

REGIONAL SOLICITOR'S REPORT NO. RS-17-81

SITE "F" UPDATE

FEBRUARY 13TH, 1981



LIST OF ATTACHMENTS

TO REPORT RS-17-81

1. Resolution
2. Order of the Minister of the Environment dated February 9, 1981
3. Chronological Record of the Actions of Regional Council relative to Solid Waste Management since 1974
4. Site Selection Map
5. Costs
6. Cabinet Confirmation of O.M.B. Decision
7. Correspondence from Legal Counsel, Osler, Hoskin & Harcourt re Tremaine Britannia Citizen Group's payment of costs
8. Correspondence with Town of Milton re passage of Official Plan and Zoning By-law Amendments, and letter from Osler, Hoskin & Harcourt
9. Regional Municipality of Halton By-law No. 109-78

THE REGIONAL MUNICIPALITY OF HALTON

Report to Chairman J. N. Raftis, P.Eng., and
Members of Regional Council Date 1981 02 13
From Dennis Y. Perlin Report No. RS-17-81
Re: Site "F" Update

RECOMMENDATIONS:

1. THAT the Resolution set out in Schedule "A" to Regional Solicitor's Report RS-17-81 requesting funding in the approximate amount of \$250,000 by the Ministry of the Environment to carry out the requirements of The Environmental Assessment Act with respect to the Site "F" sanitary landfill project be passed and Regional Staff authorized to carry out the requirements contained therein.
2. THAT the Town of Milton Council be respectfully urged one last time to pass the Official Plan Amendment and Zoning By-law Amendment with respect to Site "F" as ordered by the Ontario Municipal Board prior to the taking of proceedings as deemed necessary by Legal Counsel to the Region, Osler, Hoskin & Harcourt, and as previously authorized by the past Regional Council.
3. THAT the request to the Region by the Tremaine-Britannia Citizens Group that any entitlement to interest with respect to the payment of costs awarded against that group by the Ontario Supreme Court in dismissing that Group's action to set aside the Decision of the Ontario Municipal Board be granted and the payment of their portion of the costs be accepted without interest. The Regional Solicitor is authorized to sign the necessary Satisfaction Piece on behalf of the Region.

REPORT:

A INTRODUCTION

As reported extensively in the press, by Order dated February 9th, 1981, the Minister of the Environment, Dr. Harry Parrott, has requested that The Environmental Assessment Act apply to the undertaking by the Region of developing and operating a proposed sanitary landfill site at Site "F" at the northwest corner of Tremaine and Britannia Roads in the Town of Milton and that the public hearing under The Environmental Protection Act shall be deemed not to be required or permitted.

A copy of the Minister's Order and his Reasons are attached. Such Order has been made despite detailed submissions to the contrary by this writer on behalf of Regional Council as a whole, and additional personal submissions by Chairman Raftis and Mayor Bird.

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B BACKGROUND(1) Opening

The first two parts of this report may be somewhat boring for existing Councillors as it is a review of the Solid Waste Program for Halton and in particular the sanitary landfill component; namely, Site "F".

The Regional Municipality of Halton began its foray through the Solid Waste Management field back in 1975.

The "long day's journey into night" commenced for the Region because of its statutory obligation under The Regional Municipality of Halton Act, Section 131, which is as follows:

"(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste and no area municipality shall provide such facilities."

possible amendment

It is important to remember when considering a topic that becomes as emotional at times as solid waste disposal does, that the Region is not in the field of solid waste disposal by choice but rather by obligation.

*NB **

The writer has attached a chronology of all Resolutions and proceedings carried out by Regional Council since 1974 to show you the extensive work by Council since 1974 in attempting to put in place a comprehensive Solid Waste Management Program in Halton.

The basic four components of the Solid Waste Management Program in Halton which were identified even prior to Regional Government in a Solid Waste Disposal Study carried out by the County of Halton by McLaren's and which components have carried on through initial studies by M. M. Dillon Limited in 1975 and 1976, and then by Kilborn Limited 1979, are as follows:

- (i) source separation
- (ii) transfer station(s)
- (iii) resource utilization
- (iv) sanitary landfill

(2) Source Separation

With respect to the first component of Source Separation: a marketing feasibility study has just recently been filed with the Region and has been referred to the Area Municipalities

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for comment. That is the Resource Integration Systems Report previously received by this Council. Hopefully the Region and the Area Municipalities will be meeting in the near future to co-ordinate a Region-wide program of source separation which will call on the Area Municipalities to handle that part of the program which is in their jurisdiction; namely, collection, and to the Region in its jurisdiction of disposal; namely, storage and marketing.

(3) Transfer Station(s)

With respect to the second component of Transfer Station(s): Council has already committed itself to the provision of a transfer station in Halton Hills as the furthest point away from any locations of actual disposal, such as a resource utilization facility or sanitary landfill site. As part of the Capital Budget for this year, funds are being proposed for the engineering, design and construction of the transfer facility in Halton Hills.

(4) Resource Utilization

With respect to the third component of Resource Utilization: both M. M. Dillon Limited(1975/76) and Kilborn (1979) have recommended a Refuse-Derived Fuel (RDF) Facility as the best resource utilization or resource recovery facility for the Region to get involved in at this time. The process foreseen prior to actual commitment to an RDF Facility is a marketing program to see who and where the Refuse Derived Fuel can be sold to, and a test burn of the fuel at the purchaser's location and preliminary engineering for more accurate costing purposes. Because the Capital Contributions of the Region only reflect the sanitary landfill component, as that is the only existing solid waste component, Regional Council imposed on new development a Resource Utilization Fee of \$100.00 per unit or block to assist in raising funds for the preliminary engineering and market development for a resource utilization facility and it is hoped that by the end of the year 1981 there will be \$150,000 available from those fees. The other \$150,000 to \$175,000 that is estimated to be necessary is also part of the Capital Program this year so that hopefully in this year, 1981, as committed by previous Councils, this Council will get on with the actual preliminary engineering, marketing and testing of the Resource Utilization Facility proposal. Regional Council however, has always made it clear that if and when the preliminary engineering, marketing and testing show that a Resource Utilization Facility is feasible, then the Provincial Government must come through with major subsidies as it has done in the past for major new municipal proposals such as bridges and sewage treatment plants in the hard services field, and in health and social services in the soft services field.

Regional Council has felt that it is fair to request from the Province at least a subsidy of 80% considering the promotion by the Province of getting into "energy from waste" projects and continuing to call on the Provinces to get into "reduction of reliance on sanitary landfill" programs.

(5) Sanitary Landfill

One of the major objectives of the Solid Waste Management Program in Halton is to reduce reliance on sanitary landfill. However, it has been said many times and, indeed, it is said again in the reasons for the Order of the Minister with respect to Site "F", that "the Ministry of the Environment has determined that even if other methods of handling waste are implemented, there will continue to be some need for landfill".

Unfortunate as some may consider that statement to be, that is fact; that is reality, and as a result the need to have available a sanitary landfill component in the Solid Waste Management Program in Halton forms part of the statutory obligation of Regional Council.

You will see from the attached chronology that that particular component has, because of the opposition that that particular component has generated, formed a major part of the time and effort spent by Regional Council in past years on solid waste matters.

The search for the sanitary landfill component began with the M. M. Dillon Limited "Site Selection Study" which was their first volume of the two volume Resource Recovery Study which they did for the Region in 1975 and 1976. The "Site Selection Study" identified some eleven locations throughout Halton where sanitary landfill might be located. A copy of the map depicting those eleven locations is attached.

As part of the further work in that Site Selection Study, five of those locations were eliminated almost immediately. Regional Council then, in 1976, did what are called "Stage 1 investigations" of six locations and from the results of those identified the preferred location as "Site F", a location in the Tremaine - Britannia area of the Town of Milton.

The second preferred alternative was a two-site combination consisting of one location in Burlington between Walkers Line and Appleby Line, north of Highway 5 (Site "B"), and another location in Oakville just east of Highway 25 on the Lower Base Line (Site "D").

It is important to note that most, if not all, of the locations being considered by Regional Council faced opposition from those who might be resident near to the sanitary landfill, should it be located there.

Perhaps because of the opposition and/or perhaps because of the costly detailed investigative studies necessary, Regional Council decided to pursue one location as far as testing and studies were concerned and only if that location proved fruitless because of the testing and studies would Regional Council then move on to another location. The

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preferred location, i.e. Location "F", was chosen as the Location to test, study and investigate.

C SITE "F"

(1) Opening

In pursuing the sanitary landfill component, the Region engaged the planning and engineering firm of M. M. Dillon Limited as its over-all consultant.

The first major testing and study initiative as to whether or not Regional Council should continue to pursue a sanitary landfill at Location "F", was hydrogeology. As I am sure many of you know, one of the detrimental factors for a sanitary landfill is that rain water and surface drainage do infiltrate into the covered garbage, mix with the garbage, and at times produce a pollutant which has been called "leachate". The idea is to avoid contamination of surface and ground water by leachate from a landfill site. Whether that can be done at any particular location and how is the purview of the hydrogeologist.

Therefore, M. M. Dillon Limited engaged a sub-consultant, Gartner Lee & Associates, a very experienced, very reputable hydrogeological firm in Ontario to do the hydrogeological investigation of Site "F". That particular investigation was staged. The writer has already talked to the "Stage 1 investigations" which were carried out, not only at Location "F" but at five other locations. There were further investigations known as "Stage 2 investigations" which were positive, i.e. that Location "F" would be a good location for a sanitary landfill as far as being able to control leachate production was concerned, and to avoid its getting into the surface or ground water was concerned, and in Stage 3 that more detailed investigative work further confirmed the finding of the suitability of Site "F" from a hydrogeological point of view and also narrowed down the area within Location "F" (originally 2,500 acres) to one where a landfill might best be located, namely north of Britannia Road and west of Tremaine Road.

The hydrogeological investigation done, and it having proved that Site "F" would be a suitable location for a landfill from a hydrogeological point of view in the sense that leachate could be controlled and taken away from the site without much danger, if any, of the leachate pollutant getting into the surface or ground waters, the Region then moved on to the remainder of the studies and the approval process.

Originally four approvals were identified for sanitary landfill at Site "F". One of those approvals, namely the approval of the Town of Milton to acquire the land necessary, has been eliminated by reason of a 1980 Court Decision in the County of Oxford.

However, the three other approvals were as follows: (a) Planning Approval - Official Plan and Zoning By-law, (b) Financial Approval, and (c) Environmental Approval.

Since 1977 the Region has been attempting to obtain the three approvals mentioned above and has faced concerted and strenuous

opposition from both the Town of Milton and from a rate-payers opposition group known as the "Tremaine-Britannia Citizens Group."

The writer has attached a breakdown of the costs which the Region has expended since 1975 on attempting to gain approval for the sanitary landfill component; namely Site "F", and you will see that the total costs are approximately \$3,100,000 if one takes into account the studies leading to and on Site "F" itself and the Interim Waste Disposal Plan.

To show the extensive study which has been done leading to Site F and on Site "F" itself, I will just list all of the studies which have been done:

O.M.B. APPLICATION

Regional Municipality of Halton - Resource Recovery Study - Interim Report - Site Selection Study - January, 1976

Halton Region - Landfill Site Selection - Location F - Stage 2 Hydrogeology Report - January, 1977

Halton Region - Landfill Site Selection - Location F - Stage 3 Report - Hydrogeology - June, 1977

Regional Landfill Site - Hydrogeological Study - Stage 4 and Final Report - October, 1978

Feasibility Study for the Agricultural Rehabilitation of a Proposed Landfill Operation: Region of Halton - August, 1978

Interim Waste Disposal Feasibility Study - September, 1978

Review of Landfill Alternatives - October, 1978

Regional Landfill Site - Woodlot and Vegetation Analysis - December, 1978

Regional Landfill Site - Transportation Analysis - December, 1978

Regional Landfill Site - Noise Impact Analysis - November, 1978

Regional Landfill Site - Planning Report - December, 1978

Regional Landfill Site - Potential Bird Hazards to Aircraft - December, 1978

Regional Landfill Site - Design and Operations Report - December, 1978

Review of Waste Quantities and Characteristics - February, 1979

ENVIRONMENTAL PROTECTION ACT APPLICATION

Regional Landfill Site - Environmental Analysis - March 1980

Regional Landfill Site - Environmental Analysis - Supplementary Report - Wildlife Study - August, 1980

Regional Landfill Site - Hydrogeological Study - Update March, 1980

Regional Landfill Site - Noise Impact Analysis - Update February, 1980

Regional Landfill Site - Hydrology Report - May, 1980

Feasibility Study on the Agricultural Rehabilitation of a Proposed Landfill Operation: Region of Halton - Update February 1980

Regional Landfill Site - Design and Operations Report - Update May 1980

Table A- Projected Solid Waste Quantities - May, 1980

Table B - Projected Populations - May 1980

(2) Planning Approval

Planning approval was necessary for the Region because the Official Plan and Zoning By-laws then in effect in the Town of Milton would not permit a sanitary landfill at Site "F".

Applications were made in August-September of 1977 for the necessary changes in the Official Plan and Zoning By-law. The Town throughout the next few months made certain investigations and requested certain information from the Region.

The Region gave the information that the Town requested and because the application was somewhat confusing as to the size and extent of operation at Site "F", the application was clarified by Regional Council to indicate that the size of the site as a whole would be no greater than 246 acres and that the term of life would be 2,000,000 tons.

The "term of life" was chosen by way of tonnage because tonnage was closer than trying to set an absolute life in terms of years. Sanitary landfill sites are designed and contoured. The amount of garbage that can go into a particular design to achieve the particular contours depends to a great extent on the type of garbage and the compaction that the operation is able to achieve prior to covering any particular load of garbage. If one uses a reasonable compaction figure and knows generally the type of garbage that will go to the site, then one can calculate fairly accurately the number of tons that will probably be able to be landfilled at the site.

In the case of Site "F", the type of garbage is to be limited to solid waste (there would be no liquid industrial waste; no hazardous waste) and it would be solid waste of a residential, commercial and industrial mold.

In addition, the Region has had experience with respect to compaction results at its other locations. The suitable design for a site the size of Site "F", considering the land available, and the type of buffering and woodlot protection that is necessary, would, considering the type and compaction factors, allow for a site of approximately 2,000,000 tons.

When the 2,000,000 tons would be achieved in terms of years would be dependent on many factors, including whether or not the Region got into source separation, resource utilization, and whether the rates of garbage generation went up or down and whether the population growth rates were up or down and what those population growth rates were.

At first the 2,000,000 tons was considered to be adequate for the entire Region considering no resource recovery and no source separation for approximately six years. Now it is expected that should Site "F" gain approval, 2,000,000 tons would last the Region approximately eight years with no source separation and no resource recovery.

Obviously if source separation and/or resource recovery come into play that would extend the term of the site in terms of years.

The tonnage life in addition to being more accurate in terms of life in order to achieve the design and contours proposed is also considered to be an incentive to getting into other forms of solid waste disposal such as source separation and resource recovery because by getting on with those particular components and getting them into operation prior to the site at Site "F" being filled, that could extend the life of the sanitary landfill site in terms of years and spread out the landfill investment in terms of years.

While the planning process at the Town level did result in the clarification of the scope of the landfill project at Site "F", the Town unfortunately would not agree to amend its Official Plan and Zoning By-law.

This refusal resulted in appeals by the Region to the Ontario Municipal Board. The Ontario Municipal Board held a three month hearing during the months of January, February, and March, 1979 before a two-member Board.

That Board examined Site "F" in great depth. It heard approximately 60 witnesses and had filed with it over 200 exhibits.

The Ontario Municipal Board, in addition to hearing about Site "F", made a ruling that it would listen to evidence with respect to any site proposed for landfill in Halton.

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Indeed it heard extensive evidence from the Town and from the Tremaine-Britannia Citizen's Group and other opposition groups as to the suitability of one other location over Site "F", and that was Location "A", which is the location at which is found the existing Regional landfill site in Burlington and also is the location in which are found the lands of National Sewer Pipe, for which National Sewer Pipe are, as you know, proposing the establishment and operation of a private sanitary landfill.

There was evidence led to a small degree on other locations, but the major location proposed as an alternative to Site "F" was Location "A". >

The Ontario Municipal Board rendered its Decision in June of 1979. That Decision gave planning approval for a sanitary landfill at Site "F" and resulted in orders to the Town of Milton to amend its Official Plan and Zoning By-law to permit that use. >

The Ontario Municipal Board Decision itself is attached to this Report and I WOULD STRONGLY URGE ALL MEMBERS OF COUNCIL TO READ AND/OR REREAD THAT DECISION IN ITS ENTIRETY. I find it very difficult to believe that the Minister of the Environment read that Decision before making his own Decision with respect to The Environmental Assessment Act. * NB

The Town of Milton and the Tremaine-Britannia Citizens Group appealed the Decision of the Ontario Municipal Board to the Supreme Court of Ontario. Their attempt was to have the Decision set aside. That attempt failed and costs were awarded against both the Town and the Tremaine-Britannia Citizens Group. >

The third Recommendation set out above is designed to deal with that particular awarding of costs. When an Order as to costs are awarded against parties, those parties can be said to be liable both jointly and severally for those costs, particularly in this situation in the way they were awarded.

The Town of Milton, after some delay by having the Bill of Costs as prepared by the Region's Legal Counsel taxed, actually did pay one-half of the Bill, but the Tremaine-Britannia Citizens Group ignored all requests to pay their half until very recently when a cheque was forwarded. The Region is entitled to some interest on the half of the Bill which was left outstanding, however the amount being paid by the Tremaine Britannia Citizens Group as their half is \$1,672.50 and the interest is a very small amount. In order to get this matter resolved and in order to show the Region's continuing fairness in this matter, the writer has made the recommendation that the interest be waived as requested by the Tremaine-Britannia Citizens Group. >

In addition to the Court Decision, the Town of Milton and the Tremaine-Britannia Citizens Group and other objectors, petitioned the Cabinet to set aside the Ontario Municipal Board Decision.

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The Cabinet awaited the Decision of the Court and after the Court had dismissed the appeals of the Town and the Tremaine-Britannia Citizens Group, THE CABINET ITSELF CONFIRMED THE DECISION OF THE ONTARIO MUNICIPAL BOARD. A copy of the Cabinet Confirmation is attached.

Thus, with the Cabinet Decision, the planning approval became final.

The Town and the Citizens Group were still not satisfied and even before the Orders could be finalized by the Board, a further hearing had to be held in front of the Board to have the wording finally established.

The wording finally established, the Orders were sent to the Town of Milton in approximately March of 1980, and since that time the Town has refused to pass the Official Plan Amendment and Zoning By-law Amendment concerned.

Regional Council requested the Town to please pass the Amendments as the Tremaine Britannia Citizens Group insisted and continue to insist that until those Amendments are passed, no environmental approval should even be applied for, let alone the environmental process continued.

After initial refusal by the Town, the Region passed the following resolution on October 1, 1980:

"THAT the Council of the Town of Milton be respectfully requested to pass forthwith the Official Plan and Zoning Amendments as ordered by the Ontario Municipal Board. If the Town of Milton Council will not pass the necessary amendments within a reasonable period of time from this request, then the Regional Legal Counsel (Osler, Hoskin & Harcourt) and Regional Staff are hereby authorized to take any and all proceedings that may be necessary to finalize the Planning Authorization for Site "F"."

The writer has made further attempts and has exchanged the attached correspondence with the Town of Milton to try and avoid further confrontation between the Region and one of its Area Municipalities in the Courts.

My last appearance before Milton Council in this regard was in January, and at that time a resolution of deferral was passed requesting a report from the solicitor for the Town, Mr. Fred Leitch, Q.C.

I am informed that an opinion will be forthcoming from Mr. Leitch in the next week or so and that the Town will deal with the issue once again, within the next week or two.

I have asked Regional Legal Counsel for their opinion as you can see from the attached correspondence, and the reply from Mr. Sexton was short and succinct and that is that the Region should attempt to have the Orders enforced by the Courts. > *

The second Recommendation above would be sent to the Town in the hope that the Town will deal with the issue one more time and hopefully in a positive way to avoid Court confrontation and the costs connected therewith.

The writer must emphasize the importance of having the Official Plan and Zoning By-law Amendments put in place.

If environmental approval is never obtained and then Regional Council at some point should eliminate Site "F" completely from its program, then obviously the by-laws could be repealed by the Town if it so wished, probably without objection. In the meantime, however, Site "F" is still the location chosen by the Region to pursue for the sanitary landfill component and the one approval still necessary is environmental approval. > explain
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NB

The writer has received arguments from Legal Counsel for the Tremaine-Britannia Citizens Group that environmental approval should not even have been applied for, let alone further pursued, until the Official Plan and Zoning By-law are actually amended. I am not sure that Legal Counsel for the Tremaine-Britannia Citizens Group is correct but costs of environmental approval are too great to have it set aside at some later point because the Region was wrong in making application and/or pursuing environmental approval when the Official Plan and Zoning By-law were not actually amended so that the planning approval might be said to be not actually in place.

Secondly, I believe it is important that those buying lands in the area (and there are sales and purchases going on in the area) be cognizant of the fact that someday there may be a sanitary landfill in the location concerned.

I am sure that many of those who are buying land in the area now are aware of that possibility, but then again they may not be, and there should be notice of that given to future owners. The reason for trying to ensure prior knowledge is that it may have overtones for the Region should the Region consider the payment of any injurious affection claims or compensation claims for those residents near Site F if it should ever go into operation and cause any injurious affection.

Those buying land now with notice of what the use might be expected to be would be hard-put, in my opinion, to complain later of any injurious affection.

(3) Financial Approval

I have attached to this package a copy of a by-law which has been given two readings with respect to Site "F" and that is By-law No. 109-78. That is a by-law that would authorize the actual undertaking and expenditures thereon up to 3.7 million dollars. That by-law has only been given two readings and as a result the studies and legal expenses have been coming out of current funds.

The by-law could not be passed until environmental approval was received, and environmental approval could not be received until planning approval was received. >

The approval for the by-law comes, as any other financial approval does which may require debenture issuance, from the Ontario Municipal Board.

Because the planning approval was on its way to the Ontario Municipal Board, it was decided by the Regional Council back in 1978 that it would be wise to give two readings to the financial by-law and have it sent to the Ontario Municipal Board at the same time as the planning approval.

There was very little evidence offered against the Region's ability to finance the particular project and as a result the Ontario Municipal Board Decision in June of 1979 gave financial approval to the project.

(4) Environmental Approval

The rules of the game concerning environmental approval for a landfill site were that until June 3rd, 1980 the environmental approval for a sanitary landfill was obtained by making application under The Environmental Protection Act. When one made application for approval of a sanitary landfill, or any other waste disposal facility operating for the benefit of 1,500 people or more, an environmental hearing-site specific to the project would be held prior to environmental approval.

An environmental hearing could be held by the Director of Environmental Approvals or he could "farm it out" to the Environmental Assessment Board, which is what he has always done. >

With the Cabinet confirmation of the Ontario Municipal Board Decision in February of 1980, the Regional consultants filed the Application for Environmental Approval under The Environmental Protection Act according to the rules of the game as they had been since 1975 and still were, and that is under The Environmental Protection Act. AB
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That filing was done on May 30th, 1980.

Without any prior notice, the Province of Ontario, on June 3rd, 1980, passed a Regulation which brought into effect the 1975 Environmental Assessment Act for certain municipal projects; namely, projects of \$2,000,000 or more, and waste disposal sites. The Act had not been applicable to municipal projects at all since first passed in 1975 and to this day is not applicable to private projects such as the National Sewer Pipe Sanitary Landfill Proposal in Burlington. Indeed, even for provincial landfill projects like South Cayuga an exemption has been granted.

There was, however, a "grandfather" provision in the Regulation which provided that where a project had been authorized by by-law or resolution prior to the Regulation and where 25% of the funds were expended within three years of the date of the Regulation, i.e. by June 3rd, 1983, then that project would not be affected and covered by The Environmental Assessment Act.

With the numerous resolutions of Regional Council indicating that Site "F" was the preferred location for the sanitary landfill component, and with By-law No. 109-78 having had two readings and approval of the Ontario Municipal Board, Regional Staff and Legal Counsel felt confident that the "grandfather" provision of the new Regulation under The Environmental Assessment Act exempted the Region from the provisions of The Environmental Assessment Act.

The Town of Milton disagreed, however, and so the Town went off to the Supreme Court and the Supreme Court determined that a by-law given only two readings and/or resolutions indicating the possibility of a landfill at Site "F" and the preference of Council for a landfill at Site "F", was not actual "authorization". "Authorization" meant a by-law duly passed, i.e. with three readings or clear resolutions saying "this shall be the site".

An attempt was made by the Region to appeal the Decision to the Ontario Court of Appeal, but the Ontario Court of Appeal refused leave.

That Supreme Court Decision then meant that Site "F", with respect to environmental approval, was now covered by two Acts, The Environmental Protection Act and The Environmental Assessment Act.

Because The Environmental Assessment Act itself provides that once an environmental assessment is prepared and submitted that an environmental hearing can be held by the Environmental Assessment Board with respect to the project, that would mean that in the case of facilities such as waste disposal sites, there could be two environmental hearings, one under The Environmental Protection Act and one under The Environmental Assessment Act.

The Provincial Legislature in its wisdom did not believe that two environmental hearings should be necessary and therefore there was a provision in The Environmental Assessment Act (Section 35) which gave power to the Minister to order which Act was to apply in such cases.

The Minister of the Environment determined after the Court Decision was made that he would wish written submissions and he received approximately 70 submissions.

The Region's submission is quite detailed and I have not attached a copy. However, the thrust of the Region's argument was that it just was not fair nor necessary to change the rules of the game as the game was about to end. This was especially so in light of the fact that an exhaustive Ontario Municipal Board Hearing had been held at which all persons interested were invited to attend and make submissions, and where the Ontario Municipal Board made a specific ruling that they would look at alternative locations to Site "F" if anyone wished to present such evidence. Indeed, as stated previously in this Report, such evidence was led.

One of the major features of The Environmental Assessment Act is the ability to have alternatives considered and the advantages and disadvantages of those alternatives weighed against the project concerned. That was done by the Ontario Municipal Board. Some may argue that it was not as extensive as it could have been, and others may argue that it was. But it was done.

Further, the Region argued that the site specific hearing under The Environmental Protection Act is more appropriate now in light of the Ontario Municipal Board Decision and the Cabinet confirmation of same.

Those who wanted The Environmental Assessment Act thought that a fairer comparison would be made under the provisions of The Environmental Assessment Act than was made before the Ontario Municipal Board.

As one can see from the Order of the Minister, those arguing in favour of The Environmental Assessment Act have gotten their way and the Minister has so ordered.

(5) Interim Waste Disposal Plan

In July of 1978, the Regional Council authorized a Study to be carried out by M. M. Dillon Limited of the feasibility of an Interim Waste Disposal Program. Back in July of 1978 the Town had just finally refused Planning Approval, but the matter had still to go to the Ontario Municipal Board.

In addition, predicting when sites will reach capacity is not a science. Because compaction can be good one year and not so good the next, and the amount of garbage can change from one year to the next, predictions in terms of time when a site will finally close, are simply "guestimates". This has improved in 1980 and since with more sophisticated photography but still the predictions are best guestimates.

Regional Councils over the years were faced, and future Regional Councils will continue to be faced with best "guestimates" as to when existing landfills will be expected to reach their design contours, and without further expansion have to be closed.

In July, 1978, there was discussion that the then existing sites may well have to close in late 1978 or early 1979 and at that particular point in time, it was known that Site F just could not get approval in time, nor were any other solid waste disposal facilities available to the Region.

Thus, a feasibility study was authorized and in September, 1978, M. M. Dillon Limited filed their study. Their study contained a number of options, all of them involved sanitary landfill and the one that was finally chosen consisted of small expansions to the existing Burlington and Oakville sites.

From September of 1978 and through to October of 1980, a period of some two years, the Region proceeded along the approval route for those two small expansions.

