



Office of the
Minister

Ministry
of the
Environment

135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5
416/965-1611

December 1, 1983

Mr. R.J. Raftis, P.Eng.
Regional Chairman
The Regional Municipality of Halton
P.O. Box 7000
1151 Bronte Road
Oakville, Ontario
L6J 6E1

Dear Mr. Raftis:

I am writing in response to your letter of November 10, 1983. I agree with the statement in the second paragraph of your letter that the environmental assessment which you are conducting on the long-term landfill component for your solid waste management system remains the number one priority of your Region's planning program. We must ensure that the environmental assessment process moves along efficiently and effectively and that a long-term solution is identified and developed soon.

I understand that Halton has examined a number of options to solve the problem of interim waste disposal which will be created in the summer of 1984 when the Burlington landfill site reaches approved capacity. I assume that Halton has examined all its options in detail and is confident that the two options presented to the Ministry are the best, both environmentally and economically. I also assume that whichever option you choose, there will be adequate waste disposal capacity to allow proper handling of Halton's waste until the environmental assessment has been completed.

Regarding the expansion of the Burlington landfill site, I am prepared to waive the application of the Environmental Assessment Act through an order under section 34 of the Act. An application will then be required under the Environmental Protection Act with a concomitant public hearing. I understand that this opinion was also given to you in a letter from the Director of my Central Region on March 25, 1983 in which the Director stated that "we cannot sanction any plans to request approval of modifications to the site on an emergency basis if the need is documented now".

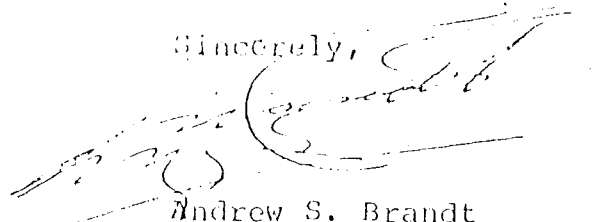
Since the choice of either Option One or Option Two requires that Halton expand the Burlington landfill site, it should submit an application for approval by January 14th, 1984. The Ministry will review the application and, if satisfied with the proposal, will be willing to take an active role at the public hearing. Should the site reach approved capacity before the Environmental Protection Act hearing has been completed, the Director would be willing to consider issuing an emergency Certificate of Approval for part of the expansion of the site. In any case, an application for an interim expansion of the site will require a hearing under the Environmental Protection Act.

With respect to your concern that an Environmental Protection Act hearing runs the risk of being expanded into matters related to the longterm environmental assessment, I draw your attention to the recent decision by the Joint Board on a landfill site for the Township of Seymour, November 28, 1983, which states "This application is under the provision of the Environmental Protection Act which unlike the Environmental Assessment Act does not require the proponent to evaluate alternatives to the proposed undertaking. Accordingly it is the view of this Board that the evaluation of the subject application must be confined to evidence relevant to the proposed site." I have attached a copy of pages 52 and 53 of the Joint Board Report for your perusal.

If you decide on the option to export the "burnables" to the energy from waste plant in Niagara Falls, New York, I understand that a transfer facility is required. Under the Environmental Protection Act, an application and approval is required for such a facility and the Director may require a discretionary hearing before issuing a Certificate of Approval. Ministry staff are of the opinion that your current proposal as described in "Chief Administrative Officer Report No. 319/83" for a transfer facility at the Burlington landfill site should be subject to a public hearing. If this option is the one decided on I request that you submit the application by January 14, 1984.

This Ministry is devoting much staff time and effort to ensuring that the environmental assessment pre-submission consultation process is proceeding smoothly and quickly to the submission and hearing stages so that a long-term solution to Halton's waste management problems can be in place soon. I think, however, that it is imperative that you submit your application for the interim waste disposal plan by January 14th of next year so that my staff can complete their review and submit the application to the Environmental Assessment Board for the hearing.

Sincerely,

A handwritten signature in dark ink, appearing to read "Andrew S. Brandt", is written over a horizontal line. The signature is stylized and cursive.

