Director shall ask to be made a party to the Hearing to put forward his position;</p> <p>(b) where the Ministry has initiated an application for approval for a Waste Disposal Site under the Environmental Assessment Act the Ministry will of necessity become a proponent. MOE employees will be required to depart from neutrality in the normal discharge of their duties.</p> |

14-02-03

2. Authority for Waste Disposal Site Hearings

2.1 Current
Practice

The Environmental Protection Act is the prevailing authority for Waste Disposal Site Hearings.

2.2 Practice
Where OMB
Involved

In the future where approval of the Ontario Municipal Board is also required, the Hearing conducted shall address both environmental and planning matters.