The route in Oakville was fairly rocky for a while, but Planning approval was finally received in May of 1980 and Environmental approval shortly thereafter. Fortunately, no Planning Hearing was necessary because the Town agreed to amend the Official Plan and Zoning By-law and no objectors continued their objection to the Ontario Municipal Board. As far as Environmental approval is concerned, a public meeting was held, wherein no one indicated any objection to there being no Environmental Hearing; the Town did not object to there being no Environmental Hearing; and because the existing contours were then just being reached, the Director of Environmental Approvals used his "urgency" powers under the Environmental Protection Act and gave a Certificate of Approval for the site without an Environmental Hearing.

With respect to the expansion of the Burlington Site, a general Parkway Belt exemption was received by Regions in 1979, so that Planning Approval was unnecessary. However, the City of Burlington did agree subject to certain conditions which the Region was prepared to meet and an Environmental Hearing was held in April of 1980 under The Environmental Protection Act. The Environmental Assessment Board recommended approval for the application and a Certificate of Approval was finally issued by the Director of Environmental Approvals in October or November, 1980.

The Site in Oakville now is the expanded site and the predicted date at which its tonnage capacity of some 255,000 metric tonnes is expected to be reached is in the fall of 1982 and the absolute

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date for closure by agreement with the Town of Oakville is May of 1983.

The Burlington expansion program is underway and there the expansion is expected to reach capacity some time late in 1984 assuming Oakville closes in the fall of 1982, so that all garbage in the Region is going to the Burlington site as of the fall of 1982.

The Interim Waste Disposal Plan, including Feasibility Study, approval process and construction has cost and by time of completion will cost the Region some \$2.5 million.

The approval process for Site F directly has cost the Region net, some \$700,000.

In my opinion, if there had not been the opposition to Site F that there was, Site F could have been available for sanitary landfill prior to the filling of the existing sites before their expansions and thus, in placing a dollar figure on what the Region has spent in its approval process for Site F, the total, including all investigative studies leading up to Site "F" should be considered 3.2 million dollars.

D MINISTERIAL ORDER

The writer has reviewed the Ministerial Order under Section 35 of The Environmental Assessment Act.

The writer has also reviewed the provisions of The Environmental Assessment Act itself.

undating [] It appears to this writer that there is no appeal of an Order by a Minister under Section 35 of The Environmental Assessment Act except by way of a Government or Private Bill through Legislative Assembly to try and overturn the Ministerial Order. The writer is not recommending that route as it does not appear to be a route which is likely to have any success.

The Order therefore, must be accepted.

It is probably an understatement to say that this writer is greatly disappointed in the Decision of the Minister, particularly when one reviews the reasons for giving same.

[*] If one reviews the "Reasons" for the decision, one will note that the Minister seems to completely ignore the Site Selection and public participation processes that were followed in Halton and also the fact that a broad, extensive 3-month hearing where alternatives could be considered and indeed were considered was held under the provisions of the Planning Act by the Ontario Municipal Board.

One is left with the belief that the Minister just could not have read the Ontario Municipal Board Decision, nor the Cabinet confirmation of that Decision.

Further, for the Minister to talk of being able to carry out this process in a length of time which "will not be undue" is misguided if not naive. Just the preparation and submission of the environmental assessment may take one year and its review four to six months. Then, if a Hearing has to be arranged, held and a Decision rendered, that could take another six months. That is two years and without many hitches or delays. The Region will be hard-pressed to meet the time constraints although they may appear substantial at this time.

Finally, to indicate to the Region "to follow the procedure (under The Environmental Assessment Act) through to developing an operating site prior to the remaining capacity at its existing sites being exhausted" is the ultimate of insults, for if the Region had not acted responsibly in carrying out its statutory duties by bringing into effect an Interim Disposal Plan, then at this time there would have been no existing sites to be exhausted in Halton.

Further, the Minister's Decision ignores the fact that none of the submissions in opposition to the Region's position put forth any facts (a lot of conjecture, but not facts) that could dispute the Region's claim that a sanitary landfill at Site F, can be put in, in a manner which will not result in an "engineering disaster". The woodlot can be protected; berms can be erected for aesthetic, noise, dust and litter control purposes; the lands for the most part can be rehabilitated to agriculture; traffic impacts even from the Region as a whole are minimal; neighbouring land use conflicts need not be severe at all if the Region performs the way it says it will. Those facts are completely ignored by the Minister in his Decision and any information to the contrary is not supported by any scientific data by those in opposition.

Finally, the Minister gives absolutely no reason why he has decided to change the rules of the game, when the game was near its end and when the obvious reasons for the submissions by many of those who made submissions in opposition to the Region's position was for the purpose of further delay; a hope that such a move would put off the establishment and operation of the landfill at Site F as long as possible, if not permanently, or at least a chance at another independent Board where the results might be different than before the Ontario Municipal Board.

The "changing of the rules" in fact, is so bad, that it has made the Region of Halton unique to the Province of Ontario. That is the case, because the Regulation which I spoke of before that was filed in June of 1980 has been amended to make it clear that where there has been any by-law given two readings, such as the case with Halton By-law No. 109-78, then the "grandfather provision" contained in the Regulation would now apply. In other words, the Government of Ontario was really saying that when they passed the original Regulation in June of 1980, they did not intend to cover

projects such as Site "F" at all. In light of such an amendment then what valid reason can there be for making the Environmental Assessment Act apply on a unique basis to this project.

The writer has prepared the attached Resolution which I am asking this Council to consider passing because I sincerely believe that this Region has done more than its part in the expenditure of money and effort in the carrying out of studies with respect to establishing a suitable sanitary landfill component as part of its Statutory obligation.

Considering the amounts the Region has already spent and since the Province of Ontario has now made the Region of Halton unique, surely it must be prepared to cover the cost of carrying out the provisions of The Environmental Assessment Act which it has imposed upon us.

My discussions with staff here and with M. M. Dillon Limited would lead me to conclude that the costs will be at least \$250,000 if not a great deal more, considering the fact that alternative methods and alternative locations will have to be greatly canvassed.

The writer believes that a Petition to and a meeting with the Premier and the key Ministers should be arranged by the Regional Chairman and Members of this Council in an attempt to secure the funds that are necessary to carry on with the environmental approval process for Site "F" under The Environmental Assessment Act if that is what must be.

The writer, in setting out the costs, has not included any costs for the hearing itself which, if held, would be somewhat more expensive, in my opinion, than an Environmental Protection Act hearing only because at least one hearing would have been necessary anyway for environmental approval even under The Environmental Protection Act and perhaps we should not be unreasonable in our funding request.

The writer in setting forth a resolution for funding is only taking into consideration the funding necessary for the further studies and investigations.

E THE ENVIRONMENTAL ASSESSMENT ACT PROCEDURE

Without elaborating in too much detail, the essence of The Environmental Assessment Act is that the Region will have to prepare and submit an environmental assessment.

An environmental assessment is a document which sets out the following:

- i) the description and purpose of the undertaking
- ii) a description and statement of the rationale for the undertaking

- iii) alternative methods of carrying out the undertaking
- iv) alternatives to the undertaking
- v) a description of the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly by:
 - a) the undertaking
 - b) alternative methods of carrying out the undertaking
 - c) alternatives to the undertaking
- vi) the effects that will be caused or that might reasonably be expected to be caused to the environment by:
 - a) the undertaking
 - b) alternatives methods of carrying out the undertaking
 - c) alternatives to the undertaking
- vii) the actions necessary that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment by:
 - a) the undertaking
 - b) alternative methods of carrying out the undertaking
 - c) alternatives to the underakting
- viii) evaluation of the advantages and disadvantages to the environment of:
 - a) the undertaking
 - b) alternative methods of carrying out the undertaking
 - c) alternatives to the undertaking

Once the environmental assessment is prepared, it is submitted to the Minister of the Environment who causes a review of the environmental assessment to be prepared and to give notice of the environmental assessment to all interested parties.

The interested parties are then invited to inspect the environmental assessment and the Minister's review of same, make written submissions concerning the environmental assessment

and any ministerial review of same, and if they so desire request a hearing by the Environmental Assessment Board with respect to the project, the environmental assessment and the Ministry of the Environment review of same.

2, [Under The Environmental Assessment Act, a hearing must be held where one is requested "unless in his [Minister of the Environment] absolute discretion he considers that the requirement is frivolous or vexatious or that a hearing is unnecessary or may cause undue delay".

It might therefore be said that an environmental hearing may not yet be finally required in that it may not be requested, or if requested that the then Minister of the Environment could if he so wished determine that any such request made after the environmental assessment has been prepared, submitted and reviewed is "frivolous" or "vexatious" or "that the hearing is unnecessary" or "may cause undue delay".

Obviously, only time will tell as to what the actual situation will be with respect to a hearing.

In closing this discussion with respect to the requirements of The Environmental Assessment Act, it is important to notice the difference between "environment" under The Environmental Assessment Act and therefore the broad scope that an environmental assessment must have in its preparation as opposed to the more site specific situation under The Environmental Protection Act.

Under The Environmental Assessment Act, the "environment" is defined to mean:

- " (i) air, land or water,
 - (ii) plant and animal life, including man,
 - (iii) the social, economic and cultural conditions that influence the life of man or a community,
 - (iv) any building, structure, machine or other device or thing made by man,
 - (v) any solid, liquid, gas, odour, heat, sound, vibration, or radiation resulting directly or indirectly from the activities of man, or
 - (vi) any part or combination of the foregoing and the interrelationships between any two or more of them,
- in or of Ontario;"

Under The Environmental Protection Act, the definition of "natural environment" is strictly physical and is said to mean:

"the air, land and water or any combination or part thereof of the Province of Ontario"

In order to prepare the environmental assessment, more work will have to be done with respect to Site "F", in my opinion, in the area of "social, economic and cultural conditions that influence the life of man or the community", and then with respect to at least two or three other locations, all of the areas that have been previously studied with respect to Site "F" have to be canvassed in sufficient detail so that a fair evaluation can be carried out of "the advantages and disadvantages to the environment of the undertaking, the alternative methods of carrying out the undertaking, and the alternatives to the undertaking".

As shown above, not only will the alternatives to the undertaking, i.e. alternative locations, have to be canvassed, but also alternative methods of carrying out the undertaking which we have taken to mean such things as source separation, resource recovery, out-of-Region landfill sites, out-of-Region solid waste resource utilization facilities such as the Ministry's Downsvew Plant, SWARU in Hamilton-Wentworth, the Ontario Paper Proposal in Thorold, etc.

As you can see, a lot of work has yet to be done in order to prepare an environmental assessment under The Environmental Assessment Act, and \$250,000 may be too little.

The writer is, however, proposing that we go to the Province now and obtain a commitment to funding and give the approximate amount of \$250,000 with the final amounts to be determined once the Province has committed itself to the funding and a determination made by the Region as to the extent of the environmental assessment that will have to be carried out.

As far as timing is concerned, while it may appear that the Region has approximately 2½ years before the Region will actually have to start construction of a new sanitary landfill facility to be ready to receive garbage when the Interim Waste Disposal Program comes to an end, that 2½ years can fly by and this writer is not convinced that an environmental assessment can be completed and submitted, public participation carried out, a hearing held, if necessary, and Decisions rendered, all in that period of time.

F LAND ACQUISITION

At this point in my Report, the writer would like to make mention of the "forgotten people" in this whole exercise. Site "F" is not presently owned by the Region. The present owners of Site "F" are two companies and they have for some time been attempting to sell the land. Their attempts have not been very active attempts and, indeed, considering reality, their attempts could not be that active because of the on-going proceedings concerning Site "F".

The present owners have been paying taxes and have had other carrying costs with respect to Site "F" for some time now, and at

one time the Region took options and paid for those options but Court Decisions earlier made it clear that those options should not be taken by the Region until at least planning approval was obtained.

Further, The Environmental Protection Act provides that no by-law to finance any of the undertaking can be passed until a Certificate of Approval is received and the moneys that were to be used to buy the land were to come out of the general project By-law No. 109-78.

The writer knows that the existing owners are somewhat anxious and therefore unless I hear any objections from Regional Council, the writer would propose investigating the legality of the Region either leasing or buying the Site "F" lands at this time and the writer would discuss with the owners what their positions might be.

Not only does the writer consider this fair in light of the patience and good will shown by the owners over these last four years, but also to ensure in the time frame we are now talking about with respect to carrying on an environmental assessment and perhaps an Environmental Assessment Board Hearing, that steps can be taken to ensure the lands such as the woodlot on the southwest part of Site "F" are protected. The writer is informed by the persons who have carried out the environmental analysis for the Region on Site "F" that there has been some damage to the woodlot. The woodlot is important to the Region, not only because of its environmental aspects, but also because it gives tremendous aesthetic assistance to the Region in the sense of screening those properties that are west of the site on Britannia Road and/or on Bell School Line from any sanitary landfill operation.

If the Region can either lease or acquire the land from the owners at this time, then the site could be fenced and protected.

It should be noted in order to avoid excitement or anxiety by the opponents that if the Region were to go so far as acquiring the lands and then environmental approval was not received and/or the Region decided not to proceed with Site "F" any further, then the lands could be sold as surplus.

It might very well be that in light of our budget there is no room in the current budget this year for the approximate \$800,000 that might be necessary to buy the land. The writer therefore intends to first explore the possibility of leasing the land for perhaps the validated carrying costs and taxes. There may be some persons who are using some of the existing lands for pasture and sub-lease arrangements could be made between the Region and those people, if the Region ultimately leases the lands.

Cont'd ...

The writer, in any case, will explore the possibility of acquiring and/or leasing the lands both on a legal and practical basis and will report back to Council in due course.

WHERE DO WE GO FROM HERE?

At this particular point, the writer is only recommending that we pursue the Province for funding for the carrying out of an environmental assessment.

If the Province is willing to commit itself to fund the environmental assessment that is required, then this Council could determine how it wishes to proceed with the environmental assessment. >

That may include the calling of proposals by various consultants for carrying out an environmental assessment or it may simply be an extension of the existing contract with M. M. Dillon Limited to lay out the way that the environmental assessment should be proceeded with.

Whatever the situation, options will be presented to Council concerning the proceeding with an environmental assessment as soon as word is received from the Province confirming funding.

If the Province refuses to fund the environmental assessment, I believe that this Council will have to examine very carefully where it wishes to go from here as I truly and sincerely believe that the Region of Halton has expended more than sufficient funds already in a thorough examination of the sanitary landfill component. With respect to Site "F", the Region has studied that particular proposal to the "nth degree" and to this date there is no evidence that any disaster would be engineered at Site "F" or any evidence that the Region could not carry on a well-operated landfill at that Site. [Options]

Further, the writer truly believes as do I hope most Regional Councillors do, that if we are to get on with the work necessary in other components such as source separation and resource utilization, i.e. components that can reduce reliance on sanitary landfill, the Region just cannot go on spending more and more dollars, and in my opinion unnecessary dollars, on the sanitary landfill component.

Let us hope, however, that the Ministry will be responsive to the request for funding.

Respectfully submitted,



Dennis Y. Perlin
Regional Solicitor
DYP/gh

Attach.

The Council Regional Municipality of Halton



Date: _____

Number: _____

Resolution

Moved by: _____ Seconded by: _____

WHEREAS The Regional Municipality of Halton has since 1975 been pursuing the implementation of a solid waste management program consisting of the four components of source separation, transfer, resource utilization, and sanitary landfill;

AND WHEREAS the Province of Ontario, through its Ministry of the Environment, has said on many occasions and in many locations that those four components are reasonable basic components of any solid waste management program;

AND WHEREAS the Province of Ontario, through the present and past Ministers of the Environment, has indicated that considering the stage of technology now and for the foreseeable future sanitary landfill definitely, even if unfortunately, must be one part of a solid waste management program;

AND WHEREAS The Regional Municipality of Halton has been attempting to satisfy the sanitary landfill component to this date by obtaining approval for a sanitary landfill at the location known as Site "F";

AND WHEREAS in seeking to obtain approval for a sanitary landfill at Site "F", the Region has been following the rules as they were set down by the Province of Ontario in 1975 and since, through The Regional Municipality of Halton Act, The Municipal Act, The Ontario Municipal Board Act, The Planning Act, The Environmental Protection Act and The Environmental Assessment Act;

AND WHEREAS those rules provided for the obtaining of three essential approvals; those being Planning, Financial and Environmental;

AND WHEREAS prior to any Regulations being passed by the Province in June of 1980 bringing into operation for environmental approval of municipal projects The Environmental Assessment Act, the Region of Halton

Chairman

Cont'd

The Council Regional Municipality of Halton



Date: _____

Number: _____

Resolution

Moved by: _____ Seconded by: _____

Page 2

had obtained Planning Approval and Financial Approval for Site "F" from the Ontario Municipal Board and the Cabinet and had filed for Environmental Approval as required under the then existing rules pursuant to The Environmental Protection Act and in doing so had gone to considerable length in study and expense to make such application for Environmental Approval under The Environmental Protection Act;

AND WHEREAS acting in a responsible manner Regional Council of The Regional Municipality of Halton, instead of waiting for the existing landfill locations in Burlington and Oakville to reach their capacity as they did in late 1979 and early 1980, decided in 1978 that perhaps Site "F" would not receive approval in time and therefore authorized after considerable study and expense the implementation of an Interim Waste Disposal Plan consisting of very costly small expansions to the existing landfill sites in Burlington and Oakville (\$2,400,000);

AND WHEREAS the Region, being so responsible, avoided a "crisis" situation which would have left the Province with no choice but to have approved Site "F" and by the most expedient approval route, which could have included no environmental hearings at all under the "emergency" provisions of The Environmental Protection Act and long before the new Environmental Assessment Act Regulations were passed;

AND WHEREAS the Province of Ontario has by the Decision of the Minister of the Environment dated February 9th, 1981 under The Environmental Assessment Act changed the rules of the game just as the game was about to end with the approval of Site "F";



AND WHEREAS the Region has already expended \$3,100,000 on its Interim Waste Disposal Plan and on attempting to gain approval for Site "F" in a responsible manner with great study by responsible consultants, and sub-consultants and through the use of responsible

Chairman

Cont'd

The Council Regional Municipality of Halton



Date: _____

Number: _____

Resolution

Moved by: _____ Seconded by: _____

Page 3

and reputable legal counsel;

AND WHEREAS the change in the rules will now require somewhat more detailed study and investigation in the area of Site "F" itself in order to prepare and submit an environmental assessment;

* < AND WHEREAS in addition to examining Site "F" itself, alternative methods and alternative locations will have to be updated and more extensively examined and compared so as to fulfill the requirements of preparing and submitting an environmental assessment;

AND WHEREAS in order to carry out that comparison in a fair and equitable manner such that persons living near or in the vicinity of any alternative locations to be considered, can say that the advantages and disadvantages of their location(s) have been fairly weighed against those of Site "F", more funds in an amount of at least \$250,000 will be required to carry out the extensive studies required;

* < AND WHEREAS the Province of Ontario through Ontario Regulation 486/80 as amended has made it clear that no other sanitary landfill site proposals in the Province of Ontario in the same or similar position to Site "F" will have to meet the requirements of The Environmental Assessment Act;

AND WHEREAS such a unique situation must and should be recognized by the Province by the provision of the extra funding required;

NOW THEREFORE BE IT RESOLVED THAT:

1. The Government of Ontario, and in particular the Premier of the Province, the Treasurer, the Minister of

Chairman

The Council Regional Municipality of Halton



Date: _____

Number: _____

Resolution

Moved by: _____ Seconded by: _____

Page 4

Intergovernmental Affairs, and the Minister of the Environment be respectfully requested to grant to the Region of Halton sufficient funds to permit the Region to carry out in a fair and equitable manner and then prepare and submit an environmental assessment as required by the Province through its changing the rules near the end of the game with respect to Site "F". Such funds are absolutely necessary in order to carry through and meet all of the broad requirements of The Environmental Assessment Act in preparing an environmental assessment. The approximate amount of funding required is \$250,000.

2. In considering whether or not to grant this particular request, that the Government of Ontario be called upon to consider the uniqueness of the Halton situation and the good faith that Regional Council has shown in its attempt to meet its statutory duties in waste disposal in a responsible way.
3. This request be forwarded to the present local members of the Provincial Legislature, The Honourable James Snow, George Kerr, Q.C., M.P.P., and Julian Reed, M.P.P., and all candidates running in the March 19th, 1981 Ontario election in the local ridings for their endorsement and support.

Chairman



Office of the
Minister

Ministry of the
Environment

416/965-1611

135 St. Clair Avenue West

Toronto Ontario

M4V 1P5

February 9, 1981

Mr. G. Brown
Clerk
Regional Municipality
of Halton
1151 Bronte Road
OAKVILLE, Ontario
L6G 6E1

Dear Mr. Brown

RE: THE REGIONAL MUNICIPALITY OF HALTON
AND ITS APPLICATION FOR A CERTIFICATE
OF APPROVAL FOR A WASTE DISPOSAL SITE

I enclose the decision and reasons for decision in the above matter. The decision placing the establishment of a landfill site under The Environmental Assessment Act and the reasons for it are, I hope, self-explanatory.

I have had copies of this letter and the enclosures sent to the various people who have been parties to the previous proceedings in accordance with the attached list. The number of people is extensive and if, through inadvertence, one has been overlooked you, or anyone on the list, should feel free to advise them of the decision. Additional copies of the decision and reasons for decision may be obtained from the Ministry's Information Services Branch (Mr. G. Rego at 965-7117).

Yours truly

A handwritten signature in cursive script, reading 'Harry Parrott'.

Harry Parrott, D.D.S.

Encls.

THE ENVIRONMENTAL ASSESSMENT ACT, 1975

O R D E R

Section 35

WHEREAS the undertaking of developing and operating the proposed waste disposal site of the Regional Municipality of Halton at the location known as Site "F" at the northwest corner of Tremaine and Britannia Roads in the Town of Milton has been proposed; and

for some time

WHEREAS a decision was pronounced in the Divisional Court on September 30th, 1980, to the effect that the undertaking was subject to both The Environmental Assessment Act, 1975 and The Environmental Protection Act, 1971, and it was necessary for the Minister of the Environment to make an order under Section 35 of The Environmental Assessment Act, 1975, to determine whether a hearing could proceed under Part V of The Environmental Protection Act, 1971; and



WHEREAS section 35 of The Environmental Assessment Act, 1975 does not provide for a hearing and in my opinion the conduct of a hearing for which no procedure is prescribed would have been expensive and caused undue delay in reaching a decision; and

WHEREAS although section 35 of The Environmental Assessment Act, 1975, does not appear to provide any right to make submissions, I determined that it would be reasonable to consider written submissions, in this case, before a decision was made; and

WHEREAS notice that written submissions would be considered was given to the affected municipalities and others; and

WHEREAS over 70 written submissions were received as to whether the order should permit a hearing to proceed under The Environmental Protection Act, 1971, or should require that an environmental assessment be prepared and the procedures under The Environmental Assessment Act, 1975 followed; and

WHEREAS I have considered the submissions and, for reasons issued separately, determined the following Order should be made,

 IT IS HEREBY ORDERED, pursuant to section 35 of The Environmental Assessment Act, 1975, that The Environmental Assessment Act, 1975, applies to the undertaking and the proponents and that the public hearing under The Environmental Protection Act, 1971, shall be deemed not to be required or permitted.

DATED at Toronto this 9th day of February, 1981.

Harvey P. ...

THE ENVIRONMENTAL ASSESSMENT ACT, 1975

IN THE MATTER OF the Regional Municipality of
Halton and its application for a certificate
of approval for a waste disposal site

REASONS:

The Regional Municipality of Halton ("Halton") has applied for a Certificate of Approval under Part V of The Environmental Protection Act for a proposed new waste disposal site known as Site "F". The Divisional Court determined that the legal effect of a regulation (O. Reg 468 /80) made under The Environmental Assessment Act was to make the proposed site an undertaking subject to that Act. Accordingly under section 35 of The Environmental Assessment Act, I was required to make an order the effect of which would be either

- (a) that the approval process pursuant to The Environmental Assessment Act would have to be followed before a certificate of approval could be issued under Part V of The Environmental Protection Act with no hearing being permitted under Part V, or
- (b) that, instead of the environmental assessment procedure, there would be a hearing under section 33a of The Environmental Protection Act before the Director decided whether to issue a certificate of approval under Part V for the proposed site.

I determined that prior to making a decision under section 35 of The Environmental Assessment Act, I should, in this case, consider any written submissions persons interested in the matter wished to make. Accordingly, various parties were advised in writing of the procedure for making such submissions and an announcement to the same effect was made at a meeting of the Environmental Assessment Board which had been publicly advertised in connection with Site "F". The meeting of the Environmental Assessment Board had been scheduled to be a hearing under section 33a of The Environmental Protection Act, for the site; however, it became necessary to adjourn that meeting until the decision under section 35 of The Environmental Assessment Act was made.

Several extensive submissions and counter submissions were made and many brief submissions were received.

Four general "classes" of submission were received.

The first class suggested that there was no need for landfill waste disposal sites and that waste should be reduced, re-used or disposed of in some other way. The Ministry of the Environment has determined that even if other methods of handling waste are implemented, there will continue to be some need for landfill sites. Therefore, it was not practical to take a course of action that would prevent Halton from establishing any landfill site and I determined that these submissions could not be followed.

* < The second and third classes were fundamentally opposed and made up the majority of the submissions. The second class suggested that, because of the history of the development and the alleged disruption which would be caused by delay and expense in applying environmental assessment procedures, I should order that the hearing under section 33a of The Environmental Protection Act proceed and The Environmental Assessment Act not apply.

The third class was that the environmental assessment procedure be followed and that there be no hearing under section 33a of The Environmental Protection Act so that there would be greater certainty that all reasonable alternative methods of waste disposal and sites would be considered and the best one chosen. *

Why only 2? The fourth type of submission was a hybrid between The Environmental Protection Act and The Environmental Assessment Act which would result, in effect, in a contest between Site "F" and another site known as Site "A" rather than a full environmental assessment. Presumably, the mechanism for doing this would be for an order to be made under section 35 of The Environmental Assessment Act that the environmental assessment procedure be carried out followed immediately by an order approved by the Lieutenant Governor in Council under section 30 of The Environmental Assessment Act exempting the undertaking from certain provisions of the Act including the requirement that the environmental assessment for the undertaking give due consideration of need, alternative methods and sites which were alternatives to Sites "F" and "A".

Right? I formed the opinion that this was not a suitable option if an assessment is to be done under The Environmental Assessment Act. It should normally be done under the limits imposed by that Act rather than under limits imposed by exemption orders. It may well be that in preparing an

environmental assessment, a proponent would not deal exhaustively with all possible alternatives or even at all with some alternatives and would give good reasons for so restricting his environmental assessment. Reasons could include a lack of statutory authority (especially in the case of municipalities) or excessive cost or time which would be involved in considering other alternatives once a proponent had found what he regarded as a reasonable alternative. No doubt, a proponent when he limits his considerations of alternatives, must show that the limits were set on reasonable grounds but if this is done by means of the environmental assessment process rather than by means of an exemption, any person who may disagree with a proponent's determination of the limits and detail of the matters presented in an environmental assessment including the major matters of purpose, need and alternatives has the opportunity to make submissions as to the adequacy of the environmental assessment and, in the event a hearing is required, present evidence on such matters including alternatives.

It is apparent from the submissions received that there are important issues relating to this matter which are arguably not relevant for purposes of a hearing under section 33a. Although matters such as alternatives have frequently been discussed at hearings under The Environmental Protection Act, they may not be strictly relevant and in my opinion, the parties interested in this matter should have a forum for a hearing, if one is required, in which these issues can clearly be raised. *already but it*

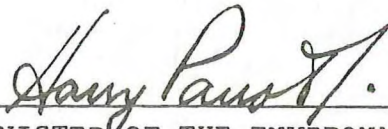
Under The Environmental Assessment Act, proper consideration may be given to the relative impact of the alternatives on such matters as agricultural land, neighbouring land uses, travel distances from the sources of waste or transfer stations to the disposal site, the beneficial effects on the environment of establishing a site, and the ease and cost of acquiring alternatives and putting them into operation. As pointed out, there are undoubtedly practical limitations to the degree of consideration given to various alternatives as there is no point in studying in detail an impractical alternative.