Andrew S. Brandt
Minister



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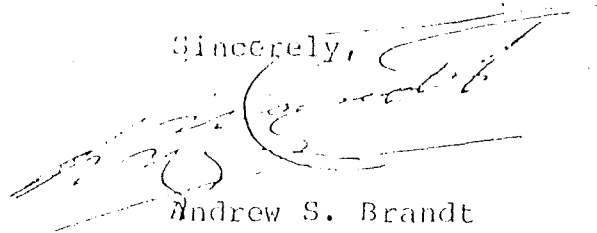
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Andrew S. Brandt
Minister



from 68

Office of the
Minister

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of the
Environment

135 St. Clair Avenue W.
Toronto, Ontario
M4V 1P5
416-965-1611

September 22, 1983

Ms. Marie Corbett, Q.C.
Barrister and Solicitor
11 King Street West
Suite 1702
Toronto, Ontario
M5H 1R3

Dear Ms. Corbett:

As we discussed in the first part of your meeting yesterday, I am required to make a decision on a number of municipal landfill site expansions for which the municipalities may not be able to meet the grandfather provisions of Ontario Regulations 293. Under this provision, the proponent must have spent or tendered 25% of the cost of the site (exclusive of land) before December 31, 1983, to maintain the exemption. Some municipalities have encountered delays which may prevent them from meeting this provision.

I have received two specific requests (Northumberland County and Dryden) asking that a Section 34 Order be processed waiving the need for a hearing under the Environmental Assessment Act in favour of the Environmental Protection Act.

I would appreciate your advice on how I should proceed with this type of matter and I ask that you consider the following options:

1. A blanket extension to the grandfather provision of Ontario Regulation 293.
2. Issue a Section 34 Order on a case-by-case basis waiving Environmental Assessment Act, i.e., have an Environmental Protection Act meeting.

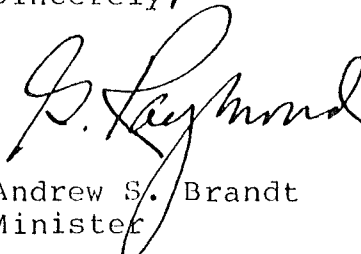
hearing

Ms. Marie Corbett, O.C.
September 22, 1983
Page 2

3. Issue a Section 34 Order on a case-by-case basis waiving Environmental Protection Act, i.e., have Environmental Assessment hearing. u

This is an Internal Advisory Review, and I could be grateful if you could provide your advice to me by September 30, 1983.

Sincerely,

for 
Andrew S. Brandt
Minister



150 Ferrand Drive
Suite 700
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416/424-3000

150, promenade Ferrand
Bureau 700
Don Mills (Ontario)
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1983 11 17

Mr. Walter Mulkewich
Regional Councillor
Ward 1
City Hall
426 Brant Street
P.O. Box 5013
Burlington, Ontario
L7R 3Z6

Dear Mr. Mulkewich:

Re: Environmental Assessment of the Landfill Component
of Halton Solid Waste Management Systems
Interim Plans

I was pleased to meet with you on Tuesday, November 8, 1983, to discuss your letter to me of October 12, 1983.

We agreed in our meeting on a number of points that you have raised with me, primarily on the issue of interim options that the Regional Municipality is to identify for the Ministry's consideration in advance of the completion of the environmental assessment process for the landfill component. (This process will not be completed on a schedule that would permit the Regional Municipality to continue landfilling of its wastes without choosing some options to look after those wastes before the new facilities are in place. Options available, as identified so far, include export of the wastes outside of Regional boundaries and/or some expansions at the Burlington facilities, now reaching capacity, or a combination of both.

With the above in mind, it is necessary for the Regional Municipality, which has the responsibility for waste management, to plan interim works and not wait until the landfill capacity is used up, such that an emergency situation is not created. Since we know well in advance that an emergency situation is likely to occur, proper planning to prevent an emergency is a necessity.

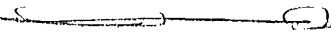
This letter, as agreed, is intended to clarify the Ministry's position with respect to how it will deal with the options which the Regional Municipality, under its responsibility, must identify.

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Whatever option is selected by the Regional Municipality will be looked on by the Ministry from a technical and regulatory aspect applicable to that option.

In summary, and without going into details of our lengthy discussion, I want to emphasize that the Ministry will deal with the Regional Municipality on the matter of its preferred option on the understanding that: it is the Regional Council's responsibility to look after waste management within the Region; the Regional Municipality must select its interim plans to satisfy the waste needs in the Regional Municipality during the time that the environmental assessment process for the selection of a new landfill site to look after the solid waste component is underway and until such time as that new site is selected and approved.

Yours very truly,


G. Mierzynski, P.Eng.
Regional Director

cc: J.N. Raftis, Chairman, Region of Halton
D.Y. Perlin, C.A.O., Region of Halton



Ontario

Ministry of the Environment
Ministère de l'Environnement

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Region

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150 Ferrand Drive
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150, promenade Ferrand
Bureau 700
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1983 10 03

Mr. Walter Mulkewich
Regional Councilor
Ward 1
City Hall
426 Brant Street
P.O. Box 5013
Burlington, Ontario
L7R 3Z6

Dear Mr. Mulkewich:

Re: Regional Municipality of Halton
Environmental Assessment of the Landfill Component of
Halton's Solid Waste Management System, Interim Plans

This will acknowledge your letter of September 27, 1983, with regard to our request to Halton Region that an interim plan be available at the Regional facility to allow Halton to continue to meet its obligations to provide landfill facilities.

It is our view that C.A.O. Report No. 219/83 to the Solid Waste Management Committee dated 1983 07 08 provides an excellent review and evaluation of the solid waste management options available to Halton during the interim period. We are also confident that the information with respect to developments since February 1983, as outlined in your letter, will be considered by Halton in their review of the available options. With regard to the desirability of an interim expansion of the Burlington Sanitary Landfill Site, we offer the following observations.

From our experience, the Burlington Sanitary Landfill Site is one that is well designed, well managed, well operated, and well maintained to current standards and incorporates an extensive leachate collection and treatment system, an advanced predictive monitoring program and provisions for the implementation and construction of backup contingency systems.

With the closure of the Oakville Sanitary Landfill Site, Burlington is the only regional facility currently in operation in Halton that can ensure the controlled management of Halton's waste in an acceptable environmental manner for the short term until a long range facility is in place. In this regard, Regional Council through its responsibility for waste management in the Region may conclude that the provision of additional approved capacity at the

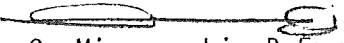
Burlington site is desirable and indeed necessary to avoid a potential emergency situation with respect to waste disposal. A

Central Region staff of the Ministry have made it clear to Halton Region that an application for a phased expansion of the landfill is required now. Landfilling could be terminated after completion of any given phase should the regional facility for solid waste management be brought on-line. The Ministry could not sanction plans to request approval of alterations to the Burlington site on an emergency basis and without a public hearing, as the need for such alterations is foreseen now. A

It is the Ministry's opinion that a moderate landfill expansion in Burlington as opposed to setting up a transfer station at the same site and hauling to New York State is a practical short-term solution to Halton's very critical solid waste disposal problem. However, I must emphasize that the best forum in which to determine an equitable review of the short-term disposal options is at a public hearing. This forum could be held at an expansion hearing for the Burlington Landfill Site. For this reason the Ministry of the Environment is requesting the Region to submit its proposed plans for the Burlington short-term phased expansion. It will be the responsibility of the Environmental Assessment Board to make a recommendation to the Approvals Director once it has determined the technical merits and public response to the Burlington expansion application.

With reference to your question on the Energy from Waste alternative, the Ministry of the Environment does not provide funds directly for the planning of these projects; however, the Ministry of Energy does. In this regard, Mr. Robert Duff is a member of the Steering Committee which has been established to investigate this option in Halton. Mr. Duff would be prepared to discuss the details with you and can be reached at 965-8426 in the Ministry of Energy, Biomass/Energy From Waste Section, 10th Floor, 56 Wellesley Street W., Toronto, Ontario, M7A 2B7.

Yours very truly,


G. Mierzynski, P.Eng.
Regional Director

cc: Mayor Roly Bird, Burlington
Michael Boggs, CAO, Burlington
J.N. Raftis, Chairman, Region of Halton
D.Y. Perlin, CAO, Region of Halton
G. Woodburn, Waste Disposal Manager, Region of Halton
R. Mohammed, Director of Planning, Region of Halton
J. Cowman, Alderman