The Region in its submissions has made it clear that alternative sites have been considered and although it will undoubtedly take somewhat longer to prepare an environmental assessment, the length of time to do so will not be undue and the Municipality should be able to follow the procedure through to developing an operating site prior to the remaining capacity at its existing sites being exhausted. *
X

.....4

It is for the foregoing reasons that I decided to order that the undertaking proceed under The Environmental Assessment Act, 1975, rather than there being a hearing under section 33a of The Environmental Protection Act, 1971.

Dated at Toronto this 9th day of February ,
1981.


MINISTER OF THE ENVIRONMENT

I N D E X

- | | | | | |
|----|---|---|---|--|
| 1 | - | September 3/80 | - | Letter from F.E. Leitch, Q.C.
to The Honourable
Harry C. Parrott, D.D.S. |
| 2 | - | September 8/80
(described as
September 9/80 in
October 2 letter
attached) | - | Letter from D.Y. Perlin
to The Honourable
Harry C. Parrott, D.D.S. |
| 3 | - | September 15/80 | - | Letter from David Estrin
to The Honourable
Harry C. Parrott, D.D.S. |
| 4 | - | September 29/80 | - | Letter from D.Y. Perlin to
The Honourable
Harry C. Parrott, D.D.S.
(attachment omitted) |
| 5 | - | October 1/80 | - | Letter from Julian Reed
to The Honourable
Harry C. Parrott, D.D.S. |
| 6 | - | October 3/80 | - | Letter from Peter Walker
to The Honourable
Harry C. Parrott, D.D.S. |
| 7 | - | October 3/80 | - | Letter from Janet Walker
to The Honourable
Harry C. Parrott, D.D.S. |
| 8 | - | October 7/80 | - | Letter from V.H. Labelle
to Premier William Davis |
| 9 | - | October 10/80 | - | Letter from Wayne Lawrence
to The Honourable
Harry C. Parrott, D.D.S. |
| 10 | - | October 15/80 | - | Letter from Myrtle Lawrence
to The Honourable
Harry C. Parrott, D.D.S. |

- | | | | | |
|----|---|---------------|---|--|
| 11 | - | October 16/80 | - | Letter from H.M. Dolby
to The Honourable
Harry C. Parrott, D.D.S. |
| 12 | - | October 14/80 | - | Letter from Wilda Pelletterio
to The Honourable
Harry C. Parrott, D.D.S. |
| 13 | - | (undated) | - | Letter from J.V. Lefebure
to The Honourable
Harry C. Parrott, D.D.S. |
| 14 | - | (undated) | - | Letter from Mr. & Mrs.
H.T. Martin to The Honourable
Harry C. Parrott, D.D.S. |
| 15 | - | October 18/80 | - | Letter from S.R. Frankling
to The Honourable
Harry C. Parrott, D.D.S. |
| 16 | - | October 20/80 | - | Letter from Clare & Gladys Ford
to The Honourable
Harry C. Parrott, D.D.S. |
| 17 | - | October 21/80 | - | Letter from Allan J. Nichols
to The Honourable
Harry C. Parrott, D.D.S. |
| 18 | - | October 21/80 | - | Letter from Brian D. Brady
of the Milton District Hospital
to The Honourable
Harry C. Parrott, D.D.S. |
| 19 | - | October 22/80 | - | Letter from Mrs. S.A. Laing
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Harry C. Parrott, D.D.S. |
| 20 | - | October 20/80 | - | Letter from Warren and Sherry
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| 21 | - | October 24/80 | - | Letter from J.N. Raftis
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THE REGIONAL MUNICIPALITY OF HALTON

CHRONOLOGICAL RECORD OF THE ACTIONS OF REGIONAL COUNCIL
RELATIVE TO SOLID WASTE MANAGEMENT

1. THAT the Ministry of the Environment be advised that the Region of Halton wishes to express its approval of the Ministry's programme for Resource Recovery, and the principle of its proposal to undertake a study to construct a Resource Recovery Plant serving the Region of Halton.

It being understood that the Ministry is prepared to proceed with the necessary engineering study at its own expense, before the Region of Halton is required to make any commitment, and further

THAT the site of the Resource Recovery Plant and any necessary landfill sites be subject to the approval of the area municipality so involved.

Regional Council Approval: Nov. 20, 1974
Committee Approval: Nov. 14, 1974
Staff Report No.: P.W. 29-74

2. THAT a re-evaluation of the final contours of all existing solid waste disposal sites be made with a view to extending their useful life and the matter of the material being extracted from the Hager Rambo Channel diversion be evaluated for use in the present Burlington solid waste disposal site and any future Regional site.

THAT the staff be instructed to investigate immediately locations for future solid waste disposal sites throughout the Region.

Regional Council Approval: Feb. 5, 1975
Committee Approval: Jan. 29, 1975
Staff Report No.: P.W. 14-75

3. THAT a political committee be formed by the Ministry and Region representatives, with the Region of Halton being represented by the following:

*Chairman of Region - (or designate)
Chairman of the Public Works Committee - (or designate)
A Regional Representative from each of the area municipalities - (or designate)*

Regional Council Approval: Feb. 5, 1975
Committee Approval: Jan. 29, 1975
Staff Report No.: Corr. from M.O.E. Jan. 8/75 re: Resource Recovery

4. THAT it be recommended to the Technical Advisory Committee that in setting the terms of reference for the consulting firm, be engaged by the Province at their expense, that the Region of Halton's waste management study be reviewed taking into consideration the following:

- i) establishing more than one landfill site within the Region (possibly one in the north and one in the south)
- ii) establishing a site or sites for the acceptance of dry solid waste (demolition material, etc.)
- iii) the feasibility of using quarries, the national sewer property and the Milton Brick Yard as landfill sites.
- iv) using Class III, or lower, agricultural lands only on which to locate landfill sites
- v) the matter of minimizing haulage costs to the area municipalities
- vi) extending the life of the existing sites
- vii) the economics in relation to the operation and capital costs of the reclamation plant and transfer station.

Regional Council Approval: Apr. 19, 1975
Committee Approval: Apr. 9, 1975 - Apr. 10, 1975
Staff Report No.: P.W. 9 & 10-75

5. THAT the acting Director of Public Works, Mr. J. Corbett, the Manager of Design and Development, Mr. R. Cripps and two members of the Public Works Committee be named as the Region's representatives on the technical co-ordinating committee for the proposed Halton Region Resource Recovery Plant.

Regional Council Approval: May 7, 1975
Committee Approval: Apr. 23, 1975
Staff Report No.: P.W. 64/75

6. THAT Regional Councillors Mason and Cox be appointed as members of the Halton Region Resource Recovery Plant Technical Co-ordinating Committee and that expanded membership on the Technical Co-ordinating Committee be approved to include one representative from each of the area municipality public works departments and that the area municipalities be contacted accordingly.

Regional Council Approval: May 21, 1975
Committee Approval: May 14, 1975
Staff Report No.: P.W. 76/75

7. THAT the Regional Council support the motion of the Town of Aurora, calling for the prohibition of non-reusable, non-refillable beverage cans and glass bottles, within the Province of Ontario.

Regional Council approval: May 21, 1975
Committee Approval: May 14, 1975
Staff Report No.: P.W. No. 75-75

8. THAT the confidential staff preliminary report on a potential waste disposal site, dated April 28, 1975 be referred to the technical co-ordinating committee for consideration in the Resource Recovery Plant Design Study.

Regional Council Approval: June 4, 1975
Committee Approval: June 5, 1975
Staff Report No.: P.W. 88/75

9. THAT this matter be referred to the Public Works Meeting to be held Wednesday, October 8, 1975 and further

THAT Council direct the Public Works Committee to report on the status of deliberations on the following matters immediately:

- 1) the McLaren Report on Solid Waste Management
- 2) the joint venture with the Ministry of the Environment on Resource Recovery.

Regional Council Approval: Oct. 1, 1975
Committee Approval: Sept. 17, 1975
Staff Report No.:

10. THAT the M.M. Dillon Study proceed in accordance with the terms of reference and that the Resource Recovery Plant, Technical Co-ordinating Committee take into account the following:

THAT the following plans as outlined in the Region's 1974 Solid Waste Management Study Report, be further considered and examined in conjunction with the current Province/Region Resource Recovery Plant Pre-Design Study:

- | | | |
|-----|---------------------------------|--------------------------|
| *2 | Landfill @ L09 | |
| *18 | Transfer Station @ P01 | Landfill @ L21 |
| *19 | Transfer Station @ P04 | Landfill @ L09 |
| *32 | Landfill @ L06 (1972-85) | Landfill @ L09 (1986-91) |
| *33 | Transfer Station @ P04 | Landfill @ L06 (1972-85) |
| | Landfill @ L09 (1986-91) | |
| *35 | Landfill @ L09 + Landfill @ L22 | |

AND FURTHER THAT the consideration of these plans take into account all briefs and submissions which the Region received arising out of the public meetings which were held in late 1974 on the MacLaren Report and further

THAT the five additional constraints which were approved earlier in the current year by the Public Works Committee be considered and that the Resource Recovery Plant Pre-Design Study Consultants submit the interim report on landfills no later than December 1975.

Regional Council Approval: Oct. 15, 1975
Committee Approval: Oct. 8, 1975
Staff Report No.: P.W. 179/75

11. THAT Councillor E. Sykes be appointed as a member of the Halton Region Resource Recovery Plant Technical Co-ordinating Committee to fill a vacancy.

Regional Council Approval: Oct. 15, 1975
Committee Approval: Oct. 8, 1975
Staff Report No.:

12. THAT P.W. Report No. 201-75 re: Resource Recovery Plant Study be received and filed.

Regional Council Approval: Nov. 5, 1975
Committee Approval: Oct. 22, 1975
Staff Report No.: P.W. 201/75

13. THAT an extension of time be approved for submission of the Solid Waste Resource Recovery Program Interim Report on Landfills; the interim report to be received by the technical co-ordinating committee not later than January 29th, 1976 and submitted to the Public Works Committee not later than February 11, 1976.

Regional Council Approval: Nov. 19, 1975
Committee Approval: Nov. 12, 1975
Staff Report No.: P.W. 213/75

14. THAT the Region be responsible for additional costs incurred to accommodate public response to the interim report during the period February 11th to 25th, in a total not to exceed \$2,000.00 and that such costs be charged to the capital projects account.

Regional Council Approval: Mar. 3, 1976
Committee Approval: Feb. 25, 1976
Staff Report No.: P.W. 32/76

15. THAT a sum of \$10,000. be allocated to commence the engineering investigation of proposed landfill sites, stage 1, as outlined in a letter from M.M. Dillon dated March 2, 1976
- THAT a sum of \$10,000. be allocated for the necessary land acquisition required to carry out Stage 1.
- THAT a sum of \$9,000. be allocated to the engineering investigation of extending the life of Site "A" as outlined in the M.M. Dillon Report.

Regional Council Approval: Mar. 17, 1976
Committee Approval: Mar. 10, 1976
Staff Report No.: P.W. 40/76

16. THAT Peel Region be invited to consider a joint-use landfill site for Halton and Peel Regions to be located near the Regional Boundary south of 401 north of Derry Road.

Regional Council Approval: Apr. 7, 1976

17. THAT the Public Works Committee be advised that the Planning Committee concurs in the decisions and processes of the M.M. Dillon Study and be urged to consider the end uses of landfill sites and their effects including traffic during and after restoration.

Regional Council Approval: May 5, 1976
Committee Approval: April 28, 1976
Staff Report No.: D.R.P. 43-76

18. THAT the firm of M.M. Dillon be instructed to commence Stage II Drilling, on Site "F" at an estimated cost of \$19,000. and

THAT an initial conceptual design for Site "F" be prepared at an estimated cost of \$2,500.00 and

THAT a report be prepared, for presentation to Council at their meeting of Wednesday, June 5, 1976, with respect to the cost of preparing a preliminary design for Site "A".

Regional Council Approval: June 6, 1976
Committee Approval: May 26, 1976
Staff Report No.: M.M. Dillon Report - May/76

19. THAT Item No. 15(a) and (b) be tabled until the report requested in Item No. 15(c) is presented to this Council and further that comments from the director of Planning are obtained.

Regional Council Approval: June 6, 1976
Staff Report No.: P.W. 18/76 - Item 15

20. THAT the brief presented by Mr. D. Katz to the Regional Council today (June 2, 1976) be referred to both the Planning and Public Works Committees for response to the questions raised therein and further that the motion presented by Councillors Watson and Powys be referred to the Planning Committee for response.

Regional Council Approval: June 2, 1976

21. THAT the feasibility study of a joint Halton/Peel Landfill Site be terminated.

THAT the firm of M.M. Dillon, be requested to investigate Site "H" Milton Brick Yard, for potential use as a dry waste site and the effect this would have with respect to Site "A" (e.g. life, capacity, economics, etc.)

Regional Council Approval: June 23, 1976
Committee Approval: June 9, 1976
Staff Report No.: P.W. 93/76

22. a) THAT D.R.P. Report No. 66-76 re: Potential After Uses of Sanitary Landfill Sites be forwarded to the Public Works Committee and the Resource Recovery Technical Advisory Committee for their consideration, and
b) THAT the consulting firm of M.M. Dillon be requested to do some preliminary studies on after uses of proposed landfill sites to assist in the selection process and such study to include Site "H".

Regional Council Approval: June 23, 1976
Committee Approval: June 8, 1976
Staff Report No.: D.R.P. 66-76

23. THAT, subject to approval of the Region of Peel: THAT Regional Council again invite Peel to support a joint-use concept for the sanitary landfill site be determined through hydrogeological testing, whether a site in the Ninth Line/Britannia Road area is suitable for use.

Regional Council Approval: Aug. 11, 1976
Committee Approval: Aug. 4, 1976
Staff Report No.: P.W. 113/76

24. THAT the report from M.M. Dillon on the feasibility of extending landfill Site "A" be tabled for further evaluation.

Regional Council Approval: Sept. 1, 1976
Committee Approval: Aug. 25, 1976
Staff Report No.: M.M. Dillon Report

25. THAT the M.M. Dillon Resource Recovery Study - Final report, July 1976 be tabled to the next regular meeting of the Committee.

Regional Council Approval: Sept. 1, 1976
Committee Approval: Aug. 25, 1976
Staff Report No.: C.A.O. 59/76

26. WHEREAS, the Regional Municipality of Halton and the Ministry of the Environment should actively pursue long term viable markets for recovery of ferrous metals and refuse derived fuels (R.D.F.) and

WHEREAS, the Regional Municipality of Halton is prepared to acquire property and establish the first stage of a resource recovery plant, namely the construction of a transfer facility,

THEREFORE BE IT RESOLVED THAT the Regional Municipality of Halton request the Ministry of the Environment to establish a resource recovery plant for recovery of ferrous metals and production of R.D.F. and further

THAT the Ministry of the Environment capital subsidy programme apply to all phases of the development of the resource recovery facilities.

27. THAT the Consulting firm of M.M. Dillon be instructed to commence Stage II, Drilling of Site "F" at an estimated cost of \$19,000.

THAT the consulting firm of M.M. Dillon be instructed to prepare an initial conceptual design of "B" and "D" and "F" rather than a design on "F" only, not to exceed \$7,500.

THAT the consulting firm of M.M. Dillon do a Stage I study on Site "D" so that a report on the alternative strategy using "B" and "D" can be prepared.

THAT Stage II be carried out by the consulting firm of M.M. Dillon on sites "B" and "D" subject to the costs being approved by Council.

THAT Dr. A. Benedet, on behalf of the Tremaine-Britannia Citizens' Group, be offered the opportunity to expand upon his suggestion that Site "A" be further studied by bringing forward a more complete report, including financial projections, on that alternative for further consideration by Council at the time the other authorized studies are obtained and that Council authorize M.M. Dillon to make available technical information and cost data to assist in preparation of this report.

Regional Council Approval: Sept. 15, 1976
Committee Approval: Sept. 8, 1976
Staff Report NO.: M.M. Dillon Final Report-
July, 1976

28. THAT the correspondence from J.D. Watson re: The Proposed Landfill Site "F" and a charge-back philosophy for landfill be received and filed.

Regional Council Approval: Oct. 6, 1976
Committee Approval: Sept. 22, 1976
Staff Report No.: N/A

29. THAT the M.M. Dillon report on Landfill Site "H", Stage I, Investigations be forwarded to the Town of Milton for their review and comment.

Regional Council Approval: Oct. 6, 1976
Committee Approval: Sept. 22, 1976
Staff Report No.: M.M. Dillon Report on Landfill Site "H" - Stage I - Invest.

30. THAT the Region proceed with the drilling of proposed Landfill Sites "B" and "D" at an estimated cost of \$18,500. each and further

THAT the drilling on Sites "B" and "D" be done only if the results of Site "F" drilling are negative.

THAT all future discussions and deliberations with respect to resource recovery and landfill sites be referred to committee of the whole.

THAT proposed landfill Site "A" be deleted from the study.

Regional Council Approval: Oct. 6, 1976
Committee Approval: Sept. 22, 1976
Staff Report No.: M.M. Dillon Report on Fees for Continued Service

31. THAT D.R.P. Report 66-76 re: Potential after uses of sanitary landfill sites be received for information.

Regional Council Approval: Oct. 20, 1976
Committee Approval: Oct. 3, 1976
Staff Report No.: D.R.P. 66/76

32. WHEREAS the introduction of a 500 acre landfill site in the centre of the Region is in opposition to both the interim Regional Plan and the Official Plan of the area municipality in as much as the plan calls for the preservation of agricultural land;

AND WHEREAS materials to be disposed of will in all likelihood increase in the foreseeable future

AND WHEREAS the materials being produced are viable sources for energy production and certain by-products.

BE IT RESOLVED THAT:

- (a) the question regarding a Regional Landfill Site be reconsidered
- (b) defeated
- (c) that the area municipalities be requested to introduce measures that will reduce the amount of garbage generated by industry and private households.
- (d) defeated
- (e) That Halton Official Plan should address itself to the matter of Resource Recovery Plant
- (f) Private industry to be invited to submit proposals for the disposal of waste so that all alternatives and costings can be investigated.
- (g) That staff should be directed to report on the feasibility of the suggestions made.

Regional Council Approval: Nov. 3, 1976

33. THAT the Minister of the Environment be advised that the Regional Municipality of Halton is willing to comply with the terms contained in his letter of October 20, 1976 with respect to resource recovery and further that a draft Provincial/Municipal agreement be forwarded to the Regional Municipality of Halton for their consideration.

Regional Council Approval: Nov. 17, 1976
Committee Approval: Nov. 10, 1976
Staff Report No.: Corr. from M.O.E. re:
Resource Recovery/Sept. 15/76

34. THAT a payment of \$150 be made to Mr. Earl Snow for crop damage due to drilling operations on land rented by him in Site "F".

Regional Council Approval: Dec. 15, 1976
Committee Approval: Dec. 7, 1976
Staff Report No.: R.S. 99/76

35. THAT Councillors Reade and McKenzie and Planche be appointed as Members of the Halton Region Resource Recovery Plant Technical Co-ordinating Committee.

Regional Council Approval: Mar. 2, 1977
Committee Approval: Feb. 23, 1977
Staff Report No.: N/A

36. THAT the M.M. Dillon Ltd. hydrogeological Stage 2 report for Site "F" be accepted

AND FURTHER THAT such acceptance does not necessarily imply a commitment for any future landfill site.

Regional Council Approval: Mar. 2, 1977
Staff Report No.: P.W. 22/77

37. THAT the selection of location "F" be confirmed as the site of the future landfill for the Region.

Regional Council Approval: Mar. 2, 1977
Staff Report No.: P.W. 22/77

38. AND FURTHER THAT the staff be authorized to negotiate the purchase of sufficient Site "F" lands to accommodate the landfill requirements in the Region of Halton, not to exceed a period of six years:

THAT the Region apply for approval to the Environmental Review Board to use said lands for a period of 6 years only, and further

THAT the Region review annually the need for continued landfill operations at site "F" if said Site is approved by the Environmental Review Board, and further

THAT the Region proceed as quickly as possible in cooperation with the Province for the installation and operation of a transfer site and "front-end" operations in the Queen Elizabeth Way and Burloak area including instructing our Property Agent to acquire the necessary lands for such facilities.

Regional Council Approval: Mar. 2, 1977
Staff Report No.: P.W. 22/77

39. THAT Stage 3 Hydrogeological Investigations be commenced at Site "F".

40. THAT all other necessary steps be undertaken to implement the use of Site "F".

Regional Council Approval: March 2, 1977
Staff Report No.: P.W. 22-77

41. THAT the Region accede to the request from the Town of Milton re: Access to the data and reports of M.M. Dillon pertaining to Site "H".

Regional Council Approval: April 20, 1977

42. THAT the Regional Treasurer be instructed to write the Town of Milton indicating that money has been included in the 5 Year Capital Budget for the construction of a Resource Recovery Centre.

Regional Council Approval: May 18, 1977
Committee Approval: May 11, 1977

43. THAT applications with respect to a proposed waste disposal site within Site "F" north and west of the intersection of Tremaine and Britannia Roads, be made to the Town of Milton, Ministry of the Environment and the Ontario Municipal Board for the following matters:

1. Amendments to the relevant official plan and zoning by-law to provide for a proposed waste disposal site,
2. Approval of the acquisition of the required lands,
3. Certificate of approval, or provisional certificate of approval, from the Ministry of Environment for operation of the proposed waste disposal site for a term not to exceed six years,
4. Approval of the financing costs for the proposed waste disposal site.

Regional Council Approval: June 15, 1977

44. THAT the Halton Regional Council requests the Lieutenant Governor in Council, in care of the Minister of Environment, to designate the Regional Municipality of Halton's plans for the provision of a Regional waste disposal facility as an undertaking to which the Environmental Assessment Act should apply.

Regional Council Approval: June 15, 1977

45. THAT the documents requested in the letter of May 17, 1977, of Frank Harshman be released.

Regional Council Approval: June 15, 1977

46. THAT investigation be continued into the feasibility of inviting resource recovery proposals from the private sector, such investigation to be in concert with the Ministry as members of TECO, with the objective of establishing the basis for proposals and establishing the basis on which to measure proposals and further

THAT three companies Reed Paper/Andco Torrax Limited, Dominion Bridge Company Limited and M & T Products of Canada Limited be invited back to make a presentation to a special meeting of Regional Council (an upgraded version of the presentation to TECO) to make Council aware of some of the more interesting equipment and processes that are available from the private sector.

THAT the meeting be in the evening or on Saturday afternoon at the discretion of the Chairman.

Regional Council Approval: July 6, 1977
Staff Report No.: P.W. 92-77

47. WHEREAS the Technical Committee on Resource Recovery was given a presentation which suggested that a site was available near to, but out of, the Royal Botanical Gardens, with a capacity up to four years

BE IT THEREFORE RESOLVED THAT staff prepare an initial report as to the feasibility and capacity of this location as an interim site.

Regional Council Approval: July 20, 1977

48. THAT the correspondence from the Town of Milton re: Landfill Site and After Uses be adopted as presented.

Regional Council Approval: Aug. 3, 1977

49. *THAT the after use proposals presented by M.M. Dillon Limited for landfill location "F" be received and filed.*

Regional Council Approval: Aug. 17, 1977

50. *THAT Resolution 162-77 passed by Regional Council on June 15, 1977 be rescinded, and that the Council hereby deems it appropriate to proceed with the landfill site "F" under the provisions of The Environmental Protection Act.*

Regional Council Approval: Sept. 7, 1977

51. *THAT the Chief Administrative Officer and Chairman from time to time engage counsel for various parts of Site "F" matters as categorized under items I to IV inclusive of this report.*

Regional Council Approval: Sept. 7, 1977

52. *THAT no action be taken at this time regarding a proposal to develop a sanitary landfill on lands of NATCO Building Products Limited.*

Regional Council Approval: Sept. 7, 1977

53. *THAT commencing January 1, 1978 the excess of revenue over expenditures in landfill operations be transferred to a reserve for capital expenditures related to garbage disposal.*

Regional Council Approval: Nov. 2, 1977
Committee Approval: Oct. 26, 1977
Staff Report No.: TR. 94-77

54. *THAT Planning Staff be instructed to revise as necessary and incorporate within the Draft Official Plan the amended Draft Policy Paper on Solid Waste Management, dated November 25, 1977.*

Regional Council Approval: Dec. 7, 1977
Committee Approval: Nov. 28, 1977
Staff Report No.: D.R.P. 165-77

55. *WHEREAS more information is needed to assist in determining the feasibility of going to private industry for proposals, and*

WHEREAS Regional Council's resolution of September 1976 stated that the Region of Halton is prepared to establish the first stage of a resource recovery plant and requested that a resource recovery plant be established for recovery of ferrous metals and the production of RDF,

IT IS RECOMMENDED THAT we proceed to obtain more information which, combined with the Ministry of the Environment analysis of markets for Halton Region, will provide a comparative base for evaluating proposals from private companies.

Regional Council Approval: Dec. 7, 1977
Staff Report No. P.W. 170-77

56. THAT the Reserve Fund for Landfill be effective January 1, 1979 and that any surplus generated by the operation of the landfill sites be included in general revenue.

Regional Council Approval: Feb. 1, 1978

57. WHEREAS the Region of Halton is desirous of establishing proper and efficient methods of the disposal of garbage;

AND WHEREAS the matter of Resource Recovery is an excellent means of reducing disposable wastes and generating useable by-products

AND WHEREAS Resource Recovery has been endorsed by the Province of Ontario as the ultimate waste disposal system;

BE IT RESOLVED THAT the Region endorses the following items towards the implementation of a modern method of garbage disposal:

- A) The Region of Halton conduct a thorough investigation into the potential of back-end resource recovery prior to making any commitment to a front-end plant.

58. THAT participation of those in the private sector be requested. The Region of Halton will provide the necessary information for private proposals.

Regional Council Approval: Feb. 15, 1978

59. THAT a request be made to both the Ministry of the Environment and Ministry of Energy, whether they would provide funding for studies and/or capital costs for either a mass burning system or a Torrax Pyrolysis System.

THAT the method of tenders for Waste Management be such that separate tenders be requested for:

- a) the hauling and disposing of waste
b) the processing of wastes

Regional Council Approval: April 5, 1978

60. THAT for the purposes of clarity this Council hereby confirms that the applications for Official Plan amendment and for restricted area by-law amendment to permit a proposed Regional sanitary landfill waste disposal site at "Site F" only encompasses approximately 246 acres consisting of the lands of Mogil Properties Limited with an acreage of approximately 102.129 acres and the lands of Kowal and Micallef with an approximate acreage of 143.534 acres with the life of the proposed site to be for a tonnage of no more than 2,000,000 tons (1,814,000 metric tonnes) of waste.

THAT in support of the above mentioned Site "F" applications for Official Plan amendment and for restricted area by-law amendment, this Council hereby confirms authorization to Regional Staff to engage consultants to carry out all necessary studies and prepare all necessary reports including drilling, hydrogeological, planning, environmental, agricultural after-use and site design studies and reports for Site "F", Site "B" and Site "D". The cost of the studies and reports shall be paid for from the reserve fund for garbage disposal.

THAT pursuant to the invitation of the Milton Council in its April 3rd, 1978 resolution, a response be prepared by Regional Staff with the assistance of its consultants to the Town of Milton's resolution in the hope that the Town of Milton will change its decision and approve the applications of the Region with the proposed response to first be reviewed and endorsed by this Council before presentation to the Town.

Regional Council Approval: May 17, 1978

61. WHEREAS the Region is presently working on a long-term disposal plan;

AND WHEREAS in the meantime the life of the existing landfill sites is fast coming to an end, and may have to close before the long-term waste disposal program is operational;

AND WHEREAS in an attempt to ease the impending waste disposal crisis, it is desirable that an interim waste disposal plan be adopted to provide waste disposal ability for the Region when the existing landfill sites would have to close and prior to the commencement of the long-term waste disposal plan;

AND WHEREAS before adopting an interim waste disposal plan, a feasibility study is required:

NOW THEREFORE BE IT RESOLVED THAT:

- 1) This Council hereby instructs Regional Staff with the assistance of the Regional Consultant, M.M. Dillon Limited, to do a feasibility study on the implementation of an interim waste disposal plan to provide waste disposal ability to the Region during the period when the existing landfill sites have to close, and prior to the commencement of a long-term Regional waste disposal plan.

Such study shall include examination of:

- a) the analysis and updating of refuse projections for the next few years
 - b) maximizing the use of existing Burlington, Oakville and Georgetown sites
 - c) expanding the existing sites onto small portions of apparently available adjacent lands
 - d) establishment of interim landfill operation on NATCO lands on Highway 403 in Burlington
 - e) using the "Milton Quarry" (Site "H") as a Dry Waste Site only
 - f) temporary burning of certain wastes
- 2) The feasibility study shall include comments for each part of the proposed plan as follows:
- i) technical possibility
 - ii) technical requirements
 - iii) Provincial requirements, M.O.E. or otherwise
 - iv) environment problems (noise, air, water, pollution, etc.)
 - v) planning problems (O.P., Zoning, Traffic, landuse compatibility, access, road improvements, etc.)
 - vi) land acquisition problems
 - vii) detailed preliminary hydrogeologic suitability and design criteria, where applicable
 - viii) detailed studies required
 - ix) legal approvals required (procedures and estimated timetable)
 - x) estimated costs for studies, approvals, legals, design, engineering, construction
 - xi) estimated time frame to achieve each part of the Plan
 - xii) estimated effect on filling interim waste disposal need each part of the Plan will have

- 3) In reporting back to Regional Council, regional staff are permitted to make additional suggestions respecting a proposed Interim Waste Disposal Plan and if they do so, they shall report on their feasibility in the same manner as set out above.

Regional Council Approval: July 5, 1978

62. THAT subject to the obtaining of the necessary planning environmental, land acquisition and financial approvals, The Regional Municipality of Halton hereby approves the recommended option (Option #2) (Expansion of Burlington and Oakville existing sanitary landfill sites plus the creek diversion at the existing Oakville Landfill site) of the Interim Waste Disposal Feasibility Study completed by M.M. Dillon Limited, dated August 29, 1978.

THAT Regional Staff and M.M. Dillon Limited are hereby authorized to carry out detailed hydrogeological, engineering, planning, financial and design studies required to obtain the necessary planning, environmental, land acquisition and financial approvals including any approvals required for the diversion of the creek;

THAT Regional staff are further authorized to prepare and file firstly any necessary applications for planning and financial approval of each site expansion and upon planning and financial approval being received, then to prepare and file the necessary applications for environmental, creek diversion and land acquisition approvals with the appropriate bodies.

Regional Council Approval: Sept. 6, 1978

63. THAT the firm of M.M. Dillon Consulting Engineers and Planners be requested to prepare and submit a report identifying abandoned quarries within the Region that may be suitable for waste disposal, and further that the report indicate suitability for any or all of the following: (dry - wet - inert) at a cost not to exceed \$10,000.00.

Regional Council Approval: Sept. 20, 1978

64. THAT the motion re: abandoned quarries for landfill be referred to Public Works Staff for a report to be brought back at the next meeting of Regional Council.

Regional Council Approval: Sept. 20, 1978

65. THAT the Region Public Works send a copy of the landfill Interim Report to each of the petitioners before Council and that the Chairman of Public Works and M.M. Dillon be requested to attend a meeting in Oakville about this proposal.

Regional Council approval: October 4, 1978

66. THAT the response to the Town of Milton attached to this report be presented to the Town of Milton.

Regional Council Approval: October 4, 1978

67. THAT the necessary Planning Staff and Public Works Staff prepare a report for Council on the use of quarries for waste disposal. This Study to -

1. identify all potential quarries in the Region;
2. recommend the best use of these quarries, i.e. for wet or dry waste taking into consideration environmental factors concerning creeks, traffic, etc.
3. include a review of the latest means available to effectively seal quarries and collect the leachates.

This study to be presented to the TECO Committee and then Council.

Regional Council Approval: October 18, 1978

68. THAT the recommendations of the Regional Solicitor as contained in his report No. R.S. 97-78 be approved.

Regional Council Approval: November 1, 1978

69. THAT the retention of Osler, Hoskin and Harcourt to act as Legal Counsel for the Region at Ontario Municipal Board Hearings for Site "F" as well as the Environmental Assessment Board Hearings is confirmed.

THIS Council hereby indicates the Region's willingness to acquire after Planning, Financial and Environmental Approvals are received, the Site "F" zoned lands designated as the "Lands of Kowal and Micallef" and "the lands of Miss Bessie Smith", as per map attached to R.S. Report No. 8-79.

To avoid possible court action as suggested by the letter of Mr. D. Estrin, January 16, 1979, the appropriate application to the Town of Milton for approval to acquire lands shall not be made until after Milton's Official Plan has been amended to permit the

establishment of a landfill at Site "F".

Further this Council wishes to indicate it has no intention of displacing Miss Bessie Smith or her brother from their lands unless they so wish.

THAT R.S. Report No. 8-79, Item No. 2, paragraph 2, be amended instructing staff prepare a report on additional adjacent properties that may be detrimentally affected by the Site "F" development.

Regional Council Approval: Jan. 17, 1979
Staff Report No.: R.S. 8-79

70. THAT in light of the passage of the Planning Act Amendment (Bill 183) this Council now authorizes all required approvals with respect to the Phase 1 and 2 expansions at the Burlington site to be applied for as soon as possible after the required information becomes available.

Regional Council Approval: Jan. 17, 1979
Staff Report No.: R.S. 9-79

- 71.
1. THAT notwithstanding the resolution of the previous Town Council of the Town of Oakville, this Council reconfirms its adoption, subject to the obtaining of all required approvals of Option 2 of the Interim Waste Feasibility Study including the small expansions of the 4th Line Oakville Site with the Stream Diversion.
 2. THAT the approval applications in Oakville include ones for Official Plan and zoning by-law amendment so as to have the Official Plan and zoning by-law expressly permit the desired expansion of the 4th Line Oakville Site.
 3. THAT with the exception of the above-mentioned expansion there will be no further expansion(s) of the 4th Line Oakville Site nor will there be any new landfill site established beside or adjacent to the 4th Line Oakville Site as expanded. This Council makes a commitment to that principle and strongly urges all future Councils to abide by that same commitment.
 4. THAT in light of the passage of the Planning Act Amendment (Bill 183) this Council now authorizes all required approvals with respect to the expansion at the 4th Line Oakville Site to be applied for as soon as possible after the required information becomes available.
 5. THAT an application to this Council for approval to expropriate a limited interest in the lands to be expanded on for the purpose of going on to the lands to drill and test the lands for landfill suitability including boreholes and other hydrogeological procedures is authorized in light of the owner's refusal to permit such entrance on to the lands.
 6. THAT Council direct that no expansion of the Oakville Site shall take place until appropriate buffering and a program of housekeeping and traffic control on access routes is implemented.

Regional Council Approval: Jan. 17, 1979
Staff Report No.: R.S. 10-79

72. THAT Osler, Hoskin and Harcourt are hereby authorized to take whatever action they deem to be in the best interests of the Region including involvement in court action in response to the application for judicial review by the Town of Milton with respect to the Ontario Municipal Board ruling dated Wednesday, February 28, 1979 and in response to a subpoena issued to Gartner Lee & Associates Limited and Grant Anderson with respect to the drilling and testing program being carried out in the vicinity of the Burlington landfill site and further

THAT the Region offer to make available the data with respect to the hydrogeological drilling and testing program being done by Gartner Lee & Associates for M.M. Dillon Ltd., as soon as the report has been received and released by the Council of Halton Region.

Regional Council Approval: March 7, 1979
Staff Report No. R.S. 29-79

73. THAT the Regional Chairman write to the Area Municipalities and other agencies dealing with the Region's applications to extend the life of the existing sites with a request to expedite the applications as quickly as possible.

Regional Council Approval: June 6, 1979
Committee Approval: May 11, 1979
Staff Report No.: N/A

74. THAT staff review and revise the original terms of reference for a System incorporating the points raised in D. Perlin's report and report back to Committee with the revisions for further consideration.

Regional Council Approval: June 6, 1979
Committee Approval: May 11, 1979
Staff Report No.: N/A

75. THAT the amount of \$14,000,000 provided for Resource Recovery purposes not be removed from the Five Year Capital Forecast.

THAT the amount of \$262,500 for land for Resource Recovery - PR-483 - be placed in the year 1980 of the Five Year Capital Forecast.

Regional Council Approval: June 6, 1979
Committee Approval: May 11, 1979
Staff Report No.: N/A

76. THAT the terms of reference prepared by the Regional Solicitor for a study of Solid Waste Management be approved and that the Committee be authorized to contact known consulting firms with a view to receiving proposals by July 17, 1979

AND FURTHER THAT staff be assigned to assist with the Committee in the selection process and with the consultant thereafter.

Regional Council Approval: June 20, 1979
Committee Approval: May 29, 1979
Staff Report No.: C.A.O. 45-79

- 77.
1. THAT Regional Legal Counsel, Osler, Hoskin & Harcourt, and the Regional Legal Department are instructed to take any action necessary to defend any Court Appeals or Petitions to Cabinet with respect to the Decision of the Ontario Municipal Board dated June 15, 1979 concerning the Official Plan, rezoning and financial applications approved by the Board with respect to the proposed landfill site at Site "F".
 2. THAT Regional Legal Counsel, Osler, Hoskin & Harcourt, and the Regional Legal Department are hereby authorized to discuss and hopefully finalize with the Town of Milton the form and wording of the Official Plan amendment and the Zoning By-law amendment and, as indicated in the Board's Decision, should any difficulty arise in that regard, then authorization is hereby given to approach the Ontario Municipal Board to have it settle the matter.
 3. THAT in light of the Ontario Municipal Board's Decision and the provisions of The Planning Act, Section 19 as recently amended, authorization is hereby given to the Regional consultants and Regional staff for the preparation and submission of an application to the Ministry of the Environment for a Certificate of Approval for the establishment, operation and use of a sanitary landfill site at Site "F" in the Town of Milton.
 4. THAT authorization is hereby given to Regional staff for an application to be made to the Town of Milton for approval to acquire the "lands of Kowal & Micallef", the "lands of Mogil Properties" and the "lands of Miss Bessie Smith" with respect to the establishment of a proposed sanitary landfill at Site "F". In this application it should be made known to the Town that the Region has no objection to the conditions being added which make it clear that no lands are to be acquired until the environmental approval is received, and further, that with respect to the lands of Miss Bessie Smith they should only be acquired if the Smiths and/or their representatives indicate a desire to have them acquired.
 5. THAT authorization is hereby given to the Regional consultants and Regional staff for discussions to be held with the Conservation Authority with respect to its concerns re the proposed landfill site at Site "F", i.e. sediment control, drainage, small on-site alteration of water course(s), etc.

Regional Council Approval:
Staff Report No.

June 20, 1979
R.S. 86-79

78. THAT the firm of Kilborn Limited be engaged to prepare a Solid Waste Management Systems Study for the Regional Municipality of Halton as included in their proposal dated July 24, 1979, at a cost of \$14,910.00

THAT the Region make application to the Province for subsidization of the Solid Waste Management Systems Study;

AND FURTHER THAT the Region also attempt to recover any Provincial subsidy for previous studies on Solid Waste commissioned by the Region, which may be eligible for Provincial support.

Regional Council Approval: August 15, 1979
Committee Approval: August 2, 1979
Staff Report No.: N/A

79. THAT the Solid Waste Management Study Program as presented by Kilborn Limited be endorsed and staff be authorized to request, by means of advertising in local newspapers, libraries, etc., written opinions and information from private individuals residing in the Region.

Regional Council Approval: October 3, 1979
Committee Approval: September 21, 1979
Staff Report No.: N/A

- 80.
1. THAT National Sewer Pipe Limited be informed that the Region is prepared to investigate and explore the National Sewer Pipe proposal for a possible sanitary landfill site on the National Sewer Pipe lands in Burlington on the understanding that such proposal is only being investigated and explored in the context of the total study now being done by Regional Council for an updated comprehensive Solid Waste Management System for Halton.
 2. THAT Regional staff are hereby instructed to co-operate in the investigation and exploration authorized above.
 3. THAT National Sewer Pipe Limited are hereby requested to engage in discussions with Kilborn Limited and with the Solid Waste Management Committee as required with respect to the possibility of a landfill site on the National Sewer Pipe lands fitting into the comprehensive Solid Waste Management System for Halton.
 4. THAT Professor John Cherry be retained by the Region as an independent hydrogeologist to review the hydrogeological investigation done by the hydrogeological firm, Morrison Beatty, on behalf of National Sewer Pipe Limited and to advise the Region whether the site proposed by National Sewer Pipe Limited is presently or can be made hydrogeologically safe and sound for sanitary landfilling.

Costs for retaining Professor Cherry to be charged to the Landfill Reserve Fund.

Regional Council Approval: October 3, 1979
Committee Approval: September 28, 1979
Staff Report No.: R.S. 115-79 and
R.S. 125-79

- 81.
1. *THAT the Region acknowledges receipt of letters dated August 7, 1979 from Mr. F. Leitch, solicitor for the Town of Milton, and dated September 5, 1979 from Campbell Thompson, Clerk for the Corporation of the Town of Milton respecting the possibility of an agreement between the Region, the Town of Milton and other major objectors to Site "F" with respect to delaying the approval process for the proposed sanitary landfill site at Site "F" pending the investigation and exploration and, if feasible, the pursuit of the National Sewer Pipe proposal for a possible sanitary landfill site on its lands in Burlington.*
 2. *THAT the Town of Milton and other major objectors to Site "F" be informed that the Regional Council does NOT deem it advisable to enter into such an agreement at this time for the following basic reasons:*
 - a) *There is great uncertainty at this time as to whether the National Sewer Pipe proposal can even be considered as an alternative to Site "F", let alone as a viable alternative to Site "F". The proposal is very much in its infancy.*
 - b) *In light of the letter dated September 5, 1979 from the Clerk of the Town of Milton basically withdrawing the major components of the letter from Mr. Leitch dated August 7, 1979, it seems most unlikely that an agreement satisfactory to all parties could be reached.*
 - c) *There are considerable questions as to the binding effect of any agreement upon future Regional and Town Councils and upon present and future owners in the area of Site "F" even if an agreement could be reached.*

Regional Council Approval: October 3, 1979
Committee Approval: September 28, 1979
Staff Report No.: R.S. 116-79 and
R.S. 126-79

82.

1. THAT Regional Staff be directed to arrange for temporary transfer station facilities at the existing regional landfill site in Halton Hills (Georgetown) to serve the needs of private citizens in the northern portion of the Region and further

THAT Regional staff be instructed to meet with the area municipal staff to investigate the possibilities of other transfer stations for private citizens use in the northern portion of the Region.

2. THAT Leferink Disposals Limited, Monarch Resource Recovery and Transfer Limited and the Ministry of the Environment be informed that the Regional Municipality of Halton is prepared to investigate the proposals of these two private companies to establish transfer stations in Halton Hills, on the understanding that such proposals are being investigated in the context of the total study, now being done by Regional Council for an updated comprehensive solid waste management system and further

THAT representatives of Leferink Disposals Limited and Monarch Resource Recovery and Transfer Limited be invited to present their proposals to the Solid Waste Management Committee.

Regional Council Approval: October 3, 1979
Committee Approval: September 28, 1979
Staff Report No.: P.W. 111-79

83.

1. THAT the Region acknowledges receipt of letters dated August 7, 1979 from Mr. F. Leitch, solicitor for the Town of Milton, and dated September 5, 1979 from Campbell Thompson, Clerk for the Corporation of the Town of Milton respecting the possibility of an agreement between the Region, the Town of Milton and other major objectors to Site "F" with respect to delaying the approval process for the proposed sanitary landfill site at Site "F" pending the investigation and exploration and, if feasible, the pursuit of the National Sewer Pipe proposal for a possible sanitary landfill site on its lands in Burlington.
2. THAT the Town of Milton and other major objectors to Site "F" be informed that the Regional Council does NOT deem it advisable to enter into such an agreement at this time for the following basic reasons:
 - a) there is great uncertainty at this time as to whether the National Sewer Pipe proposal can even be considered as an alternative to Site "F", let alone as a viable alternative to Site F. The proposal is very much in its infancy.
 - b) In light of the letter dated September 5th, 1979 from the Clerk of the Town of Milton basically withdrawing the major components of the letter from Mr. Leitch dated August 7, 1979 it seems most unlikely that an agreement satisfactory to all parties could be reached.

- c) *There are considerable questions as to the binding effect of any agreement upon future Regional and Town Councils and upon present and future owners in the area of Site "F" even if an agreement could be reached.*
- d) *The Region believes that such an agreement may itself lead to further disputes between the Region, the Town and/or the major objectors in its interpretation and carrying out.*

Regional Council Approval: Oct. 3, 1979
Staff Report No.: R.S. 116-79

84. *THAT the Regional Public Works staff be asked to consider the proposal from Leferink Disposals Limited to set up temporary disposal bins for public use at the Georgetown Landfill Site after November 1, 1979 and to consider the establishment of a temporary transfer station/compaction unit at this site for the disposal of Leferinks' waste and the waste collected in the public bins with the understanding that this is an interim arrangement and that the report of these considerations be directed to the Public Works Committee and further*

THAT Regional Council encourage the Minister of the Environment to give the necessary approvals for this interim arrangement without the need for a public hearing and further

THAT the Leferink proposals be referred to the Kilborn Study of alternatives for a long term Solid Waste Management System.

Regional Council Approval: October 17, 1979
Committee Approval: October 12, 1979
Staff Report No.: N/A

85. *THAT the Monarch Resource Recovery proposals be referred to the Kilborn Study of alternatives for a long term solid waste management system and that the concept be considered for application in other area municipalities and further*

THAT approvals for this proposal be deferred until the Kilborn Study is completed.

Regional Council Approval: October 17, 1979
Committee Approval: October 12, 1979
Staff Report No.: N/A

86. *THAT the Abaca proposals regarding a Resource Recovery Pilot Station be referred to Regional Public Works staff to consider the feasibility of this proposal on a short term basis not to exceed one to two years and further*

THAT the Abaca proposal be referred to the Kilborn Study of alternatives for a long term Solid Waste Management System.

Regional Council Approval: October 17, 1979
Committee Approval: October 12, 1979
Staff Report No.: N/A

87. THAT Regional staff are hereby authorized to oversize the transmission sewer from 8" to 12" with respect to the leachate collection system for the Regional Landfill Site in Burlington provided:

1. THAT such oversizing is feasible
2. THAT National Sewer Pipe Limited agrees in writing to pay for any and all costs that are extra to the total price tendered for the construction of an 8" sewer.
3. THAT National Sewer Pipe Limited agrees in writing that the oversizing of such a sewer is at its own risk and is not a commitment from the Region for the approval of a landfill site on National Sewer Pipe's lands and is not to be used by National Sewer Pipe Limited as the reason for supporting or justifying a landfill site on its lands.

Regional Council Approval: October 17, 1979
Committee Approval: October 12, 1979
Staff Report No.: N/A

- 88.
1. THAT the Resolution of this Council on June 20th last authorizing Regional consultants and Regional staff to prepare and submit an application to the Ministry of the Environment for a Certificate of Approval for the establishment, operation and use of a sanitary landfill at Site "F" in the Town of Milton is hereby confirmed.
 2. THAT all funds required for such preparation and submission and for the Environmental Assessment Board Hearing thereafter are to be taken from the current funds under the control of this Council until such time as the M.O.E. Certificate of Approval is received permitting the financial By-law 109-78 to be given third reading and passed.

Regional Council Approval: Nov. 21, 1979
Staff Report No. R.S. 141-79

89. THAT the letter of Mr. Estrin dated November 13th, 1979 concerning the making of an application by the Region to the Ministry of the Environment for environmental approval for Site "F" be received and filed.

Regional Council Approval: Nov. 21, 1979
Staff Report No. R.S. 144-79

90. THAT the Regional Municipality of Halton make application to expropriate all right, title and interest in the lands described as Part of Lot 21, Concession 1, N.E.S. and more particularly designated as Parts 1, 2, and 3 on Registered Reference Plan of Survey 20R-4157 for the purposes of expanding the existing sanitary landfill site on the Fourth Line in Oakville.

FOR THE PURPOSE OF SUCH APPLICATION the Clerk's Department Public Works Department, Law Department and the Regional Consultants on the Project are authorized to take all necessary proceedings including the publication and service of Notices of Application for Approval to Expropriate, References to the Chief Inquiry Officer of Ontario where Inquiry Hearings of Necessity are requested, representation at such Inquiry Hearings of Necessity, referring any Inquiry Officer's Reports back to the Public Works Committee, and the obtaining of an independent appraisal with respect to the compensation which the owners should be paid for the lands concerned.

Regional Council Approval: Jan. 16, 1980
Committee Approval: Jan. 9, 1980
Staff Report No.: R.S. 155-79

91. THAT the Solid Waste Management System Study, Final Report dated January 1980 be received, and staff be instructed to utilize the study as guidelines with respect to matters relating to the Solid Waste Management System.

Regional Council Approval: April 2, 1980
Committee Approval: March 24, 1980
Staff Report No.: N/A

92. THAT in principle, the long term solid waste management program for Halton shall consist of the following components, where possible:

- 3.1 A reduction-at-source and source separation program
- 3.2 Resource Utilization Facilities
- 3.3 Transfer Stations, where necessary.
- 3.4 Sanitary Landfill Site(s) for the disposal of non-processable waste, residue from the resource utilization facilities and general waste disposal in emergencies when the resource utilization facilities are unusable.
- 3.5 Continuing research to further reduce reliance on sanitary landfill.

Regional Council Approval: April 2, 1980
Committee Approval: March 24, 1980
Staff Report No.: N/A

93.

THAT a sum of \$1,200.00 be authorized for payment to the consulting firm of Kilborn Limited for additional printing costs incurred with the production of Draft and Final copies of the Solid Waste Management System Study.

THAT the Regional Chairman, Chairman of the Solid Waste Management Committee and/or members of the Committee consult with Provincial and Federal Ministries with respect to possible funding of a resource utilization plant and/or a market development program.

THAT Regional staff be instructed to make application to the Province of Ontario for subsidization of all expenditures incurred in preparation and completion of the Halton Region Solid Waste Management System Study.

Regional Council Approval: May 7, 1980
Committee Approval: April 21, 1980
Staff Report No.: N/A

94.

WHEREAS the Hon. Premier of Ontario, Mr. William Davis, has made it quite clear that Energy is to be a top priority for his Government.

WHEREAS several municipalities in the Province of Ontario are fast running out of Landfill Sites for Solid Waste, causing almost crisis situations

WHEREAS the public of Ontario seriously questions the practice of landfilling solid wastes for the following valid reasons. Certain environmental hazards, invariably prime farm land is affected. Solid Waste is a very valuable fuel.

WHEREAS Wintario funds to date have been mainly used for the purpose of Sports and Recreation, which cannot be considered a top priority

BE IT RESOLVED THAT the Regional Council of Halton respectfully requests the Hon. Premier of Ontario, his Cabinet and Members of the Legislature to divert some Wintario monies to the construction of Resource/Recovery/Energy Producing Plants in areas where existing Landfill Sites are near to capacity.

THAT staff be requested to contact the Ministry of Energy, Energy from Waste Unit and the Ministry of Environment, Waste Management Branch and report back to the Committee on any possible funding available.

Regional Council Approval: May 7, 1980
Committee Approval: April 21, 1980
Staff Report No.: N/A

95. THAT staff be authorized to enter into discussion with Monarch Resource Recovery & Transfer Limited in regard to the overall feasibility of the proposal with a view to the preparation of an agreement covering the construction and operation of a Solid Waste Transfer Station in the Town of Halton Hills.

Regional Council Approval: May 21, 1980
Committee Approval: May 12, 1980
Staff Report No.: N/A

96. THAT the Consulting firm of Kilborn Limited be engaged to present to the Georgetown Hospital Board the proposal to install a modular incinerator for the production of steam, adjacent to the hospital, with an upset limit of \$1,500.00

Regional Council Approval: May 21, 1980
Committee Approval: May 12, 1980
Staff Report No.: N/A

97. THAT the Regional Solicitor be requested to prepare for submission to the Solid Waste Management Committee a letter to the Attorney General requesting the existing legislation with respect to roadside dumping and littering be reviewed with a view to substantially increasing the existing fines and the establishment of a minimum penalty.

THAT the Public Works Committee be requested to review the matter of individual home owners being charged tipping fees for the disposal of solid waste being brought to the landfill site in pick-ups and small trailers.

THAT the Public Works Committee be requested to review the matter of providing containers or some other such facilities, at landfill sites, to accommodate the disposal of solid waste at times when the site is closed.

Regional Council Approval: July 2, 1980
Committee Approval: June 16, 1980
Staff Report No.: N/A

- 98.
1. THAT the Oakville Landfill Site Hydrogeological Report dated October 1979 by Gartner Lee Associates Limited with respect to the proposed small expansion at the Oakville Landfill Site be adopted.
 2. THAT the Oakville Landfill Site Design and Operations Report prepared by M.M. Dillon Limited and dated January, 1980 be adopted.
 3. THAT the Regional Municipality of Halton indicate to the Director of Environmental Approvals of the Ministry of the Environment Halton's acceptance of Provisional Certificate No. A210402 with respect to the small expansion of the Oakville Landfill Site, and indicate that there will be no appeal of the conditions attached. In that regard, Regional Staff are further authorized in consultation with the Regional consultant to proceed with the small expansion and the operation of same in accordance with the said Provisional Certificate of Approval.
 4. THAT the Legal Department is authorized to arrange for the registration on the title to the lands of the Oakville Landfill Site as expanded, the Provisional Certificate of Approval A210402.

Regional Council Approval: June 18, 1980
Committee Approval: June 11, 1980
Staff Report No. R.S. 66-80

99. THAT C.A.O. Report No. 41-80 re: Solid Waste Management Program for Halton be referred back to the Chief Administrative Officer for further review.

Regional Council Approval: July 2, 1980
Committee Approval: June 16, 1980
Staff Report No.: C.A.O. 41-80

100. THAT the Georgetown District Hospital be thanked for considering the presentation of the Region with respect to a transfer station consideration facility on the Hospital lands to service the Hospital and to handle processable waste from the Halton Hills Area to the Georgetown District Hospital. Having rejected the above idea, no Regional staff are authorized to carry through with the pre-negotiations with Monarch Disposal regarding a proposal for a transfer station in Georgetown. Staff to report back to Committee and Council as soon as reasonably possible on this matter with any recommendations therein.

Regional Council Approval: Aug. 20, 1980
Committee Approval: Aug. 11, 1980
Staff Report No. R.S. 74-80

101.

THAT on the entering into Subdivision Agreements from this point or until further action by Council, that a Solid Waste Refuse Utilization Surcharge Fee be imposed on each proposed unit in the subdivision to be collected at the time of the execution of the Subdivision Agreement in the amount of \$100.00 per unit with such funds collected to be used for the purposes of resource utilization only and further

THAT Currie Cooper be commissioned to examine the actual fee required, with terms of reference to be provided by Council, and should the actual fees required be less than the \$100.00 assessed, that adjustments be made to any fees paid in the interim.

Regional Council Approval:	Aug. 20, 1980
Committee Approval:	Aug. 11, 1980
Staff Report No.:	R.S. 75-80

102.

THAT the Region of Halton support the proposal from the Ministry of the Environment that Halton be the location of a pilot project for a multi-material recovery program to be jointly undertaken with the Region and the Ministry of the Environment, and

THAT the Regional Chairman arrange a meeting between representatives of Halton Region and Ministry of Energy representatives to discuss possible energy recovery options through source separation and energy recovery.

Regional Council Approval:	August 20, 1980
Committee Approval:	August 11, 1980
Staff Report No.:	N/A

103.

THAT Resource Integration Systems Ltd. be retained to undertake a Solid Waste Source Separation and Market Development Study at a cost of \$17,970; and

THAT the Study be based on the Terms of Reference approved by Regional Council on July 2nd and an additional item: i.e. to recommend the best method for collection of the various source separated materials and establish costs per ton for each category and further

THAT the consultants be instructed to interview all members of the Solid Waste Management Committee prior to the study being commenced.

Regional Council Approval:	August 20, 1980
Committee Approval:	August 11, 1980
Staff Report No.:	B.D. 7-80

104. 1. THAT the Minister of the Environment be respectfully requested to refuse any request of the Town of Milton and/or any other person or persons that The Environmental Assessment Act apply to the Regionally proposed sanitary landfill undertaking commonly known as Site F at the northwest corner of Tremaine and Britannia Roads in Milton, on one or other of the following basis:
- a) that such a request is not in order in that such an undertaking of The Regional Municipality of Halton is not covered by The Environmental Assessment Act at the present time by virtue of the exemption provisions of the Act itself and of Ontario Regulation 836/76 as amended by Ontario Regulation 468/80.
 - b) if The Regional Municipality of Halton is not correct and if, by virtue of the provisions of The Environmental Assessment Act and Ontario Regulation 836/76 as amended by Ontario Regulation 468/80, the proposed undertaking is covered by both The Environmental Assessment Act and The Environmental Protection Act, then the Region believes that the required order under Section 35 of The Environmental Assessment Act should provide that the public hearing required be held under The Environmental Protection Act and that The Environmental Assessment Act and any regulations for any of the matters provided under The Environmental Assessment Act NOT apply to the proposed sanitary landfill at Site F nor to The Regional Municipality of Halton. The Region believes that the intent of the "Grandfather" exemption clause contained in Ontario Regulation 468/80 with respect to continuing the exemption under The Environmental Assessment Act for those municipal projects already under way was meant to apply to just such a project as the proposed sanitary landfill at Site F. The Region believes that the application of The Environmental Assessment Act to any projects should be made at the commencement of such projects and prior to the undertaking of any approval process, not after the commencement of such projects and near the end of the approval process as is the case with Site F. To go under The Environmental Assessment Act at this point with Site F would mean substantial unanticipated costs to the Region as well as substantial delay and is unfair as the environmental approval application was geared to the Environmental Protection Act as was proper.

Regional Council Approval: Sept. 17, 1980
Staff Report No.: R.S. 104-80

105. 1. THAT the Regional Municipality of Halton appear and defend the Application by the Town of Milton against the Region, the Ministry of the Environment and the Environmental Assessment Board seeking an injunction and other relief with respect to the issue of Site "F" being under The Environmental Assessment Act and/or The Environmental Protection Act. The Region's position on such Application is that Site "F" falls under The Environmental Protection Act and not under The Environmental Assessment Act, and therefore the application requested by the Town should be refused.
2. THAT the Regional Municipality of Halton retain Osler, Hoskin & Harcourt to act on behalf of the Region with respect to the above-mentioned Application, and to take any and all action and do all things which they deem necessary in that regard.

Regional Council Approval: Sept. 24, 1980
Staff Report No. R.S. 105-80

106. 1. THAT the following reports prepared and submitted by the Regional Municipality of Halton in support of its Application for a Certificate of Approval under the Environmental Protection Act for the establishment and operation of a sanitary landfill at Site F in Milton are hereby adopted:
- (a) ENVIRONMENTAL ANALYSIS REPORT - PROPOSED LANDFILL SITE F - prepared for M. M. Dillon Limited by Ecoplans Limited dated February, 1980.
 - (b) ENVIRONMENTAL ANALYSIS REPORT - PROPOSED LANDFILL SITE F - SUPPLEMENTARY REPORT - WILDLIFE STUDY - prepared for M. M. Dillon Limited by Ecoplans Limited dated August, 1980.
 - (c) REGIONAL LANDFILL SITE - HYDROGEOLOGICAL STUDY - prepared for M. M. Dillon Limited by Gartner, Lee Associates Limited dated October, 1978 and revised March, 1980.
 - (d) REGIONAL LANDFILL SITE - NOISE IMPACT ANALYSIS - prepared for M. M. Dillon Limited by Valcoustics Canada Limited dated November, 1978, supplemented January, 1980
 - (e) REGIONAL LANDFILL SITE - HYDROLOGY STUDY - prepared for and by M. M. Dillon Limited dated May, 1980.
 - (f) FEASIBILITY STUDY ON THE AGRICULTURAL REHABILITATION OF A PROPOSED LANDFILL OPERATION: REGION OF HALTON - prepared for M. M. Dillon Limited by Ecological Services for Planning Limited dated August, 1978 and revised February, 1980.
 - (g) REGIONAL LANDFILL SITE - DESIGN AND OPERATIONS REPORT - Prepared for and by M. M. Dillon Limited dated December, 1978, revised May, 1980.
 - (h) APPENDIX containing TABLE A: PROJECTED SOLID WASTE QUANTITIES AND TABLE B: PROJECTED POPULATIONS

2. THAT Regional Staff and the Region's Consultants and Sub-Consultants are hereby authorized to prepare and submit in support of the Region's Application for a Certificate of Approval for Site F

any further reports as they deem necessary and to file those reports with the Environmental Assessment Board, the Director of Environmental Approvals and the Ministry of the Environment and/or any other interested parties and to attend before and/or give evidence to the Environmental Assessment Board, the Director of Environmental Approvals, the Minister of the Environment or any other interested person or parties, all with respect to the Region's application for a Certificate of Approval for Site F.

3. THAT should a Certificate of Approval be received with respect to the establishment and operation of a sanitary landfill at Site F, that a "Site F Landfill Advisory Committee" be established to "watchdog" the sanitary landfill at Site F and to report thereon to the Public Works Committee and Council on its establishment and thereafter on its day-to-day operations and thereafter on its after-use. Such Advisory Committee shall receive any complaints and may make any recommendations and/or any suggestions for improvement that it deems advisable.

Such Advisory Committee shall consist if possible of one Regional Councillor, the Regional Staff person in charge of the Site F establishment and/or operation, the Regional Contractor (if the operation of the Site is contracted out), one local Councillor from the Town of Milton, one Staff person from the Town of Milton, one member of EEAC and one representative from the Citizens resident near the proposed landfill site, e.g. from the Tremaine-Britannia Citizens Group, and one Member of the Halton Region Conservation Authority.

4. THAT this Council hereby confirms its commitment made in January of 1979 that once the Site had been fully approved and constructed to consider any possible injurious affection claims from persons resident near the site and to purchase the property of Miss Bessie Smith should she wish to sell, and only if she wishes to sell to the Region.
5. THAT the Council of the Town of Milton be respectfully requested to pass forthwith the Official Plan and Zoning Amendments as ordered by the Ontario Municipal Board. If the Town of Milton Council will not pass the necessary amendments within a reasonable period of time from this request, then the Regional Legal Counsel (Osler, Hoskin & Harcourt) and Regional Staff are hereby authorized to take any and all proceedings that may be necessary to finalize the Planning Authorization for Site F.

Regional Council Approval: October 1, 1980
Staff Report No.: R.S. 110-80

107. 1. THAT in light of the September 30, 1980 Decision of Mr. Justice Southey of the Ontario Divisional Court, that the exemption ("Grandfather" provision) in Ontario Regulation 468/80 under the Environmental Assessment Act does not apply to the Site "F" Project, such that both the Environmental Assessment Act and the Environmental Protection Act would both apply to the Site "F" Project, this Council hereby reconfirms its request of September 17, 1980 to the Minister of the Environment that the Minister make an Order under Section 35 of The Environmental Assessment Act, that the Public Hearing under the Environmental Protection Act be proceeded with and that the Environmental Assessment Act or the regulations thereunder not apply at all to the Site "F" Project or to the Regional Municipality in that regard.
2. THAT the Minister of the Environment be respectfully requested to make such Order as quickly as possible and, in any case, before October 12, 1980, so that if the Order is that the Environmental Protection Act "route" be followed as urged by the Region, then there will be no need for a Regional Appeal of Mr. Justice Southey's Decision nor a delay in the start of the already fixed Hearing Date for the Environmental Protection Act Hearing of October 15, 1980.
3. THAT should the Minister of the Environment not make an Order under Section 35 of the Environmental Assessment Act by October 12, 1980 or should the Minister of the Environment at any time, make an Order that the Environmental Assessment Act shall apply to the Site "F" Project and the Public Hearing not be held under the Environmental Protection Act, then Regional Legal Counsel, Osler, Hoskin & Harcourt, and Regional Staff are hereby authorized to launch an Appeal by the Region of Mr. Justice Southey's Decision.

Regional Council Approval: Oct. 1, 1980
Staff Report No. R.S. 112-80

108. 1. THAT proposals be invited for consulting services from:

- 1) Kilborn Limited
- 2) McLaren Limited
- 3) M.M. Dillon Limited
- 4) R.E. Winter & Associates Limited

regarding the provision by the Region of a Solid Waste Transfer Station in the Georgetown area of Halton Hills.

2. THAT the Consultant be informed that this Committee and Council wish to analyse the completion of the provision of a Transfer Station in Halton Hills (Georgetown) on the basis of a complete "Turn Key" approach or a complete "Regional" approach or something inbetween. The Consultant should therefore, break his proposal down firstly into the methods, procedures, timing and costs for analyzing and advising this Committee and Council

as to what approach should be taken with respect to the completion of the project and then, secondly, methods, procedures, timing and costs for each option vis-a-vis the consultant work to complete any of the options which Council might choose.

3. THAT any proposals submitted shall be submitted by Wednesday, October 29th, 1980 for submission to a meeting of the S.W.M.C. on Monday, November 3rd, 1980 at 8:30 a.m. for recommendation to Council on Wednesday, November 5th, 1980.

Regional Council Approval: October 15, 1980
Committee Approval: October 6, 1980
Staff Report No.: R.S. 114-80

109. THAT the firm of M.M. Dillon, Consulting Engineers and Planners be engaged at an upset figure of \$10,800.00 to undertake a study and to report on the provision of a Solid Waste Transfer Station in the Georgetown area of Halton Hills.

Regional Council Approval: November 5, 1980
Committee Approval: November 3, 1980
Staff Report No.: N/A

110. THAT the Report entitled "HYDROLOGICAL SUITABILITY OF THE N.S.P.L. LANDFILL SITE - BURLINGTON ONTARIO" by Drs. Cherry and Lush be received.

THAT Regional staff be authorized to circulate for comment within 60 days the Hydrological Study to Burlington City Council and staff, the Ministry of the Environment staff, and National Sewer Pipe Limited

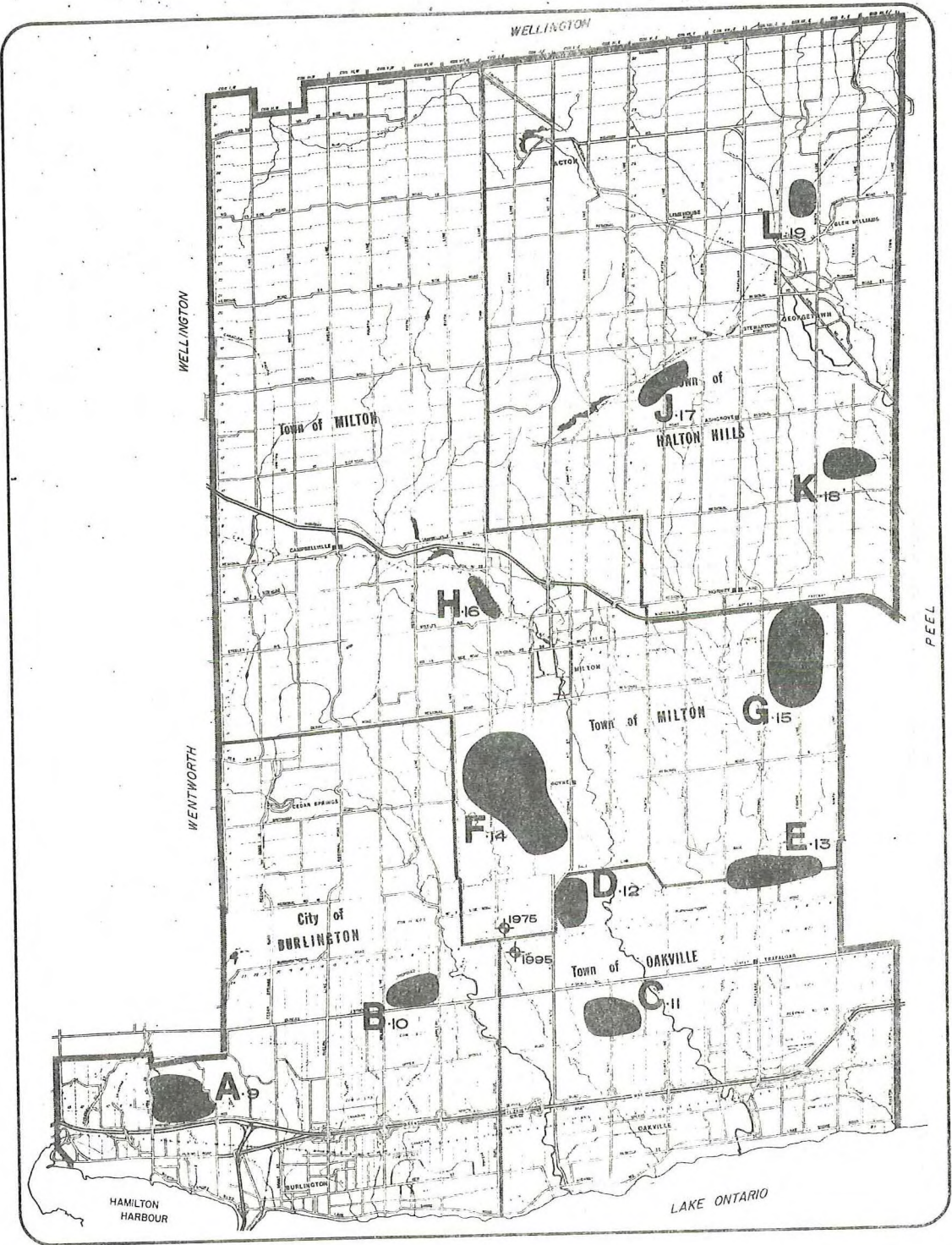
THAT upon receipt of the responses from the City of Burlington, the Ministry of the Environment, and National Sewer Pipe Limited, Regional Staff prepare a report for consideration by this Committee and Council with respect to the question, "What role should a landfill site on N.S.P.L. lands in Burlington play, if any, in the Solid Waste Management Program for Halton?"; such report to include recommendations concerning the "Options for Leachate Management" set forth by Drs. Cherry and Lush in their report.

THAT, to assist Regional Council in determining what role a landfill site on N.S.P.L. lands in Burlington would play in the Region's Solid Waste Management Program, a cost benefit analysis be completed.

Regional Council Approval: January 7, 1981
Committee Approval: November 21, 1980
Staff Report No.: R.S. 123-80

- 111.
- 1.1 THAT the report of Resource Integration Systems be adopted as the guideline for the implementation of a separation at source system for the Regional Municipality of Halton and further
 - 1.2 THAT the Regional Municipality of Halton reconfirm that separation at source is one part of its already approved Solid Waste Program and the Region requests each of the four area municipalities to co-operate to make possible the achievement of this aspect of our total Solid Waste System as soon as possible.
 - 1.3 THAT the Regional staff be authorized to meet with representatives of the area municipalities and the Ministry of the Environment to establish a program of implementation based on the R.I.S. report for the establishment of a separation at source system in Halton and further
 - 1.4 THAT staff be instructed to forward to the four area municipalities copies of the Regional Solid Waste Source Separation Market Development Program requesting this report be placed before their Council for consideration, recommendation and adoption.

Regional Council Approval:	January 21, 1981
Committee Approval:	January 12, 1981
Staff Report No.:	P.W. 11-81



LEGEND:

- POSSIBLE LANDFILL LOCATIONS.
- CENTROIDS OF WASTE GENERATION.
- LOCATION A REFERENCE FIGURE 9



FINANCIAL ANALYSIS
SUMMARY OF EXPENDITURES - SANITARY LANDFILL COMPONENT
SOLID WASTE DISPOSAL PROGRAM
SITE F AND INTERIM WASTE DISPOSAL PLAN

	1974 Area Waste Mgt. Study Jas. F. MacLaren		1976 M.O.E./Region Resource Recovery, Landfill Study, M.M. Dillon Ltd		Site "F"		Site "A"		Site "H"		Site "B"		Site "D"		Site "G"		Totals
	M.O.E.	Region	M.O.E.	Region	1976	1977	1978	1979	1980	1976	1977	1976	1977	1976	1977	1976	
A Site F																	
Initial Studies	\$30,000	\$30,000	\$112,000														\$172,000
Hydrogeology, Stage I Investigations (walk over, wells etc.)					\$9,000					11,264	77			5,000		4,501 73	5,000 34,915
Stage II and Stage III (drilling and dulling analysis)					20,470	22,572											43,042
Stage IV (Included in (7) below) (establish design parameters) (included in (7) below)																	
Feasibility Studies												5,909	496				6,405
Conceptual Design					845	51,743											52,588
Legal Surveys, Appraisals, and Option Fees							6,400	2,531	702								9,633
Other (preparation for and attendance at meetings etc.)					847	15,235	9,710	7,124									32,916
O.M.B. Hearing Preparation and Court Cases, Engineering Legal Other							104,251	80,930									185,181 3,949
O.M.B. Hearing, Engineering Legal Other								68,552									68,552 115,800
Environmental Hearing Preparation, Engineering Legal Other						2,130			73,857 35,255 5,000								73,857 37,385 5,000
Environmental Heating, Engineering Legal Other																	
Totals	\$30,000	\$30,000	\$112,000		\$31,162	\$98,080	120,441	273,108	114,112	\$11,264	\$77	\$5,909	\$496	\$5,000		\$4,501 73	\$5,000 \$841,223
		\$60,000	\$112,000				\$636,903			\$11,341		\$6,405		\$5,000		\$4,574	\$5,000 M.O.E. \$142,000 Region 699,223

FINANCIAL ANALYSIS
OF EXPENDITURES - SANITARY LANDFILL COMPONENT
SOLID WASTE DISPOSAL PROGRAM
SITE F AND INTERIM WASTE DISPOSAL PLAN

B	Interim Waste Disposal Plan	Oakville					Burlington					Totals
		1978	1979	1980	1981 (Actual + Est'd)	1982 (Est'd)	1978	1979	1980	1981 (Actual + Est'd)	1982 (Est'd)	
	Interim Waste Disposal Feasibility Study (Engineering Co-ordination, Meetings etc.)	\$12,100	\$7,500					\$11,047	\$1,430			\$32,077
	Hydrogeology	681	50,386						53,380			104,447
	Environmental Assessment		2,369						6,664			9,033
	Design & Operations Reports			\$12,988				1,185		19,000		33,173
	Environmental Hearing, (Burlington, Phase II)											
	Engineering								9,700			9,700
	Legal											
	Other								6,306			6,306
	Property,											
	Purchase			225,000	34,000					459,532		718,532
	Legal & Appraisal	3,334		1,144				1,360		17,181		22,919
	Other (searches, surveys, etc.)	668	5,398	4,477				6,817				17,360
	Construction (including design)			106,935	419,483				78,813	820,000	90,000	1,515,231
	Other (Misc. staff time, mileage, surveys, utility relocations etc.)	86	4,958	7,915				3,000	23,918			39,877
		16,869	70,611	358,459	453,483			12,232	72,651	1,296,713	90,000	
									137,737			
				\$899,422					\$1,609,333			\$2,508,755

A + B Grand Total	Gross	\$3,349,978	(Region + M.O.E.)
	Net	3,207,978	(Region)

Ontario Municipal Board

IN THE MATTER OF Section 17(5) of The Planning Act (R.S.O. 1970, c. 349),

- and -

IN THE MATTER OF a reference to this Board by the Honourable Claude F. Bennett, Minister of Housing, on a request by the Regional Municipality of Halton, to amend the Official Plan for the former Burlington Planning Area (now in the Town of Milton) to permit a sanitary landfill site and for agricultural purposes, where feasible, at the north-west corner of Britannia Road and Tremaine Road and being composed of part of Lots 6 and 7, Concession VII, N.S., in the Town of Milton - Site "F" Minister's File CPC-2919-17(3)A

- and -

IN THE MATTER OF an appeal by the Regional Municipality of Halton for an order directing an amendment to By-law 1642 of the former Town of Burlington, now the Town of Milton, to change from "Conservation" and "Agricultural" to "sanitary landfill" the permitted use of lands comprising part of Lots 6 and 7, Concession 7, N.S., formerly in the Town of Burlington, now in the Town of Milton, to permit the establishment of a sanitary landfill operation on the said lands

- and -

IN THE MATTER OF Section 64 of The Ontario Municipal Board Act (R.S.O. 1970, c. 323)

- and -

IN THE MATTER OF an application by The Regional Municipality of Halton for an order approving:

- (a) the acquisition of land and the design, and construction of a sanitary landfill site for the purpose of receiving, dumping and dispensing of waste located at the northwest corner of Tremaine and Britannia Roads in the Town of Milton at an estimated cost of \$3,700,000.00 and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and

- (b) the borrowing of money therefor,
and the issuance of debentures in
the sum of \$3,700,000.00 for a term
of five years

C O U N S E L :

J. Edgar Sexton, Q.C. Fraser Berrill D. Perlin	- for The Regional Municipality of Halton
Frederick E. Leitch Larry S. Gangbar	- for The Town of Milton
David Estrin Robert K. Timberg	- for Tremaine-Britannia Citizens Group and others
Rodney H. Crown	- for Hama Investments Limited and Wolf Teichman
Gerard Balciunas	- for J. Zabulionis and S. Kalytis
Richard R. Arblaster	- for H. Reid and others
G. J. Smith, Q.C. Jack D. Winberg	- for Dufferston Holdings Limited
Mark T. Adamson	- for Josephine Peric and others
Peter K. McWilliams, Q.C.	- for Bessie Smith

DECISION OF THE BOARD delivered by W. T. SHRIVES AND
A.J.L. CHAPMAN

The public hearing of these applications was commenced on the 8th day of January, 1979 in the Town of Milton and completed on the 28th day of March, 1979.

The matter under Section 17(5) of The Planning Act was referred to this Board as indicated in the style of cause by the Honourable Claude F. Bennett, Minister of Housing, because the Council of the Town of Milton failed to act on a request from the Council of the Regional Municipality of Halton to amend its Official Plan. There is also a companion application under Section 35(22) made by the Regional Municipality of Halton requesting this Board to instruct the Town of Milton to amend By-law 1642 to implement the proposed Official Plan amendment. The third application simply seeks the necessary authorization to make the capital expenditures.

The Regional Municipality of Halton requested the Town of Milton to designate certain lands in the Town, namely, part of Lots 6 and 7, Concession 7, N.S. for the purpose of establishing a landfill site on the said lands. It is an

area of some 246 acres located at the north-west corner of Britannia Road and Tremaine Road to the south of the urban area of the Town of Milton. The existing designation on the subject lands is found in the Official Plan of the former Burlington Planning Area and is known as Amendment No. 49. This document was approved by an order of the Board dated the 16th day of June, 1971 and designates the subject lands as Agriculture. (For purposes of identification, these lands will be referred to as Site "F" throughout the remainder of this decision.)

The permitted land use on Site "F" is contained in By-law 1642, which is a by-law of the former Town of Burlington, and shows the zoning as agriculture and conservation.

The provisions of the existing Official Plan are silent with respect to a sanitary landfill site although By-law No. 1642 provides for a "dump" as a land use, permitting it in "M2", "M3" and "M4" zones. The Region takes the position that the provisions for a sanitary landfill should be spelled out both in the Official Plan and the restricted area by-law in order that the specific use can be detailed and also that a variety of other uses cannot be allowed.

In addition to the above, there are two other planning documents which, from a planning standpoint, have an influence on Site "F". The first of these is the new proposed Official Plan for the Milton Planning Area which has been approved by Council but has not as yet been approved by the Minister. The new Milton Official Plan designates Site "F" as agriculture. The second document filed as Exhibit No. 76 at the hearing is the draft Official Plan for the Regional Municipality of Halton which is again a document which has Council approval but as yet has not been approved by the Minister. It is intended that this latter Official Plan will be dealt with at some length later in the decision.

Section 131(2) of The Regional Municipality of Halton Act, 1973, reads as follows:

"(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities."

This statute, therefore, clearly places the responsibility of providing the necessary facilities for receiving the waste materials of the four area municipalities on the Region. It is the exercise of this duty which brings these applications before this Board.

In order to more clearly understand the background, it is essential that the chronology of events be outlined leading up to the present.

The process seems to have started even before the Region came into existence when in 1972 the former County of Halton commissioned the firm of James F. MacLaren Limited to carry out a solid waste management study. This study, which was sponsored by the Government of Ontario, was completed in the summer of 1974 at which time the Region had come into existence. The study was filed as Exhibits No. 27A and No. 27B at the hearing and identified some 30 potential landfill sites in the Region. It is not intended to deal with this study in this decision because the Region, in presenting its case, did not rely on it other than to identify its existence. It is interesting to note, however, that at the time Regional Government came into existence, there were six landfill sites operating in the Region and this has now been reduced to three.

In the latter part of 1974, the Provincial Government offered to fund municipalities to study their waste management problems with a view to introducing resource recovery. As a result of this offer, the Region engaged the firm of M.M. Dillon Limited to carry out a Resource Recovery Study for the Region of Halton and an interim report was filed with the Region on the 6th of February, 1976 (Exhibit No. 9). This report, as well as others, will be dealt with in detail later in the decision but the report can really be identified as the starting point of the Region's search for a landfill site.

It should be pointed out that although the early intention of the

Region was to study the matter of landfill it also looked at the subject of resource recovery and while it is acknowledged by the Region that the study of resource recovery will continue, that subject did not form a part of this hearing and will not be considered in the decision. It is quite apparent that resource recovery is a matter which is still in its infancy and while it may some day become an integral part of waste management and to some extent reduce the need for landfill sites, it is not going to solve the immediate needs of the municipality.

In February, 1975, prior to the appointment of the Dillon firm, the Region, by a resolution, established a committee composed of elected representatives and staff of the Region and four area municipalities, as well as representatives of the Ministry of the Environment. This Committee became known as the Technical Co-ordinating Committee and was given the task of directing and monitoring the study carried out by the consultants.

A resolution of the Regional Council dated April 16, 1975 also set out certain terms of reference which were to be considered by the consultants. These are as follows:

1. Establishing more than one landfill site within the Region (possibly one in the north and one in the south).
2. Establishing a site or sites for the acceptance of any dry solid waste (demolition material etc.).
3. The feasibility of using quarries, the National Sewer property and the Milton Brick yard as landfill sites.
4. Using Class III, or lower agricultural lands only on which to locate landfill sites.
5. The matter of minimizing haulage costs to the area municipalities.

6. Extending the life of the existing sites.
7. The economies in relation to the operation and capital costs of the reclamation plant and transfer station.

It was as a result of these factors that Dillon decided to divide the study into two separate phases. The first phase dealt with the report which has already been mentioned and received by the Region in February, 1976. This report dealt mainly with the selection of a landfill site. The second phase of the Report was completed sometime later and presented to the Region in July of 1976 (Exhibit No. 10) and dealt with the feasibility of a resource recovery plant.

In August, 1975, the consultant Dillon began at once by organizing a team to carry out the first phase of the study. The engineering and planning was done by Dillon, the public participation portion by Connor Development Services Ltd., the environmental analysis by Ecoplans Ltd., and the hydro-geology by Gartner Lee Associates Limited. At the outset, the team set up certain parameters which it used in the process of selecting, acquiring, engineering and establishing a site suitable for landfill. These are as follows:

- terrain evaluation for selection of areas suitable for landfills.
- analysis of hydrogeologically suitable areas against existing and future land use.
- environmental analysis of related areas
- public response programs for rating alternatives
- analysis of transportation systems as related to the centre of waste generation and the potential landfill locations
- analysis of economic consideration of alternate locations.

These factors were the ones used in identifying landfill sites in the Dillon Interim Report of January, 1976 and clearly set out that following the choice of any site or sites that further studies would have to be carried out. These included such things as hydrogeology, ownership of land, engineering design and proposed operational methods.

It is quite clear that the public participation aspect of these studies was commenced at an early stage as evidenced in the resolution of Regional Council dated October 15, 1975 and filed as Exhibit No. 7 at the hearing. Examples of the brochures and the newspaper tabloid were entered at the hearing and it was explained that they tried to give these as wide distribution as possible but there were certain difficulties due to an ongoing mail strike. During the month of December, 1975, public meetings were held in Milton, Oakville, Georgetown and Burlington to familiarize the public with the waste management studies.

Regional Council had also narrowed down the original 11 sites proposed in Exhibit No. 9 to six sites, at this time, and these were sites "A", "B", "D", "F", "G" and "H". It should be pointed out that site "A", referred to here for the first time, should be identified since it will be subsequently referred to many times in this decision. It is in fact the existing landfill site in Burlington and any reference to site "A" is that site or the land immediately surrounding it.

On the 15th day of September, 1976, the Council of the Region passed a resolution which authorized Stage II drilling on site "F" and at the same time Dillon was authorized to prepare an initial conceptual design of "B", "D" and "F", a Stage I study on site "D" and a Stage II study on sites "B" and "D". The same resolution authorized the Tremaine-Britannia Citizens' Group the opportunity of having a report prepared by their consultant, Dr. A. Benedet, on site "A" as an alternative to consider.

In June, 1977, the consultant Dillon presented a Stage III Report to the Region with respect to site "F". This report presented a three-dimensional

interpretation of groundwater movement in the site "F" area. It also reduced the size which had been considered as site "F" up until that time to a much smaller acreage and identified the area as being north of Britannia Road and west of Tremaine Road.

The record indicates that on the 6th day of September, 1977, the Regional Council requested the Town of Milton to amend its Official Plan in order that a landfill site could be established at site "F". The Council of the Town of Milton, by a resolution dated April 3, 1978, requested further information from the Region with respect to site "F" as well as information on alternative sites.

On the 17th of May, 1978, the Council of the Regional Municipality of Halton passed the following resolution:

"That for the purposes of clarity this council hereby confirms that the applications for Official Plan amendments and for restricted area by-law amendment to permit a proposed regional sanitary landfill waste disposal site at 'Site F' only encompasses approximately 246 acres consisting of the lands of Mogil Properties Limited with an acreage of approximately 102.129 acres and the lands of Kowal and Micallef with an approximate acreage of 143.534 acres with the life of proposed site to be for a tonnage of not more than 2,000,000 tons (1,814,000 metric tons) of waste."

This same resolution also authorized the staff and Dillon to prepare a response to the Town's request in the hope that the Town would change the decision and approve the Region's request to amend the Official Plan and the zoning by-law. In a resolution dated July 5, 1978, Regional Council recognized the fact that a crisis may develop before the longer term plan could be implemented and authorized the Dillon firm to carry out an Interim Waste Disposal Feasibility Study. The resolution set out certain parameters which Council wanted further study on. These included such items as updating refuse projection, maximizing the three existing sites as well as expanding the existing sites onto small portions of available adjacent lands. This report was forwarded by Dillon to Regional Council on the 29th day of August, 1978. The report set out seven options which the Region could choose from to give the

Région additional waste disposal capacity.

The Region, by a resolution dated September 6, 1978, selected the 2nd option proposed and this was the expansion of the existing Burlington and Oakville sites together with a stream diversion at the Oakville site. The resolution further authorized Dillon to carry out all the necessary studies to implement these expansions.

In a letter from the Region to the Town of Oakville dated September 15, 1978, the Region asked the Town of Oakville for its comments on the proposal of expanding the existing site in Oakville. Oakville responded to this proposal with a recommendation from the General Committee of Oakville which was endorsed by Council on the 20th of November, 1978 and this read as follows:

"That this Committee recommended to Council that it notify the Region that Oakville is strongly opposed to any expansion of the Fourth Line Sanitary Landfill Site."

In October, 1978, Dillon submitted a final report entitled "Review of Landfill Alternatives" and this in effect was a follow-up on the 11 sites identified in the January, 1976 report (Exhibit No. 9). This report again re-evaluated the potential landfill sites but this time based their analysis on an alternate capacity of two million tons. It again identified and recommended the selection of site "F" based on the knowledge at hand as the more preferable alternative at the present.

In the months that followed, many reports were prepared by the consultant Dillon and the other consulting firms engaged by them. Following is a list of these reports:

1. Hydrogeological Study (Gartner Lee Associates)
2. Design Operations Report (M.M. Dillon Limited)

3. Planning Report (M. M. Dillon Limited)
4. Review of Waste Quantities and Characteristics (M.M. Dillon Limited)
5. Woodlot Vegetation Analysis (Ecoplan Limited)
6. Transportation Analysis (M.M. Dillon Limited)
7. Noise Impact Analysis (Valcoustics Canada Limited)
8. Potential Bird Hazards to Aircraft (L.G.L. Ltd. Environmental Research Associates)
9. Study For Agricultural Rehabilitation (Ecological Services for Planning Ltd.)

The foregoing chronology of events and list of studies are set out to indicate the extensive input which must go into the selection of a site for sanitary landfill.

This chronology does not in any way reflect the list of documents which were filed as exhibits during the course of the hearing and which detail such things as reports, submissions to council and minutes of council.

There is no doubt in the mind of the Board that garbage is one of those facts of life that, although it is acknowledged, no one wants anything to do with it. It is probably the natural reaction of any municipality that it does not want it located in its backyard and this view is reflected in the reaction of the Council of the Town of Oakville concerning the expansion of the existing site in that municipality.

The Region, in presenting its case, called many qualified witnesses on such matters as engineering, land use planning and environmental aspects. In dealing with the evidence adduced by these witnesses, the Board does not

intend to review this evidence in great detail. A great deal of this evidence is of a highly technical nature and will no doubt form an integral part of future approvals, but needless to say, it was evidence which aided the Board in reaching its conclusions.

The present Director of Public Works, Mr. Robert Moore, was called to outline to the Board the history of the applications at hand. In tracing the history, he emphasized such matters as need and related it to his former position in the Town of Oakville and, in addition, filed many of the main reports from the Dillon firm, which laid the foundation for the decision of the Regional Council in selecting site "F".

Mr. Hubert Borque, who is an engineer and a former employee of the Region, was the author of a report placed in evidence as Exhibit No. 31. During the time of his employment with Halton, he was responsible for the planning, design and operation of sanitary landfill sites as well as any sampling or testing at the three existing sites. It is also interesting to note that Mr. Borque has a continuing association with sanitary landfill in Halton in that his present firm has assigned him as project engineer for designing a leachate collector system for the existing Burlington landfill site.

The report of this witness (Exhibit No. 31), details such matters as site operations at the existing landfills, operational improvements to existing landfill sites, site record keeping and operating plans, and site capacity estimates. This latter portion of the report is the critical one in establishing the urgent need to find a new and suitable site. Based on the calculations which Mr. Borque made, it is expected that the three existing sites will close on the following dates:

March 1979 for Halton Hills (Georgetown) (It has in fact been closed.)

October 1979 for Oakville

December 1979 for Burlington

It should be noted that Mr. Borque did not include in his capacity estimates any additional capacity either at Burlington or Oakville with respect to the proposed extensions. He felt that since these applications had not been made they should not be included. He also strongly emphasized the problems which are encountered when filling takes place beyond the final contours such as erosion.

It probably can be safely said that the key witness called by Mr. Sexton to support the Region's position in these appeals was Mr. W.F. Wells of the M.M. Dillon firm. Mr. Wells has an extensive background in the field of solid waste management not only with Dillon whom he joined in 1973 but also as an employee of the Ministry of the Environment in the Province of Ontario.

The Dillon firm was retained by Halton in August, 1975 and the complete terms of reference covering this retainer are shown under Appendix "A", Exhibit No. 10, filed at the hearing. This was the second and the last of the two Resource Recovery Studies done by Dillon. This latter report dealt primarily with resource recovery while the earlier report of February, 1976 dealt with the problem of landfill. The report of February, 1976, which was marked as Exhibit No. 9, set out to identify locations within the Region which could be used for landfilling and did not attempt to identify a particular site. In this connection, the following quote is taken from this report:

"This Report does not recommend a specific solution to the landfill situation but presents four alternative solutions which are acceptable from a technical point of view. Obviously, the final decision rests with the Region and should take into account the social concerns which were generated as a result of the public participation program."

Mr. Wells emphasized that the costs of extensive drilling to prove the hydrogeological capabilities of a site are quite expensive and caution must be exercised. This may have influenced Council in making its decision to proceed with detailed drilling at site "F" and if the results were satisfactory, it would not be necessary to drill at the other sites which were still under consideration. In any event, Regional Council, by a resolution dated the 5th day of July,

1978, directed the Dillon firm to carry out the necessary work which led to the Interim Waste Disposal Feasibility Study (Exhibit No. 19) forwarded to the Region under cover of a letter dated August 29, 1978.

The Study (Exhibit No. 19) identified the fact that the need for interim waste disposal was apparent and looked at the problem under the following headings:

- recommend additional landfill capacity in areas physically suitable
- recommend a program that will permit approval of new capacity at the earliest possible dates
- recommend a program that provides sound waste management practices and is compatible with Regional policies on waste management.

Four specific locations were selected for review in the Study and these are the existing Burlington and Oakville landfill sites, the Milton brick yard and the NATCO quarry in Burlington. The report set out the technical feasibility of extending the life of the Burlington and Oakville sites and although data was provided on the NATCO quarry it seems to have been dropped because of development problems.

Again in October, 1978, Mr. Wells sent a report to the Regional Council which updated the information on the 11 sites identified in the January, 1976 report. This report (Exhibit No. 41) attempted to answer the specific points raised in Resolution No. 671 dated April 3, 1978 of the Council of the Town of Milton. It again concluded that for all the reasons cited in the report that site "F" was the most desirable site for sanitary landfill.

Mr. Wells pointed out to the Board that in the beginning of study the area identified as site "F" consisted of some 2500 acres. This much larger

acreage was as a result of the early studies which dealt with an area on the east side of Tremaine Road and north of Britannia as well as the area west of Tremaine and north of Britannia. The hydrogeological results, however, reduced the area and the land on the west side of Tremaine Road was the final choice.

In December, 1978, a report entitled "Design and Operations Report", which was prepared under the supervision of Mr. Wells, was received by the Region. This is a crucial document in that it details the actual operation of the site from its very beginning to the final day when the site closes and the after use begins. The latter point is a very important one because it is one on which a great deal turns. The number of options open to the after use of the landfill site are quite limited. In the instant case, it was first felt that upon completion of the landfill the site could be used for recreation purposes. It was found, however, after investigation that nobody seemed interested in the recreational aspects of the site. In the final analysis, therefore, it was decided to put the site back into an agricultural use and this had a very strong influence on the Design and Operations Report (Exhibit No. 42). In order to prepare the design it was necessary to have the input of the various experts such as the hydrogeologist for the leachate collection system, the planner for visual considerations, an engineer for surface drainage, a traffic engineer and several other persons qualified in their own fields. It has already been pointed out that each of these experts dealt with their concerns in great detail and this decision does not intend to review this evidence unless it applies to specific points raised by the objectors.

In the opinion of the Board, Mr. Wells appeared to be completely confident that site "F" could be engineered to meet all the requirements demanded by the Ministry of the Environment in establishing a landfill site. It should also be borne in mind that the proposed design details presented by Mr. Wells are not considered by him to be the final design details. These details will have to be available at a later date when application is made to those who have the jurisdiction of approving them.

In the event that one set out to make a list of points in their order of importance concerning the establishment of a sanitary landfill site, there is no doubt that ranking number one would be hydrogeology. The Board, having heard this important evidence, is convinced that although many sites may be found in a municipality which could meet all of the criteria essential to establishing a landfill site, if the hydrogeological conditions were unfavourable, the site in all probability would not be approved. Mr. Grant Anderson of the firm of Gartner Lee Associates Limited gave extensive technical evidence on this subject at the hearing and the details of that evidence are contained in his report filed as Exhibit No. 51.

It was under his supervision that all of the testing and drilling was done at site "F". The Board cannot help but note that the job of testing groundwater in the vicinity of site "F" was made much more difficult by the circulation of a notice to ratepayers in the area. This notice was filed as Exhibit No. 182 at the hearing and is signed simply as "Interested Citizens' Group". The notice points out that Gartner Lee will seek to investigate every well in the area before it can effectually evaluate the site for landfill. The following is extracted from the notice:

"We feel that to cooperate with Gartner Lee Associates would be an admission of consent to the landfill. We feel that to not cooperate with them will serve to delay their decision. As you know, their decision has to be made within a specific period of time. Do not let them come on your property."

The memo then goes on to advise the residents to inform the land agent of the Region that they will not grant permission to come on their property.

This seems like a rather unusual step for people who may have certain fears about groundwater pollution and could have their fears supported through technical engineering information and thus rule out the possibility of site "F" being further considered as a landfill site.

In spite of this hurdle, however, Mr. Anderson was able to carry out his drilling program and where necessary do it within the road allowances.

A great deal of evidence was adduced with respect to the generation and collection of leachate which will occur at site "F", and the large annual cost of removing it from the site. There was, however, no disagreement with the fact that when the generation of leachate reaches its peak some years hence that steps would be taken to connect it with one of the existing sanitary sewers at that time.

Mr. Anderson concluded that because site "F" is located on a glacial clayey silt till in a discharge area that a properly designed and operated landfill will have no adverse impact on the ground and surface water quality in the area.

In view of the fact that these appeals are made under the pertinent sections of The Planning Act, the evidence given by qualified planners at the hearing becomes extremely important. The Board also feels that because of its ruling, which allowed the Town of Milton to introduce evidence on other sites, it had a much broader scope to assess the planning details.

The planning evidence in support of the Region's case was given by Mr. James Balfour and Mr. Edward Cumming.

Mr. Balfour, who is a qualified planner, is a member of the Dillon Staff and prepared a report which was entered as Exhibit No. 66.

Mr. Balfour approached the matter first of all from the various planning documents which are presently in force on the subject lands. This investigation revealed the fact that it was necessary to amend the Official Plan to set out the specific proposed use of the site and amend the land use by-law and set out a special landfill site use.

In addition to the local Official Plan and by-law presently in force, there are two other planning documents which have a bearing on the subject

site and one of these is the new Official Plan for The Milton Planning Area (Exhibit No. 75). This document is approved by the local council but is still before the Minister pending approval. The second document is the new proposed Official Plan for The Regional Municipality of Halton (Exhibit No. 76), which is also before the Minister awaiting approval. It is the intention of the Board to deal with this latter Official Plan in some detail because of its references to such matters as Agriculture, Environmental Protection, Solid Waste Management and Resource Management Policies. Mr. Balfour also had the input of other specialists such as traffic, site operation, site rehabilitation and woodlot vegetation.

The site consists of some 246 acres of which 136 acres will be used for landfill and 110 acres surrounding the interior lands will be used for buffering etc. At the present time, 64 percent of the site is used for forage production, pasture and 17 percent for corn and cereal grain production. The remaining 48 acres or 19 percent of the site is comprised of farm buildings, a woodlot and old fields which are out of production. Ninety six percent of the site is made up of Classes 1 to 3 soils but since 65 percent of rural Halton possesses these 1 to 3 capability soils, this is not unusual. The subject site would represent about 0.2 percent of the good farmland in the Region.

The present predominant use of land in the area is agriculture although there are a number of small holdings in the area which have been improved by residences and show up quite visibly on Figure 4 of Exhibit No. 66. As a matter of fact, there are 25 residences with 2/3 of a mile of site "F" and of these residences only about five are farm residences. There appears to be an attempt now to stop the creation of these small lots for urban type residences since most recent applications for severances have been denied.

Mr. Balfour described the area as one where the agricultural economy is relatively stable. The evidence, however, indicates that many farms in the area have been sold in recent years, including the subject site, and are now in the ownership of non-farmers. This means that although large acreages are still actively farmed, it is on a short-term lease basis and the continued use is

not at the discretion of the farmer.

The report also deals with the problem of the possible conflict of removing good farmland even in a temporary basis and the need to establish adequate waste disposal facilities. Mr. Balfour recognized the problem and dealt with it on the basis of there having to be a trade-off between the requirements of the proposed Regional Official Plan and also the Food Land Guidelines (1978). It is quite clear that both of these documents emphasize the need to keep good farmland in production.

Section 3 subsection 9 of the proposed Regional Official Plan under the heading of Solid Waste Management reads as follows:

"Recognize that, in Halton, the nature of the operation of landfills and the need to protect ground and surface water supplies may conflict with the need to preserve agricultural land expressed elsewhere in this Plan."

There was also reference to Section 3.12 of the Guidelines (Exhibit No. 77) which deals with the matter of competing uses for land, which in this case would be agriculture versus landfill. It points out that it may be necessary to make certain trade-offs in such cases but again it must be recognized that the landfill use is a temporary one and that it will ultimately return to a farm use after rehabilitation.

Mr. Balfour recognized the possibility of a conflict between the movement of farm machinery on Britannia Road and the increase of traffic between Highway No. 25 and the site. It is pointed out, however, that even if these applications are not allowed, there will be an increase in the traffic on Britannia Road in this area because the road has been upgraded on both the proposed Regional Official Plan and the Milton Plan to the status of an arterial road.

The planner also dealt with the effect on the residential uses situated within 2/3 mile of the area of actual landfill operation. He pointed out that there may well be some disruption of the rural lifestyle and their reliance on a

quiet pastoral atmosphere. This is met, however, with the point that the use is an interim use only and with proper operation of the site, these matters can be controlled.

Mr. Balfour, as a result of his study, drew some 10 conclusions, which in his opinion, justified the proposed land use on site "F". These are as follows:

1. Site "F" is an acceptable site for a regional landfill operation from a land use planning point of view.
2. The potential effects of the landfill operation on agricultural uses are not significant.
3. The potential effects of the landfill on agricultural operation in the vicinity of the site are minimal.
4. The small size of the Smith property, its proximity to the landfill operation and the potential noise effects of the operation on the residence make it advantageous for the Region to acquire the property and develop it in conjunction with the proposed agricultural after-use of the site.
5. Other residences in the vicinity of the landfill will not be significantly affected by allowing dust and litter or noise from the landfill operation.
6. Residences along the major access routes to the site will not be adversely affected by truck traffic volumes or noise.
7. The shape of the landform and sequence of landfill operation have been designed with various screening and operating techniques to minimize disruption to the visual quality of the area.
8. The landfill operation will not have an adverse effect on the quality of the existing woodlot on the site provided that the

recommended management guidelines are implemented.

9. The fencing and supervision of the landfill site, and the routes, traffic pattern and stops of the school buses will minimize potential hazards to children posed by the landfill operation and truck traffic to the site.
10. The landfill operation will not adversely affect commercial activities in the vicinity of the site or along the major access routes.

Mr. Edward Cumming, the Director of Planning for the Region, gave evidence as to his involvement in the selection of a landfill site for the Region. It was his opinion that sufficient comparative studies had been done in connection with the selection of site "F" to satisfy any requirements. He also felt that based on the information which the Region had that it had made a reasonable decision in selecting site "F" and he was not aware of any better location.

Mr. Charles R. Smith of Ecoplans Limited, prepared a report at the request of the Dillon firm which described and evaluated the woodland vegetation on the site. Mr. Smith looked at this from the point of view of its environmental sensitivity and made recommendations for the appropriate management and protection of this vegetation.

This witness concluded that the woodland located on site "F" is of high aesthetic quality and made certain recommendations for its preservation.

Another member of the Dillon Staff, Mr. Paul Hill, who is a qualified traffic engineer, and heads up the transportation planning and traffic engineering for that firm, did the transportation analysis. His report entitled "Transportation Analysis" was filed as Exhibit 88.

In preparing his report, Mr. Hill used three criteria which he listed as

classification, geometries and physical condition of the roads. The purpose was to determine the road requirement necessitated by the additional loading because of trips to and from the proposed landfill site. He pointed out that Mr. Wells had supplied certain information such as the number of trucks which will be generated by the landfill and also indicated that all of the traffic counts which were taken were done during the hours when the site would be open.

His conclusions indicate that it will be necessary to improve certain roads such as Britannia and other changes in the Highway No. 25 intersection to ensure the flow of traffic north and south will not be disrupted. Generally the witness felt that the additional traffic generated on the selected routes would not overtax the capacity for which they are designed.

In view of the fact that there is an existing airport within 1½ miles of the proposed site, it became necessary to take a close look at the probable results of opening a landfill site and its effect on aircraft. In order to study this matter the Dillon firm engaged the services of Dr. W. John Richardson of LGL Limited, who is an ornithologist, and one who has done considerable work in the field of bird migration.

Dr. Richardson's Report, (Exhibit No. 90), spells out quite clearly the potential problem between birds and aircraft and there is no doubt that when site opens and birds are attracted, the potential danger will increase. The witness pointed out, however, that the danger to small piston type aircraft is far less than to jet type aircraft. The only type of aircraft at the Burlington Air Park is the smaller piston type plane because of the limited length of the grass runways.

Dr. Richardson stated that since the beginning of flight there have been only 12 recorded accidents caused by birds in which there were fatalities. He also pointed out that there is a very high population of gulls at the Toronto Island Airport and several thousand takeoffs and landings and this does not seem to hamper the operation of the airport.

The report also contained certain mitigative measures which may be taken and five of these are suggested in Section 5.4. These measures, if taken, may reduce the potential bird hazard but will not entirely eliminate them.

Dr. A.D. Lightstone of Valcoustics Canada Ltd., prepared a study (Exhibit No. 99) on the aspects of the noise impact of the proposed landfill operation at site "F". The primary purpose of the study is to look at the potential noise effects on the surrounding residential uses in the vicinity of the site as well as the approaches to the site.

There are two important criteria which Dr. Lightstone uses in preparing his report and these are that first of all a landfill operation is not a stationary sound source and secondly the acceptable maximum L_{eq} level in a rural area is 55. He draws comfort in using these standards because they are acceptable to the Ontario Ministry of the Environment.

In his conclusions, Dr. Lightstone stated that the traffic noise generated by the landfill operation will affect some eight residences but in no case will the sound exposure exceed an L_{eq} of 55. There are a total of 21 existing residences within a radius of 3000 feet of the operational boundary of the site. In many cases there will be no significant noise increase from the site operation. The sound environment for some of these residences, however, will experience a noticeable temporary increase but not above the L_{eq} 55 level. Two homes, namely, the Smith and Katz residences, will likely exceed L_{eq} 55 and a third home may exceed that level in a minor amount.

It has already been stated previously in this decision that the intended after use of the proposed landfill site is to be an agricultural use. In order to investigate this possibility, the Dillon firm engaged the services of Dr. Erven Mackintosh, a member of Ecological Services for Planning Ltd. The report of this witness was filed as Exhibit No. 103 at the hearing. Dr. Mackintosh whose qualifications were filed as Exhibit 101, is a qualified soil scientist and at the present time is studying the reclamation of land in both England and Germany. The state of the art in both of these countries is much

more advanced than in this country and in the case of Germany, several thousand acres have already been reclaimed to agricultural uses.

The report recognizes the fact that because this is a landfill site, certain problems may be encountered but he feels that there is enough technology available to take care of them. It also recommends that the whole project be carefully monitored throughout the course of the operation of the site and in this connection, he makes some 45 recommendations leading up to the actual cropping operation on the site.

This, in summary, was the evidence adduced by the Region in support of its appeals to this Board. The only other witness called and not referred to above was Donald Farmer, who is the Regional Treasurer, and gave evidence with respect to the financial capability of the Region regarding the capital expenditure application. This evidence was not seriously challenged during the course of the hearing so it was felt that it was unnecessary to deal with it.

We turn now to consider the concerns and objections raised by the Town of Milton, the Tremaine-Britannia Citizens' Group, the farmers in the immediate area and the public, to establishing a sanitary landfill site at site "F". No particular significance should be attached to the order in which we deal with these concerns and objections, but as the public indicated in their answers to a questionnaire circulated by the Region that a site for a garbage landfill was useless unless it was a safe site, we will start there.

The precipitation that falls on site "F" either evaporates or goes into the ground and eventually becomes part of the groundwater system or drains away on the surface and eventually ends up in the Indian Creek which flows into the Bronte Creek which drains into Lake Ontario. Several wells in the area of the Bell School Line, north and south of Britannia Road, produced water from a layer of sand and gravel located about 18 feet more or less below the surface. This layer, or seam of sand and gravel, appeared from the well records to be from 0 feet to 10 feet thick and to be more or less continuous for some distance. Every spring at the time of the spring runoff when the

snow melts, and after a very heavy rain, ponding occurs on site "F", as it does on most fields in the area, and the Bell School Line is flooded near and at its intersection with Britannia Road and just south of its intersection with Derry Road. There was not enough information in the M.M. Dillon design and operations report to determine, firstly, if you could keep all the sediment the construction of the landfill would produce out of the Indian Creek, and secondly, if construction of the berms and operation of the landfill would contribute to greater flooding in the area. To some the drilling program carried out by Gartner Lee Associates Limited seemed haphazard, inadequate and more related to the area east of Tremaine Road than the area west of that road.

From this, the objectors reasoned that leachate and methane gas could migrate from the site via the sand and gravel seams to their land and wells, polluting their drinking water and causing vegetable kill. From this, the farmers worried that leachate could be carried from site "F" via the surface runoff to the Indian Creek, in which they watered their cattle, causing pollution of the creek with the resultant danger of sickness breaking out in the dairy herds sufficient to put a dairy farmer out of business. From this, some objectors were concerned that sediment would be carried from the landfill site by the surface runoff to the Indian Creek, which could affect the quality of the water resulting in possible harmful effects on the fish population of the Bronte and Indian Creeks.

Two persons gave evidence, on behalf of the objectors, who could be described as having some knowledge of hydrogeology and groundwater in the area. One of them, Mr. B.W. Beatty, is a qualified hydrogeologist and a man with knowledge of methane gas. Mr. Beatty had made no study of site "F" and he was unable to help the Board as to the easterly extent of these sand and gravel seams that appeared in the area of the Bell School Line north and south of Britannia Road. He could not say if these layers of sand and gravel extended in an easterly direction as far as site "F", a distance of over 2000 feet, so as to act as a conduit for leachate from site "F" to the objectors' wells. He did say that even if the sand seams extended to site "F", something

he did not know and would not speculate on from the evidence of the well records, they would not carry methane gas as they were below the water table and methane will not pass through water.

The other witness was Mr. Marcel Peltier, a well digger who drilled many of the wells in the area. Mr. Peltier is not an hydrogeologist and he had no information about where the sand and gravel seams came from or went to or their extent. He would not even guess how far easterly they extended let alone whether they extended as far east as site "F".

On behalf of the Region, Mr. Grant Anderson, an hydrogeologist with Gartner Lee Associates Limited, had made a study of site "F". His firm had drilled the test holes that Mr. Stuart MacFadden, the President of the Tremaine-Britannia Citizens' Group and a layman, had felt were inadequate and more related to the area east of Tremaine Road than site "F". It was Mr. Anderson's professional opinion that the holes his firm had drilled told him all he needed to know about the stratigraphy of site "F" and that the information revealed by the well records and the evidence of Mr. Peltier correlated well with the stratigraphy he had plotted from information obtained through his bore holes. Mr. Anderson knew of the existence of these sand seams through his test drilling. He found them much more common in the sandy silt till than in the clayey silt till, but regardless of where they occurred it was his professional opinion that because of the nature of the deposition, that is because the till was put down by glacial ice on the ground and not in water, while you have a mixture of soils in the glacial till the sand seams are not likely to have large lateral extent and certainly not from the wells on the Bell School Line to the proposed landfill site.

Mr. Anderson advised the Board that the proposed landfill would be situated in a glacial clayey silt till that was presently under groundwater discharge conditions. As such, there was very little risk of contaminating groundwater supplies even if groundwater mounding in the fill occurred which would tend to reverse the present groundwater discharge conditions. Even under these conditions the risk would be minimal because the downward

flooding which occurs on the Bell School Line will not reach site "F" because site "F" is so much higher than the area where the flooding occurs and no contaminated water will leave site "F".

The Board is satisfied that site "F" is safe.

Some people objected to increased traffic due to the landfill site. It was pointed out that road traffic was light at the moment on Britannia and Tremaine Roads; just people going to and coming from work, shopping, etc. The only heavy vehicles on those roads at the moment were trucks on delivery, school buses and farm machinery in the summer.

The evidence of the witnesses with knowledge about roads and traffic volumes was that there was no road in the vicinity of the site that did not have the capacity to handle easily this increased traffic once the recommended road improvements had been made. Indeed we do not recall a single witness who was concerned about the capacity of the road system to take the traffic generated by a landfill at site "F".

Mr. Holmes was a little concerned about the possible effect of traffic on his horses. He resides on the east side of Bell School Line and trains trotters and pacers there. Trucks carrying garbage will not be using the Bell School Line and while there may be some increase in motor cars going to and from the landfill it is not expected to be great. In any event Mr. Holmes admitted horses get used to traffic noise very quickly and conceded that traffic to and from the landfill was not really much of a problem or concern to him or his operation.

A number of persons were concerned about the increased traffic and the safety of their children. The children are bussed to school. The school buses do not use Britannia Road between the landfill and Highway No. 25. The school buses only stop when there is good visibility for a very considerable distance in either direction. The routes and travel times of the school buses are such that there is little conflict with users of the landfill. Like so many of

the concerns expressed in this hearing this is a problem that could exist at just about any location in Halton. In our view, the danger is minimal at this location. While we understand the concerns we feel the danger to children as a result of increased traffic due to the landfill is remote and minimal.

Some of the farmers in the area were worried about the possible conflict between the increased traffic and slow moving farm machinery, some of it quite large, entering onto, moving along, and exiting from roads in the area. This would affect particularly Mr. Earl Snow who owns a farm south of Britannia Road and rents land on the north side of Britannia Road. He uses Tremaine Road and Britannia Road to move his farm equipment. Again this is a problem that could exist at just about any location in rural Halton. While we recognize the possibility of conflict we do not find it as something that should be the cause of undue concern. The only road that could be a problem is that short stretch of Britannia between Highway 25 and the entrance to the landfill site. Very few farmers will be moving equipment along that road. Considering the hours the farmer has available to him to move his equipment, and the hours of operation of the landfill, and the expected peak hours of landfill traffic, we feel conflict will be minimal. Undoubtedly, there will be the odd time when the farmer, for some reason, has to move equipment along Britannia Road during an hour when landfill traffic is heavy. This may result in some inconvenience and annoyance to each side. But that would happen just about anywhere you put the landfill in a rural area and at this location we believe the suggested conflict is minimal and not as bad as perceived. It must be remembered that Milton and the Region have designated this road to be an arterial road, not a road restricted to slow moving vehicles, or the few.

Witnesses for the Region explained to the Board the routes traffic using the landfill site would use. While small private vehicles may come to and leave the site from and in any direction, it was felt the bulk of the traffic, and certainly all the heavy commercial vehicles, would travel north or south on Highway No. 25, and west and east along that stretch of Britannia Road lying between the entrance to the site and No. 25 Highway. Not too much concern was shown about small private cars, but fear was expressed that the

heavy commercial vehicles would use other routes such as the Bell School Line, Tremaine Road, to get to and from the site. We do not think that will happen for two reasons. First Highway 25 is a short distance east of site "F". No north-south road closer to site "F" than No. 25 is within "a country mile" of No. 25 for moving traffic. When Britannia Road is straightened and improved, as will be done, and when changes in the Highway No. 25 intersection to ensure the flow of traffic north and south will not be disrupted have been completed, the fastest, safest, most economical way of getting to site "F" from any point in Halton that generates garbage is north or south on No. 25 and west to the site on Britannia. Garbage truck owners and operators will be looking for the fast, safe, most economical route. The Board was taken on a bus tour of the area which proved most helpful. The second reason is that the region has a great deal of control over these big commercial garbage trucks. Many of these vehicles will be owned and operated by or under contract to the Region or the area municipalities. It will be a condition to being allowed to use the landfill that the prescribed routes are followed. If the rules are broken, pressure can be brought to bear to ensure the rules are followed, and if that does not work there are still other means that appropriate authority can impose to make sure the heavy trucks stay off the more residential streets and roads of the area.

We have every confidence the heavy truck traffic will be restricted to Highway No. 25, a provincial highway, and the material section of Britannia Road. It is of considerable significance to the Board that not one single residence is located on Britannia Road between the westerly limit of the landfill site and Highway No. 25.

From conflicts due to traffic generated by the landfill, we believe site "F" to be an excellent choice.

The fear that the proposed landfill would attract rodents such as mice and rats, and birds, mainly seagulls, was a concern of a number of people for different reasons.

John Hughes maintains 3500 cherry trees on his farm on the Bell School Line 1/2 mile north of Derry Road, a fair distance north of site "F". He spends up to \$5,000.00 a year now in measures to keep birds away from his fruit. The measures are reasonably effective. Dorothy Walker raises chickens on her farm on Derry Road at Tremaine. Rats are dangerous to chickens and attracted to them. At the present time, she is taking steps to control this rat problem and these steps are proving effective. Eleanor Bousfield has a fruit farm, mainly apples and pears, on the south side of Derry Road, north of site "F". She was worried about birds and rodents attacking her fruit. Ii. Craig Reid has a farm between Appleby Line and the Bell School Line and farms other land in the area. He was also concerned about rodents and birds being attracted to the dump. They are a problem now, nesting and eating the grain, and he fears location of the dump will make matters worse.

We have used the word "dump", deliberately, because there is really no comparison between the old municipal "dumps" we all know, some alas of fairly recent memory, and more unfortunately, some still operating, and the fairly recent development of the professionally engineered sanitary landfill site. The state of the art has advanced tremendously. Richard Block told us about a dump still operating in Mississauga just north of the Queen Elizabeth Way. Here they are putting garbage in a worked out quarry and there have been many problems. But to make the point here, it is sufficient to say that at that dump garbage was at one time being filed 40 to 75 feet away from Mr. Block's parent's home and that kind of a design, if you can call it that, is a long way from the design and operations report of Mr. Wells that represents a modern landfill site and which is before the Board in this application. We do not intend to go into detail as to how the site will be opened, operated and finally closed and rehabilitated. It is in the exhibit to read. We wish to point out here that one of the important procedures is that at the end of each day's operations the garbage deposited that day will be covered, not with sand that tends to blow away and leave the garbage exposed as happens at the North Bay dump, but with a sufficient cover of earth that will stay put so that at any time the only garbage that will be exposed will be the garbage deposited that day, and that will be covered before the workmen leave for the day. We

believe this will discourage rodents and birds. The "pickings" will be pretty slim.

It is expected, however, that large numbers of birds, particularly gulls, will be attracted by the landfill on a daily basis through much of the year. Dr. John Richardson, in his evidence, suggested a number of other methods that should be used at the landfill site to keep the bird population as small as possible. He explained that the gulls nest at Lake Ontario and would fly north in the morning to the landfill, spend some hours at the landfill, and fly back to Lake Ontario in late afternoon or evening. They would not, it would appear, pose much of a treat to the farms of John Hughes and Eleanor Bousfield whose farms lie some distance north of the landfill and not in the path of the gulls. There was also no evidence that gulls were a problem in fruit orchards.

These gulls and their habits are of considerable concern to Victor Kovachik, the owner of the Burlington Air Park. Mr. Kovachik owns 140 acres of land 1½ miles south-west of site "F". On this land are located two houses, two hangers, two storage buildings, a paint shop, an office building, and two landing strips, one 2300 feet long, soon to be extended to 3000 feet, and the other 1700 feet long. At this site Mr. Kovachik's main business is the servicing, modifying and repairing of aircraft. This operation accounts for about 80 percent of his business. About 65 aircraft are based there and parking fees account for further 10 percent of his business. The remaining 10 percent of his income comes from honorariums paid for instruction, etc. The Burlington Air Park is a licenced airport, but it is not licenced for night flying. Many of the gulls coming from and going to Lake Ontario would fly over his airport and planes taking off from and landing at the Air Park and using circuits in usual use at that Air Park would be in the vicinity of the landfill at 500 feet to 1000 feet. Mr. Kovachik was concerned that he would lose business because pilots would not want to fly into and out of his airport due to increased danger from the presence of these birds. There was no evidence that he would lose business.

There was evidence that the Federal Government has a guideline that airports should not be located within 5 miles of a landfill and landfill should not be located within 5 miles of an airport. Mr. Andrew Carswell, the safety officer in Ontario for the Federal Department of Transport, made it quite clear however that it was only a guideline. That same guideline was anxious not to have airports near fruit and cattle farms. You use, as Mr. Carswell said, common sense. To Mr. Carswell's knowledge, the Department of Transport had never revoked a licence for being too near a landfill site nor had the department ever refused to issue a licence for being too close to a landfill site. The Board learned there are airports near landfill sites, for example, at Maple and at Trenton, and there have been no complaints concerning birds received from those airports.

There is a "dump" within 1/2 to 3/4 of a mile of the North Bay Airport. That is a large municipal airport. Air Canada and the airforce use the North Bay Airport and the birds constitute a much greater hazard to jet aircraft than to propeller driven aircraft. It is also a bad "dump". Sand was used to cover the garbage and the wind blew the sand cover away exposing the garbage. As a result, very large numbers of birds are attracted to that "dump" - 100,000 to 200,000 birds in the immediate area is the estimate with at times as many as 15,000 birds actually nesting on the runway.

The Board is entirely satisfied that the proposed landfill at site "F" cannot be compared with the landfill at North Bay. Our knowledge of how to locate, design and operate landfill has improved beyond measure since the North Bay "dump" was started. Covering the garbage each day, and other methods such as the use of falcons, if necessary, will keep the bird population at site "F" to a minimum. In no way will their numbers approach the numbers found at North Bay or at the Island Airport in Toronto.

While the Board accepts the evidence that garbage attracts birds and birds in great numbers constitute a hazard to aircraft when in the vicinity, the question still remains, how great is the hazard? The evidence was that no accident had occurred at North Bay due to the presence of birds in the area in

spite of a much greater risk there than that expected at the Burlington Air Park - there are two private flying schools at North Bay, the airport is used by jets, etc.

Dr. Richardson's evidence that in the history of flight, there had only been 12 recorded accidents anywhere in the world in which there were fatalities caused by birds was not challenged. Pilots using the Burlington Air Park would be aware of the possible presence of birds in the area through the books they carry and consult and would, in the opinion of the pilots who gave evidence, be able to adjust accordingly - for example, they could make their turns before or after the area of the landfill, thus avoiding site "F".

At the hearing, Dr. Richardson explained his report, Exhibit No. 90, on this point by saying that while the location of a landfill at site "F" would increase the hazard rating of the airport, the risk of an accident due to the presence of birds at that airport was still no higher than a mere possibility. The Region had that evidence and decided to choose site "F". The Board agrees with the Region's decision. In our view, a proposal so entirely acceptable from other points of view should not be put off by a remote possibility.

Nobody wants a landfill and several objectors wanted some other method of disposing of the area's garbage. Many felt it should be reduced at source, that is by the garbage maker. Still more people wanted some form of resource recovery. Mr. Julian Reid was anxious that the Board not approve the Region's proposal, reasoning that lack of approval would keep the pressure on the Region to move faster toward resource recovery. Desirable as these goals are, the better evidence was that for the foreseeable future a landfill site would be required and to decide otherwise at this time would mean staggering costs at best and, regardless of costs, considerable risk of garbage filling up in the streets if the bugs in the resource recovery could not be ironed out in time.

There were objections, particularly from persons living and working

near the proposed site, as to litter, odours, the visual aspects that they feared the landfill would produce. Having listened to these worried people, we believe that their concerns here are largely based on their idea of a garbage "dump". We are satisfied, having heard the Region's evidence, that what will be produced here will be far better in appearance, far better in controlling litter and odours, than the old dumps where one just dumped the garbage. While no one would expect it to be a thing of beauty, it will not be anything like as bad as the objectors fear. The provisions for berms, the landscaping, fencing, the method of dumping and covering the garbage, the control and maintenance of the site, all of which the engineers are capable of designing and we have every confidence the Region will carry out, will assure this. In addition, the location of the existing houses re the woodlots, trees and shrubs that exist today, their distances from the site, the prevailing winds, all assure much less impact from site "F" than is feared, with one exception, and that is the home of Miss Smith which the Region has offered to buy if she wishes to sell.

One objector felt that Milton had been unfairly "ganged up on" by the other municipalities, but when asked to give one example of this, he was unable to do so. The evidence was that the objectors had numerous occasions to present their views to Regional Council and did so. The objectors received answers to their questions and material was supplied to them on request by the Region. We believe they were kept informed and listened to by the Region. The fact that the Region did not accept their submissions is not evidence that Milton was "ganged up on".

Dr. Derek Coleman did not agree with the study process adopted by M.M. Dillon. He felt the selection process used was one of "elimination" rather than "evaluation". In Dr. Coleman's view, there was too much importance given to hydrogeology; too much engineering and not enough planning. He would have done it differently. He would have considered expanding the existing sites more and evaluated all sites under a number of different headings. When you look at Dr. Coleman's headings, however, you find they are not very different from the ones Dillon used and M.M. Dillon did

consider expanding the existing sites. We cannot agree with Dr. Coleman's lack of concern for the leachate landfills produce. He is on record as saying he did not care if the site "spewed leachate" as long as there was no one around to be bothered. Unfortunately, it is not possible to find a site in Halton where there is not somebody around. M.M. Dillon have selected sites for landfills in the past. They have designed landfills. Dr. Coleman has done neither. We see nothing wrong with the process adopted by Dillon and we prefer the evidence of the Region to that of Dr. Coleman. Dr. Coleman was an advocate for a cause - nothing wrong with that - but his facts and reasoning in support of that cause on this point did not stand up to Mr. Sexton's cross-examination.

Mrs. Ethel Gudgeon and others were concerned that the view from the escarpment, particularly the view from Mount Nemo and Rattlesnake Point, where considerable sums of money have been spent to develop the areas, would be ruined. Many others felt the winds in this area were greater than anywhere else in Halton. We believe these people to be sincere, but while one can say something often enough to come to sincerely believe it, that does not make it so. We do not think, having heard all the evidence, that the view from the escarpment will be destroyed. It is quite a considerable distance away and the working face is not that large. The existing woodlots, the plans for opening and closing the site a little at a time, the landscaping as the site is closed, the return to an agricultural use, will all help to hide the landfill operation and site. Nor do we think there was any credible evidence to suggest the wind is stronger at site "F" than anywhere else in Halton on any given day. It is recognized that there will be windy days and it is intended to shut the site down if the wind is too strong to control litter and garbage on the site.

Harold Middlebrook, the past President of the Halton Federation of Agriculture, Craig Reid, Richard Sovereign, Dr. Coleman, and others, were worried about the loss of good farmland and the effect the landfill might have on the continuation of farming in Milton. In our view, it is desirable that good farmland which forms part of a viable farming operation, should be kept as

farmland. But desirable as this is, it is, as the Region of Halton draft Official Plan recognizes, not always possible. The Food Land Guidelines, in Section 3.12, also recognizes that "A parcel of land may be suitable for several uses, or several uses may be competing to locate on it. The municipality must decide which use will be permitted. These trade-offs must be made for all land on which more than one use might be feasible". In this case, the Region of Halton, who have the responsibility of picking and developing a site for a sanitary landfill, decided the trade-off must be made and we think they were right. Land that is within the urban area, like land that has not yet been mined of its mineral assets, is very expensive to buy. Here we are dealing with about 0.2 percent of a good farmland in the Region. It will not be permanently lost to agriculture. Section 3.8 of the Region's draft Official Plan reads as follows:

"View the use of land for landfill during the operational life of the site as an interim use until such time as the land is rehabilitated in accordance with the long term and uses suggested by local plans, and in accordance with the requirements of the Ontario Ministry of the Environment."

Here the long term end use suggested by the Milton Official Plan is agriculture, and that is the use the Region proposes for the land when the landfill is closed. Dr. Mackintosh told the Board about landfill sites in Germany and Britain that had been successfully rehabilitated for an agricultural use. While initially the yields that may be obtained from a rehabilitated site "F" might not be as great as Dr. Mackintosh contemplates, we have no doubt the site can be rehabilitated to an agricultural use. Dr. Mackintosh gave one the feeling that in his quiet way, he knew what he was talking about. He knows what has to be done to make it work and we are satisfied it will work.

So, in our view, we have the temporary loss of a very tiny portion of the farmland of Halton to set off against an inexpensive but safe site for a needed municipal facility. We believe the trade-off is justified.

We cannot agree that the location of a landfill at site "F" will deter the continuation of farming in Milton. We are convinced that the final design

for development and operation of site "F" will be entirely satisfactory in the sense that it will be a safe site, there will be no pollution of the ground and surface water due to site "F", litter, birds and rodents can be and will be controlled, and like traffic will not prove to be the bugbear the farmers fear. We do not think a sanitary landfill is an incompatible use in an agricultural community. If it is a safe site, and it is, it will not interfere with the growing of crops or the maintenance of cattle. Crops and cattle are not much interested in what is in the field next door. Estate residential development, with all the resulting conflicts between City folk and farmers, with increasing land costs which make farming uneconomical eventually, is a greater deterrent to the farming community than a sanitary landfill, in our view.

The point was made by Dr. Coleman and Mr. Zaradanyi, the planner for the Town of Milton, that the Region's proposal did not conform with the Region's draft Official Plan or the existing or proposed local Official Plans or the present zoning by-law. We can find no conflict with the Region's draft Official Plan, indeed that Plan actually contemplates the situation we have here. With regard to conflict with the zoning by-law and local plan, that is the reason for the applications under Sections 17 and 35 of The Planning Act.

It was also suggested that Milton had the right to know that site "F" was the best location for a landfill in the Region. Put another way, it was suggested that the Region must show that other sites in Halton could not be made to meet its needs before Milton should be obliged to accept site "F". With great respect we cannot agree. We do not think the legislature, when it gave the Region the job of disposing of the Region's garbage, placed upon it the burden of proving that the site chosen was the best site, or the only site that could be found in Halton for that purpose. Such a process could cost a fortune and go on forever and even then somebody would probably come forward with a site that had not been proven inferior to the selected site. We believe the job of the Board is to hear the evidence for and against the proposal, to hear the objections to the proposal, to hear the argument for and against, and then to approve or not approve the site selected by the elected representatives of the Region, the body charged with disposing of the garbage.

In spite of this, the Board did hear evidence concerning site "A" because it was the position of the Town that site "A" was at least as good as, and probably better than, site "F" and Regional Council knew or could have known this, but nevertheless chose site "F". The Town said they would prove that, and if they did, then site "F" ought not to be approved. We turn therefore to consider site "A" and compare it to site "F".

The exact location of the landfill at site "A" seemed to move around a little. At one time, the Town seemed to be suggesting the lands to the west of the Bayview Park Landfill known as the Natco property, but this location was abandoned perhaps because the valuable shale it contained had not yet been removed and perhaps for other reasons. The part of site "A" that the Town chose at the hearing to advance was the property to the north of the Natco property, referred to at the hearing and in this decision as the "Goodings Site". We mentioned this because one of the points advanced by the planners for the Town was that site "A" did not require the destruction of farmland. This is certainly true if one is advocating the Natco property or the so-called "bad lands", but it is not true of the "Goodings Site". The "Goodings Site" consists of 60 acres more or less and fully 51 acres of that are Class 1 soils with the remaining 9 acres being Class 3 soils.

> not really part of A.

Another point advanced by the Town planners in support of site "A" was that it was located in the Parkway Belt and therefore no rezoning was needed. We are not at all sure about this; certainly, the Parkway Belt regulations would have to be amended to permit a landfill at site "A" and we can see no advantage to site "A" over site "F" on this point.

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Another factor advanced by the planners for the Town was that because there were fewer people around site "A" than "F", the impacts on people are less. As site "A" was not before the public, we really do not know how much opposition there would be to it if the Region had chosen site "A". There may well be more people within a mile of site "F" than within a mile of site "A" but that does not mean the impacts will be less at "A" than "F". When one considers that the traffic will move along Britannia Road from No. 25

not true

yes

not true

Highway to and from the site on which there is not a single home located; when one considers the location of the homes near site "F" and the woodlots, etc., we are satisfied not as many people will be adversely affected by the landfill at "F" as they honestly think at the moment. On the other hand, we cannot say the same thing about site "A".

Even if one concedes that there is a greater detriment to farming with a landfill at "F" than "A", we feel because it is minimal, because it is temporary, at "F", it is worth the trade-off when one considers the disadvantages of "A". Even if one concedes that there is adverse impact on more people at "F" than "A", something we do not feel is at all established simply by showing that more people live within say a mile of site "F" than site "A", because it is minimal, because it is temporary, we do not feel it is worth taking the chance on "A". Because "chancy" site "A" surely is from the hydro-geological and costs' point of view.

We do not intend to review in detail the highly technical evidence of Mr. Beatty and Mr. Anderson on the hydrogeology of site "A". Mr. Beatty made a brief field study, not a detailed study. The site was the Natco property. He did not study the "Goodings Site". He attempted to study the migration of leachate from the Bayview Park Landfill and to draw certain conclusions about the landfill at site "A". He admitted that landfills in gravel pits are difficult to engineer. He admitted that there were few if any studies of landfills on Queenston shale. The only landfills on Queenston shale he was aware of are all in Halton and all of them have problems with leachate migration.

Mr. Beatty argued that the bulk of water movement in shale is in the shallow or local groundwater flow, that is the upper 20 feet, perhaps 30 feet of the shale, and because of the many streams that run through site "A", that is the Natco property, site "A" is a discharge area and any leachate produced would be carried by the local groundwater flow to the streams and by the streams to a sanitary sewer.

Mr. Anderson was not so sure that the Natco property was a discharge area. We prefer his theory on the migration of leachate in shale,

which put simply, amounted to the very distinct possibility that some of the leachate would get into the Regional groundwater flow. In any event to be sure you had to know the groundwater flow and the kind of testing that required had not been done by Mr. Beatty at the Natco property.

Mr. Beatty had not tested the "Goodings Site" at all. But he agreed on cross-examination that the "Goodings Site" was an area of local recharge. In our view, that admission makes the construction of a liner of some sort absolutely necessary at the "Goodings Site". Mr. Beatty also admitted that without extensive controls leachate would get to the property of Natco where valuable deposits of shale are located and he knew of no tests on the effect of leachate on Queenston shale.

Mr. Beatty stated: "I would not recommend site "A" on what we know now". What we do know is that site "A", the "Goodings Site", because it is small in area, the landfill would have to be at least 60 feet high and perhaps higher; because it will be a landfill on Queenston shale in a recharge area, the site will require very extensive and expensive controls to make it safe, and even then it might not get the approval of the appropriate authority.

What the evidence clearly revealed was that while the "Goodings Site" might be approved for a landfill, it was by no means certain. There appeared to the Board a very good chance that after spending considerable money on the "Goodings Site", the necessary approvals might not be forthcoming. The chances were much better at site "F". What the evidence also indicated was that even if the "Goodings Site" could be approved, the costs of engineering would be higher than at site "F". Which leads us to another factor advanced by the Town as being favourable to site "A".

We do not intend to deal at great length with the considerable evidence of Mr. Goodings and Mr. Wells as to the costs to the municipalities of a landfill at "A" and a landfill at "F". Mr. Goodings, in his evidence, presented a picture that on the surface clearly indicated the costs being much greater at "F" than at "A". But as a result of the Region's cross-examination the cost gap

between the two sites was narrowed dramatically and after Mr. Wells had given his evidence in reply and been cross-questioned, we are satisfied it will be more expensive to the municipalities to construct and operate a landfill at "A" with a transfer station at Highway 401 and No. 25 Highway than a landfill at site "F". We do not intend to go into detail on this, but a few examples will demonstrate what we mean. Mr. Goodings' land requirements at site "A" and the price per acre, rose from 60 acres and \$4,500.00 per acre to 113.74 acres and \$5,500.00 per acre or from \$270,000.00 to \$625,600.00 and we feel these figures could be low. It does not include the purchase of land for a transfer station. Mr. Goodings' site clearance allowance for site "A" went from \$22,000.00 to \$62,000.00. His allowance for leachate collection system at "A" went from \$100,000.00 to \$1,700,000.00, if you needed a liner, and we are sure you will. Road reconstruction at site "A" from \$240,000.00 to \$355,000.00. His allowance from contingencies went from \$234,000.00 to \$533,000.00 if you allow something for a transfer station. These are just examples of increases in the cost of site "A", admitted to by Mr. Goodings in cross-examination, over his original figures.

In a like manner, Mr. Goodings, under cross-examination, reduced the costs of several items charged to site "F". For example, screening and planting was reduced to \$370,000.00 from \$805,000.00. Much more serious was the reduction in costs for leachate removal. There it went from \$273,500.00 a year for perhaps 100 years to a one time figure of \$423,000.00 and we believe that figure will turn out to be high.

Mr. Wells considered a number of items as well - for example, site rehabilitation, that in the case of site "F" was reduced from \$1,825,000.00 to \$259,000.00. In our view, Mr. Wells' conclusions were not shaken in cross-examination.

We could go on, but the evidence that we accept, having heard the witnesses, comes down to this, that it is more probable that a landfill at the "Goodings Site" will cost more to locate and operate than a landfill at site "F".

Having heard the evidence and studied all the exhibits, we cannot agree with the Town's submission that site "A", the "Goodings Site", is as good as, let alone better than, site "F" for a sanitary landfill. At first blush it appeared so, but when site "A" was subjected to the scrutiny that site "F" received, it began to look more and more like second best.

We wish to touch on one other objection raised and that is to the noise the landfill would produce at site "F". Professor Keeler gave evidence on behalf of the Tremaine-Britannia Citizen's Group. He had been retained shortly before he gave evidence to consider Dr. Lightstone's report and to comment upon it.

Professor Keeler had three concerns. First, what was a proper guideline to assess the noise that would be produced. He felt an hourly L_{eq} of 48 decibels should be the maximum with the preferred hourly L_{eq} of 45 decibels. Dr. Lightstone had suggested an hourly L_{eq} of 55 decibels was acceptable. We do not find it necessary to spend much time on this as Professor Keeler admitted on cross-examination that he would accept the guidelines of the Ministry of the Environment on this; their guideline should be applicable was his view. Later in the hearing we heard that the Ministry guideline was an hourly L_{eq} of 55 decibels.

We are not prepared to accept Professor Keeler's findings about the number of homes that would experience noise levels greater than 45 or 48 d BA, because the correct guideline is 55 d BA. We accept Dr. Lightstone's evidence already referred to in this decision on that point.

In passing we note that Professor Keeler regarded the noise produced by operations at the landfill face as coming from a stationary source and therefore a lower guideline should be applied, but we cannot agree. We accept the evidence of Dr. Lightstone and the Model Municipal Noise Control By-law that the operations of the face are best described as a non-stationary source and the guideline of L_{eq} = 55 d BA should apply.

Professor Keeler's next concern was that much more noise would be produced at the working face than Dr. Lightstone had anticipated. He felt that all the vehicles and equipment using the site would not conform to the present regulations. He felt that even if the vehicles and equipment did conform when new, they would not be maintained and thus be noisier than Dr. Lightstone allowed. Professor Keeler did not hear Dr. Lightstone's evidence. We are satisfied having read Exhibit No. 99 and heard Dr. Lightstone that there is nothing wrong with Table 4 on page 26 of Exhibit No. 99. All new equipment is being designed and built to meet, and more than meet, the proposed guidelines. Apart from trucks, it will be all new equipment working in the landfill. Table 4 is dealing with a 1991 peak hour and it can be assumed that by then many trucks on the road today will not be operating. Most of the trucks and all of the equipment will be post 1977 and therefore designed and built to meet the proposed guideline. We note that the range for the truck sound output allows for the presence of older vehicles which may have been manufactured prior to 1979 or have grown noisier - see page 16 of Exhibit No. 99. We also note that most of the equipment will be under the control of the Region and, therefore, we assume well maintained. We also note that Table 4 assumes all equipment is working at full blast steadily for one hour and this simply will not be the case. We find that Dr. Lightstone has in Table 4 allowed for the worst possible situation and that in actual fact the noise produced will not be as great as Dr. Lightstone has estimated. For instance, all Dr. Lightstone's trucks are operating with open throttle. In actual fact, only a few trucks will be in the landfill site at any given time and they will be operating at slow speeds and this will not produce the noise of trucks operating at open throttle.

Professor Keeler was also critical of Table 5 on page 27 of Exhibit No. 99. He felt that total attenuation of sound was not as great as Dr. Lightstone had estimated it to be. He felt that "Total Attenuation", being the sum of "Geometric Attenuation" and "Ground Attenuation", is about 6 to 8 decibels for every doubling of distance and he had conducted measurements to confirm this. Dr. Lightstone, in reply, did not agree with this. He thought it might be accurate for short distances from the sound source, but the further

out you went, the more credit you had to give to ground attenuation and this Professor Keeler was not doing by giving only two decibels for each doubling of distance due to ground attenuation. Dr. Lightstone felt it might work out if you are in a vast paved parking lot, but it did not work out in a field with berms and woodlots and growing grass, etc.

Both men are well qualified, but because Dr. Lightstone had had much more time to study site "F" than Professor Keeler, because Lightstone had heard all of Keeler's evidence and was still unshakeable in his opinion whereas Keeler had not had an opportunity to hear Lightstone, and because it makes sense that grass and trees must absorb sound better than a concrete parking lot, we are inclined to prefer Dr. Lightstone's view on this point. When all is said and done, the two men are probably not that far apart for at the two critical homes, the Smith home at about 350 feet and the Katz home at about 850 feet, Lightstone has total attenuation at 15 to 16 decibels and 23 to 26 decibels, respectively, and Keeler at 12 to 16 and 18 to 24 decibels, respectively.

We accept Dr. Lightstone's evidence that based on the very worst situation, two homes, namely, the Smith and Katz homes, will experience for short periods noise levels exceeding L_{eq} 55. Because of the distance and trees in front of the Katz home, the problem will only be severe at the Smith home in our view, and the Region has offered to buy that property. While this is not ideal, it may well be as good as you are likely to get. Like the temporary loss of good farmland, this is a trade-off.

After considering all the evidence, the advantages and disadvantages of site "F", the objection and concerns of the Town and the citizens, we have come to the conclusion that the Region has made out a sound case for approval of its proposal which has not been weakened by those in opposition.

It is probably trite to say that in the case of many land uses some ratepayers are going to be more directly affected than others and indeed in the instant case the most direct effect will be on the Smith property and to

some extent the Katz property. The Region has recognized this in the case of Bessie Smith and offered to acquire that property and it may well be that the Katz property will also have to be given some consideration. In any event the benefit to be derived from this facility will accrue to all of the residents of the Region.

It should also be borne in mind that up until now all of the other three area municipalities have shared the responsibility in receiving the Region's waste. It may now be time for the Town of Milton to assume some of that responsibility.

It is also clear to the Board that although there may be small inaccuracies in estimating the remaining life of the existing sites that immediate steps must be taken to provide for the future. It is quite obvious that the matter of resource recovery is too indefinite at the present time to rely on it as an alternative.

The Board accepts the argument made by Mr. Sexton that these applications differ greatly from those usually brought under the pertinent sections of The Planning Act. In this case, the appellant does not come as a volunteer seeking something which the land use provisions do not provide for but rather as one seeking to fulfill a statutory requirement of the legislation.

In the circumstances, therefore, the Board is going to approve the proposed amendment to the Official Plan of the former Burlington Planning Area (now in the Town of Milton) which will permit an area composed of part of Lots 6 and 7, Concession VII N.S. in the Town of Milton for the purpose of a sanitary landfill and for agricultural purposes.

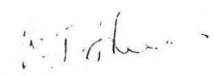
The Board will also direct that the Council of the Town of Milton amend Restricted Area By-law No. 1642, which is a by-law of the former Town of Burlington relating to lands formerly in the Town of Burlington to permit a sanitary landfill.

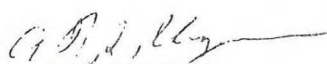
The Board suggests that both the Official Plan amendment and the amending by-law follow the draft form submitted by the Region. If there is any difficulty with either the form or the wording of these documents, the Board may be spoken to. In any event, the Board's order will not issue until the draft of the by-law and amendment to the Official Plan approved by both parties have been received.

The Board is also going to approve the application by the Regional Municipality of Halton to acquire the land, design and construct the site at an estimated cost of \$3,700,000.00. The Board also authorizes the issuance of debentures for a term of five years to cover the above amount.

There will be no order as to costs in this matter.

DATED at Toronto this 15th day of June, 1979.


W. T. SHRIVES
VICE-CHAIRMAN


G. L. CHAPMAN
MEMBER



Executive Council

O.C. 333/80

Copy of an Order-in-Council approved by Her Honour the Lieutenant Governor, dated the 30th day of January, A.D. 1980.

The Committee of Council have had under consideration the report of the Honourable the Chairman of Management Board of Cabinet and Chairman Cabinet Committee on Legislation, wherein he states that,

WHEREAS the corporation of the Town of Milton, the Tremaine Britannia Citizens Group, Victor Kovachik and others, and H. Craig Reid and others have filed Petitions praying that the decision of the Ontario Municipal Board made on the 15th day of June 1979, (whereby the Ontario Municipal Board approved an amendment to the Official Plan for the Town of Milton pursuant to S.17(5) of the Planning Act and allowed an appeal pursuant to S.35(22) of the said Act and approved an application under S.64 of the Ontario Municipal Board Act and the effect of the decision was to approve the acquisition of land, and the design and construction of a sanitary landfill site at the northwest corner of Tremaine and Britannia Roads in the Town of Milton at an estimated cost of \$3,700,000 and the borrowing by way of debentures for the cost thereof) be rescinded or be the subject of a new public hearing;

The Honourable the Chairman of Management Board of Cabinet, and Chairman, Cabinet Committee on Legislation, after due consideration of the said Petition, therefore recommends that pursuant to the provisions of Section 94 of The Ontario Municipal Board Act, R.S.O. 1970, Chapter 323, the aforementioned decision of the Ontario Municipal Board, dated the 15th day of June, 1979, be confirmed.

The Committee of Council concur in the recommendation of the Honourable the Chairman of Management Board of Cabinet, and Chairman, Cabinet Committee on Legislation, and advise that the same be acted on.

Certified,

A handwritten signature in dark ink, appearing to read "Patricia", is written over the printed name "Patricia".

Deputy Clerk, Executive Council.

THE FOLLOWING STATEMENT WAS APPROVED BY CABINET AND
FORMS PART OF THIS ORDER-IN-COUNCIL

PETITIONS OF THE TOWN OF MILTON AND OF OTHERS

Cabinet has confirmed the decision of the Board in regard to the Milton site (Site F.). There has yet to be a hearing before the Environmental Assessment Board. The Region has retained an independent hydrogeologist to advise it on the hydrogeological suitability of Site A on the National Sewer Pipe lands but this advice must await the completion of the testing program. While the Region will, no doubt, retain an interest in site A, it seems important to Cabinet that the Regional Council should have a number of alternative options to meet its immediate and medium term needs concerning sanitary landfill sites.

OSLER,
HOSKIN &
HARCOURT

BARRISTERS AND SOLICITORS

P.O. Box 50
FIRST CANADIAN PLACE
TORONTO, CANADA
M5X 1B8

RECEIVED BY

JAN 27 1981

Legal Dept. - _____

TELEPHONE (416) 362-2111

CABLE ADDRESS CARTHOS

TELEX 06-22457

January 23, 1980.

Mr. Dennis Y. Perlin,
Regional Solicitor,
The Regional Municipality
of Halton,
P.O. Box 7000,
1151 Bronte Road,
Oakville, Ontario.
L6J 6E1.

Dear Mr. Perlin,

Re: The Regional Municipality of Halton
and The Society for the Quiet Use
and Enjoyment of Lands in Central
Halton; Our File No. 40,248

I am enclosing herewith copy of a letter I have received from Mr. Estrin with respect to the costs payable by Squelch. As instructed by him, I am holding the cheque received in escrow.

As the Town of Milton paid their share of the costs, without interest, I would suggest that notwithstanding the delay in receiving payment from Squelch, that the sum of \$1,672.50 be accepted in payment of the balance of the costs.

If you are in agreement, I would ask that you have the enclosed Satisfaction Piece signed by the appropriate official of the Region. It has been prepared on the basis that you will act as the informing solicitor and your signature is also required.

Once I have forwarded this executed Satisfaction Piece to Mr. Estrin, I will be in a position to release to you the cheque payable to the Region.

Yours very truly,

OSLER, HOSKIN & HARCOURT



Linda Nascher
Law Clerk

Encl.
LN:sh

David Estrin

Barrister & Solicitor

Eden Mills, Ontario, NOB 1P0.

tel (519) 856-9040

David Estrin, B.A., LL.B.

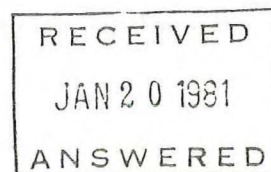
your file 40-248

Stephen R. Garrod, B.A., LL.B., M.Env.S.

our file

January 15, 1981

Osler, Hoskin & Harcourt
Barristers & Solicitors
P.O. Box 50
First Canadian Place
TORONTO, Ontario
M5X 1B8



ATTENTION: Linda Nascher, Law Clerk

RE: TOWN OF MILTON AND SQUELCH VS. REGION OF HALTON

Dear Ms. Nascher

This is in regard to your letter to the firm of Saul, O'Connor, MacLeod, Leitch & Hays, Barristers & Solicitors, re the Taxation of Divisional Court Costs regarding the above matter.

I enclose herewith our trust cheque in the amount of \$1,672.50 which represents one half of the taxed costs in this matter.

This cheque is being transmitted to you on the understanding we have been given from you that your client will accept this amount in full payment of any costs due from our client in regard to costs and that accordingly your client is foregoing any interest that it may be entitled to in this regard. If that is your position then please provide us with a Satisfaction Piece prior to forwarding this cheque to your client.

We thank you for your indulgence.

Yours sincerely

DAVID ESTRIN
DE/cm
Encl.

cc: Saul, O'Connor, MacLeod, Leitch & Hays
Attn: Larry Gangbar

IN THE SUPREME COURT OF ONTARIO

B E T W E E N:

THE SOCIETY FOR THE QUIET USE AND ENJOY-
MENT OF LANDS IN CENTRAL HALTON, carry-
ing on activity as TREMAINE BRITANNIA
CITIZENS GROUP

Applicant

- and -

THE REGIONAL MUNICIPALITY OF HALTON

Respondent

SATISFACTION PIECE

Satisfaction is acknowledged of the Certificate of Taxation bearing date the 9th day of November, 1979, in a proceeding in the Supreme Court of Ontario wherein The Society For The Quiet Use And Enjoyment Of Lands In Central Halton, carrying on activity as Tremaine Britannia Citizens Group was applicant and The Regional Municipality of Halton was respondent, whereby it was adjudged that the respondent should recover against the said applicant the sum of \$3,345.00 for costs.

And the said The Regional Municipality of Halton also acknowledges that it had expressly nominated and appointed Dennis Y. Perlin, as its solicitor, to inform it of the nature and

effect of this acknowledgement of satisfaction before the same was executed, and the said Dennis Y. Perlin did so inform it.

Executed by the said
The Regional Municipality of Halton
on the day of January, 1981.

c/s

Per: _____

and I the said Dennis Y. Perlin,
a solicitor entitled to practice
law in Ontario have informed The
Regional Municipality of Halton of
the nature and effect of this
acknowledgement of satisfaction
before the same was executed on its
behalf and I verily believe that
the said signature of
 above is that of the

of The Regional Municipality of
Halton.

OSLER,
HOSKIN &
HARCOURT

BARRISTERS AND SOLICITORS

RECEIVED BY

FEB 3 - 1981

Legal Dept. - _____

P.O. Box 50
FIRST CANADIAN PLACE
TORONTO, CANADA
M5X 1B8

TELEPHONE (416) 362-2111

CABLE ADDRESS CARTHOS

TELEX 06-22457

January 30, 1981

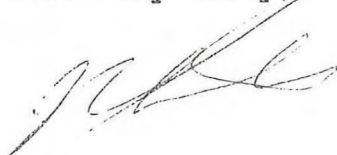
Dennis Y. Perlin, Esq.
Regional Solicitor
Regional Municipality of Halton
P. O. Box 7000
1151 Bronte Road
Oakville, Ontario
L6J 6E1

Dear Dennis:

Re: Regional Municipality of Halton
- Proposed Landfill Site "F"
- Amendment to Official Plan and
Zoning By-law - Town of Milton

Thank you for your letter of January 26, 1981.
In my view, proceedings should be taken for contempt
against the Town of Milton.

Yours very truly,



J. Edgar Sexton, Q.C.

JES:mc

THE
REGIONAL MUNICIPALITY
OF
HALTON

1981 01 26

BY COURIER

J. Edgar Sexton, Q.C.
Osler, Hoskin & Harcourt
Barristers & Solicitors
Box 50
First Canadian Place
Toronto, Ontario

Dear Ed

Re: Regional Municipality of Halton - Proposed
Landfill Site "F" - Amendment to Official
Plan and Zoning By-law - Town of Milton

I appeared at the Town of Milton's Council Meeting on the 19th of January, 1981 and made a presentation, however my personal plea fell on deaf ears.

Mr. Leitch was also in attendance and the Resolution which resulted from that meeting was as per the attached letter.

The writer is not overly anxious to have the matter proceed to the Courts. I am seeking your advice as to whether you feel we should proceed or whether you feel that my continuous correspondence and the type of responses received from the Town such as that shown in the most recent letter of January 21st, 1981, will be sufficient to offset arguments by solicitors, such as Mr. Estrin who said that the environmental application should not have been made and in any case should not be allowed to continue, until the Official Plan and Zoning By-law have been passed.

I look forward to your response as to what you think would be the best course of action for the Region at this point.

Yours very truly,

Dennis Y. Perlin
Regional Solicitor
DYP/gh
Attach.

cc Fraser Berrill, Esq.



P.O. BOX 7000
1151 BRONTE ROAD
OAKVILLE, ONTARIO L6J 6E1
TELEPHONE: AREA CODE 416

BURLINGTON)
OAKVILLE) 827-2151
MILTON)
TORONTO)



OFFICE OF THE CLERK

THE CORPORATION OF THE TOWN OF MILTON

January 21, 1981.

RECEIVED BY

JAN 23 1981

Legal Dept. - _____

Mr. D. Perlin,
Regional Solicitor,
Region of Halton,
1151 Bronte Road,
Oakville, Ont.

Dear Sir:

Re: Proposed Landfill Site "F" - Amendment to
Official Plan and Zoning By-law - Town of
Milton.

Further to your attendance at the Milton Council meeting held on January 19th, 1981 with regard to the above captioned matter, I wish to advise that Council passed the following resolution referring your correspondence to our Solicitor for consideration and recommendation back to Council:-

Verbal Res.

THAT the correspondence received from Mr. Perlin, dated December 11th, 1980 re: Proposed Landfill Site "F" Amendment to Official Plan and Zoning By-law, be referred to Mr. F. Leitch for consideration and recommendation back to Council. CARRIED UNANIMOUSLY.

RM/md

c.c. Mr. F. Leitch.

Yours truly,

R. Main
R. Main,
Clerk Co-ordinator.

THE
REGIONAL MUNICIPALITY
OF
HALTON



P.O. BOX 7000
1151 BRONTE ROAD
OAKVILLE, ONTARIO L6J 6E1
TELEPHONE: AREA CODE 416

BURLINGTON)
OAKVILLE) 827-2151
MILTON)
TORONTO)

1980 12 11

Mayor G. Krantz and
Members of Municipal Council,
Corporation of the Town of Milton,
251 Main Street East,
Milton, Ontario L9T 1P1

Attention: Mr. R. Main, Clerk-Administrator

Dear Mayor Krantz and Members of Council:

Re: Proposed Landfill Site F Amendment to
Official Plan and Zoning By-law - Orders
of Ontario Municipal Board Respecting
Same dated June 15th, 1979.

As you know, the responsibility for solid waste disposal in
Halton has been given to the Regional Municipality of Halton.

To that end, the Regional Municipality of Halton has adopted
a Solid Waste Management Program consisting of four basic
components: Source Separation, Transfer Stations, Resource
Recovery Facility and Sanitary Landfill Sites.

While one of the major objectives of the Solid Waste Disposal
Program is to reduce reliance on sanitary landfill, technology
today and for the foreseeable future is such that the sanitary
landfill component will have to remain a component of the
Solid Waste Disposal System for the foreseeable future.

The Regional Municipality of Halton began its Solid Waste Disposal
Program back in 1975, a continuation of a program initiated by
the County of Halton in 1972. As far back as the County of
Halton studies and the 1975 study done by the Region, the above
four components to a Solid Waste Disposal Program were identified.

With respect to the sanitary landfill component: in 1975, it
was recognized by Regional Council that the then existing sanitary
landfill sites in Milton, Georgetown, Oakville and Burlington
would reach their capacities in the very near future, and
therefore, that component had to be dealt with immediately.
A number of approaches were examined such as "multi-site",
i.e. one site for each area municipality, or two sites, one to
serve the northern part of Halton and one to serve the southern
part of Halton and a single Regional site. In addition, locations
had to be identified for such site or sites.

....2

1980 12 11

M. M. Dillon Limited, a Planning and Engineering Consulting firm were retained to advise the Region with respect to this matter. M. M. Dillon identified that a Regional site would be the most cost-effective approach as opposed to two or more sites and identified ten possible locations.

Some of those locations were quickly eliminated on the basis that they would not be hydrogeologically suitable. Then the sites were further narrowed down by further investigation called the "Stage One Investigation" to where the primary location being recommended was a location called "Site F" in the "Milton West" or "Burlington North" part of the Town of Milton.

The location first identified was some 2500 acres. When Location F was chosen by Regional Council as the location to pursue, more detailed investigation and study narrowed the study down to some 300 acres at the northwest corner of Tremaine and Britannia Roads and since that day, comments from the then existent Council for the Town of Milton, opposition by a Group known as the Tremaine Britannia Citizens' Group, etc. have cut the size of the site now to 246 acres with approximately 137 acres only for landfilling with a limited site life of 2,000,000 English tons.

As you may know, a number of approvals are required before a sanitary landfill site can be established and operated at any location.

One of the approvals that may be required for any location is Planning Approval, i.e. an amendment to the Official Plan and/or Zoning by-law. As you know, Planning responsibility is shared by the Region and the area municipalities in Halton and one of the agreed upon aspects to sharing the Planning responsibilities is that actual land use designation would be left to the area municipality to determine with Regional input where required.

For that reason the Regional Municipality of Halton applied to the Town of Milton to amend its Official Plan and Zoning By-law to permit a sanitary landfill at the northwest corner of Tremaine and Britannia Roads on a site specific basis for the 246 acres proposed by the Region for a sanitary landfill site.

The then Town of Milton Council refused to pass either the Official Plan amendment or the Zoning By-law amendment. As a result the matters were referred to the Ontario Municipal Board.

A three-month Hearing took place during the months of January, February, and March of 1979, after which the Ontario Municipal Board reserved its Decision. In June of 1979, the Ontario Municipal Board issued its Decision in favour of the Region and ordering the Town to amend its Official Plan and Zoning By-law.

The Town then appealed to the Courts and to the Cabinet and in both cases, the Appeals were turned down.

1980 12 11

Since the Appeal process was completed, the writer has been attempting to have your predecessors comply with the Order of the Ontario Municipal Board and amend the Official Plan and Zoning By-law. With no reasons given to the Region, the writer was surprised that the Town Council continued to refuse to pass the Official Plan and Zoning By-law. The writer was surprised because as a legislative body who had passed all sorts of by-laws and resolutions with which they expected people to live by and comply with, that very same body, when also faced with a valid and proper Order, one issued after the Appeal process itself had been exhausted, refused to comply.

The other approval that is required by the Region before it can establish and operate a sanitary landfill at Site F is Environmental Approval. The Region has made application for Environmental approval under The Environmental Protection Act and after a successful challenge by the Town of Milton in the Courts, the Minister of the Environment is now faced with the decision as to whether Environmental Approval shall proceed under The Environmental Protection Act or shall instead go under The Environmental Assessment Act.

At the same time, the Region is being faced with an argument by those in opposition to Site F that until the Official Plan and Zoning By-law amendments are in place, no type of Environmental Approval can be given or even applied for.

Thus, the writer approaches you, the New Council for the Town of Milton, and respectfully requests that you please comply with the outstanding Orders of the Ontario Municipal Board, concerning an amendment to the Official Plan and Zoning By-law to permit the sanitary landfill at Site F.

I believe it has been made fairly clear by past Town Councils that the Town of Milton is not in favour of a sanitary landfill at Site F and that it has opposed that particular decision of the Regional Council and did so in an honourable and respectful manner by way of the Ontario Municipal Board and Appeals processes.

However, I further believe that once proper Orders have been issued, then those persons in authority, such as yourselves, must show respect for other authority such as the Ontario Municipal Board or else you leave yourselves open to derision and disrespect as far as the passage of laws yourselves which you expect people to comply with.

The writer, by copy of this letter, is also requesting an opportunity to appear before you at your next meeting to make a presentation concerning this matter and to answer any questions that you may have. I believe, Mr. Main, the Administrator, does have copies of both Orders in his possession.

11 J 12 11

Thanking you in advance for your cooperation, I remain,
Yours very truly,

Dennis Y. Perlin,
Regional Solicitor.

DYP:js

blind cc: F. R. Berrill
J. E. Sexton, Q.C.



OFFICE OF THE CLERK

THE CORPORATION OF THE TOWN OF MILTON

October 1, 1980.

RECEIVED BY

OCT 2 - 1980

Mr. D. Perlin,
Regional Solicitor,
Region of Halton,
1151 Bronte Road,
Oakville, Ont.

Legal Dept. - _____

Dear Sir:

Re: Proposed Landfill Site "F",
Amendment to Official Plan
and Zoning By-law - Orders of
O.M.B. dated June 15th, 1979.

Further to your letter of September 8th, 1980 with regard to the above, please be advised that Milton Council, at their meeting of September 22nd, 1980 requested me to advise you that the Town of Milton is not refusing to enact the required Official Plan and Zoning Amendments but will consider the By-laws at the appropriate time.

RM/md

Yours truly,
R. Main
R. Main,
Clerk Co-ordinator.

THE
REGIONAL MUNICIPALITY
OF
HALTON

1980 06 02

BY COURIER



P.O. BOX 7000
1151 BRONTE ROAD
OAKVILLE, ONTARIO L6J 6E1
TELEPHONE: AREA CODE 416

BURLINGTON)
OAKVILLE) 827-2151
MILTON)
TORONTO)

Mr. R. Main
Clerk Co-ordinator
Town of Milton
251 Main Street
Milton, Ontario
L9T 1P1

Dear Mr. Main

Re: Proposed Sanitary Landfill Site - Site F-
Northwest Corner of Tremaine and Britannia
Roads - Milton - Official Plan Amendment
and Zoning By-law Amendment

Further to your recent letter in which you indicated that your Council was considering the adoption of the Official Plan Amendment and the passage of the Zoning By-law Amendment as required under Ontario Municipal Board Orders dated June 15th, 1979, could you please submit to me copies of the Official Plan Amendment as adopted and the Zoning By-law Amendment as passed.

If the Official Plan Amendment has not been adopted and/or the Zoning By-law Amendment passed, could you please indicate to this writer at what Council Meeting they will be presented for adoption and passage respectively.

Yours very truly,

Dennis Y. Perlin
Regional Solicitor

DYP/gh

bcc J. Edgar Sexton, Q.C.
Fraser Berrill, Esq.

1980 03 27

The Corporation of the Town
of Milton,
251 Main Street East,
Milton, Ontario L9T 1P1

Attention: Mr. R. Main, Clerk Coordinator

Dear Mr. Main:

Re: Proposed Sanitary Landfill Site - Site F -
Northwest Corner of Tremaine and Britannia
Roads - Milton - Official Plan Amendment
and Zoning By-law Amendment

The writer acknowledges receipt of your letter under date of
March 25, 1980.

The writer looks forward to your early advice as to when the
Official Plan Amendment and Zoning By-law Amendments will
be adopted and/or passed, as the case may be, with respect
to the above captioned matter.

Yours very truly,

Dennis Y. Perlin,
Regional Solicitor.

DYP:js

BCC: E. Sexton and F. Berrill, Osler, Hoskin, & Harcourt
together with copy of my letter dated March 12 on the
same subject.



OFFICE OF THE CLERK

THE CORPORATION OF THE TOWN OF MILTON

March 25, 1980

Mr. D. Perlin
Regional Solicitor
Regional Municipality of Halton
1151 Bronte Road
Oakville, Ontario

RECEIVED BY

MAR 26 1980

Dear Dennis

Legal Dept. - _____

RE: Site 'F'

Further to your recent correspondence requesting information as to the date when Council will pass the amending by-laws to Zoning and Official Plan to accommodate Site 'F', please be advised that the matter was referred by Council at its recent meeting of March 24th, 1980. Council at that time requested further legal opinion on the Board's Directive and I am awaiting that response from Mr. F. Leitch prior to returning the matter to Council.

I will keep you apprised of the date when Council will consider the enactment of the By-laws in accordance with the Board's Order.

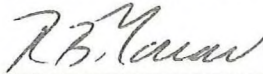
Yours very truly

R. Main
Clerk Co-ordinator

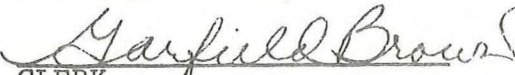
RM/lw

2. THAT the Chairman and the Treasurer may agree with any bank or person to borrow on behalf of the Regional Corporation by way of temporary advances from time to time such sums as may be necessary not exceeding the estimated cost of the work in all, to meet the expenditures incurred for the purposes aforesaid pending the issue and sale of debentures, and the receipt of any grants, subsidies and funds from other sources.
3. THAT for the purposes of such temporary borrowing the Chairman and the Treasurer may execute on behalf of the Regional Corporation and under its common seal, promissory notes for the sums so borrowed and may agree with the lender that the Regional Corporation will pay interest on the sums so borrowed at a rate not exceeding the then bank rate and may, in like manner, execute an hypothecation of the debentures as security for the borrowing and may deliver the note or notes, hypothecation and debentures to the lender.
4. THAT for meeting the obligations of the debentures issued to defray the costs of the work, the Treasurer charges the said obligations against all rateable property in the Regional Municipality of Halton in a sum sufficient to pay the annual instalments of principal and interest due in each year upon the debentures issued for the work.
5. THAT the debentures issued to defray the costs of such temporary advances when the work is complete shall bear interest at such rate as the Council may determine and shall be made payable within five years.
6. THAT this by-law has no effect until the Ontario Municipal Board approves of the work described here.
7. THAT this by-law comes into force on the later of: the date of its passage or the Ontario Municipal Board approves of the work described herein.

READ a FIRST and SECOND time this 1st day of November, 1978.



CHAIRMAN



CLERK

READ a THIRD time and PASSED on the _____ day of _____, 1978.

CHAIRMAN

CLERK

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 109-78

SCHEDULE 'A'

ACQUISITION OF LAND AND DESIGN AND
CONSTRUCTION OF A PROPOSED SANITARY
LANDFILL AT SITE F IN THE TOWN OF
MILTON IN THE REGIONAL MUNICIPALITY
OF HALTON.

<u>No.</u>	<u>Item</u>	<u>Estimated Cost</u>
1.	Reconstruction of Britannia Road from Hwy. 25 to site including new rail crossing protection	\$ 315,000
2.	Site clearance	50,000
3.	Additional fencing around site boundary	3,000
4.	Construction of perimeter ditch and sediment basins.	30,000
5.	Construction of initial perimeter berms	805,000
6.	Leachate collection system	442,000
7.	Site access road and paved site compound	225,000
8.	Scale house and scales	125,000
9.	Maintenance building	80,000
10.	Container system	12,000
11.	Security fencing around compound	14,000
12.	Site services	50,000
		2,131,000
	15% Engineering and Contingencies	319,000
	Total construction cost	2,450,000
	Acquisition of Land	800,000
	Engineering Studies and Legal Expenses	450,000
	TOTAL Estimated Cost	\$ 3,700,000



