THE REGIONAL MUNICIPALITY OF HALTON

RESOLUTION NO. 352-83

DATE December 7, 1983

Moved by: P. Arch

Seconded by: Joan Little

THAT C.A.O. Report No. 377-83 re: Interim Waste Disposal Plan 1983 - Deferred Recommendations - Planning and Public Works Committee Resolutions - October 26, 1983 - Response from the Minister of the Environment: December 1, 1983, be received for information;

THAT Regional Council endorse the "Continuation Option" as set out in Column 1 on Pages 12, 13 and 14 of C.A.O. Report No. 377-83;

AND FURTHER THAT every effort be made by the Consultant, staff and Regional Council to move as expeditiously as possible;

AND THAT staff approach M.M. Dillon to act as consultants for the implementation of the Continuation Option.

THAT a meeting be set up between the Minister of the Environment and the Regional Chairman regarding application deadlines and time lines referred to in the Minister's letter of December 1, 1983.

AND FURTHER THAT staff prepare and present a report to the Solid Waste Management Committee on pursuing the Export Option at the same time as the Continuation Option but clearly as a secondary alternative to the Continuation Option.

"Peter Pomeroy"

REGIONAL CHAIRMAN

THE REGIONAL MUNICIPALITY OF HALTON

Report to: Chairman and Members of Regional Council
The Regional Municipality of Halton

From: Dennis Y. Perlin, C.A.O.

Date: 1983 12 02

Report No: C.A.O. 377/83

Re: Interim Waste Disposal Plan 1983 - Deferred Recommendations - Planning and Public Works Committee Resolutions - October 26, 1983 - Response from the Minister of the Environment: December 1, 1983

RECOMMENDATIONS:

1. THAT C.A.O. Report 377/83 re Interim Waste Disposal Plan 1983 - Planning and Public Works Committee Resolutions - October 26, 1983 - Response from the Minister of the Environment: December 1, 1983, be received for information.

REPORT:

On November 9th last Regional Council in considering the Planning and Public Works Committee Report 34-83 regarding the Interim Waste Disposal Plan 1983 for Halton approved of Option One, i.e. the "Continuation Option" as set out in C.A.O. Report 319/83 as the Interim Waste Disposal Plan 1983 for Halton provided that no tribunal hearing(s) would be necessary in order to obtain the necessary approvals.

Further, the Regional Chairman was authorized to write to the Minister of the Environment requesting that hearings be waived regarding the continuation portion of the Interim Waste Disposal Plan by granting the appropriate exemption under The Environmental Assessment Act and on the basis of urgency under The Environmental Protection Act at least until the tribunal hearing(s) for the long-term landfill component commenced.

The remainder of the Recommendations from the Planning and Public Works Committee regarding the utilization of Option

Two, i.e. the Export Option to the Energy from Waste Plant in Niagara Falls, New York, should tribunal hearing(s) be required for Option One was deferred until after the Minister's response was received.

In accordance with Council's instruction, the Regional Chairman submitted a letter to the Minister of the Environment on November 10th, 1983, a copy of which is attached as Schedule "A" to this report.

On December 1st, 1983, the Minister responded with the letter attached as Schedule "B".

The response of the Minister was that while he is prepared to waive the application of The Environmental Assessment Act for either Option, he is not prepared to waive any public hearing(s) under The Environmental Protection Act regardless of which Option Council chooses and he has requested that the Region make Approval application(s) for whichever Option it chooses by January 14th, 1984.

Since the Minister has responded, this report is submitted back to you for consideration as to the Interim Waste Disposal Plan which should be finally adopted.

The deferred Recommendations from the Planning and Public Works Committee of October 26th, 1983 are set out in Schedule "C" to this Report.

Previous Reports

In addition to the Planning and Public Works Committee report of October 26th, 1983, Regional staff would refer Council to previous staff reports on this matter. Copies are not being attached of those reports as we are sure that most Councillors still have copies of those reports in their files. If any copies of those reports are required, please contact the Clerk's Office and copies will be sent to you. They are C.A.O. 95/83 dated February 25, 1983; C.A.O. 209/83 dated July 8, 1983; and C.A.O. 319/83 dated October 21st, 1983.

Minister's Response

The Minister's response of December 1st, 1983 is negative and unsympathetic to the Region's request. It throws the ball hard back into the Region's court.

The setting for the response can be set out in the Chairman's detailed letter of November 10th, 1983 and I would refer Councillors to that letter prior to reading the Minister's response of December 1st, 1983.

Generally speaking, it is obvious that the Ministry of the Environment including the Minister continues in its failure to understand the complexity of this matter and while it pays lip service to the need to have the Environmental Assessment of the long-term landfill component completed, its ongoing actions like the Dec. 1, 1983 response undermine that lip service.

There are at least three surprising aspects to the letter.

Surprise #1

One surprising aspect of the letter is that even if Option Two, i.e. the Export Option, is chosen by Regional Council, a hearing would be required for the transfer station facility and considering the time necessary for the preparation for and conduct of the hearing, the decision stage, and then for final design and construction, the transfer station itself would not likely be available until at least the first of July when all but one month of the existing capacity at the Burlington landfill would be utilized.

That particular aspect of the Minister's letter was very surprising because Ministerial staff had indicated to us previously that in light of the interim nature i.e. three year term for the Interim Waste Disposal Plan (and provided there was very little, if any, opposition to the transfer station facility), that a hearing would not be necessary. That gave the Export Option one of its greatest advantages and that was that it could be implemented without a hearing, thus saving capacity at the existing site and deferring and perhaps even lessening the need for continued landfilling at the existing Burlington landfill site.

That advantage for Option Two has now been eliminated.

Another problem created by the Minister's decision to have a hearing in any case on the transfer station for Option Two is that it may endanger the availability of the Energy from Waste Plant in Niagara Falls, New York because it will delay until at least May a decision on whether an agreement could even be entered into with B.F.I., the contractor for the Export Option, and the capacity is reserved for the Region only until January 1st, 1984. After that the Energy from

Waste Plant has made it clear that it must try and fill as much of the capacity as it has available to it as soon as it possibly can.

Finally, because the Export Option could not start until well into 1984 as opposed to March or earlier the cost will increase and so the expenditure in 1984 is likely to be greater (i.e. a higher cost for purchasing the vehicles later rather than sooner etc.

Surprise #2

A second surprising aspect to the Minister's letter was his request (and it is only a request -- not a demand) that applications for approvals for either Option be filed by January 14th, 1984.

Preliminary discussions with M.M. Dillon, the Region's Consultant, with respect to either the landfilling or the transfer station, or both, indicates that the applications cannot be ready for filing, in the case of a transfer station application, until mid-February, and in the case of the landfilling, until mid-March. Those two dates are the earliest that Dillon could foresee making the Applications. M.M. Dillon will be working on this matter over the weekend and will forward a letter outlining the timing and their reasoning for Council consideration on Wednesday.

Making the Application means having supporting documentation NOT just filling out a form.

In the case of landfilling one must have documentation which supports the need, hydrogeology, ecology, land use matters, design, operations, after-use and landscaping, perpetual care, etc. Without that documentation the Application form cannot be properly completed. The material prepared to date has been conceptual in nature with some hydrogeology and has purposely been conceptual in nature as its intent was to provide Council with a reasonable basis on which to make a decision on the Option that should be utilized for the Interim Waste Disposal Plan.

Only when Council had made its decision on which Option, was it intended that the detailed study and supporting documentation would be done.

An Application form could be "guessed at" but would not be supportable and in both Dillon's and Staff's opinion, no Application should be filed which is not professionally done. An Application is not made professionally unless it

has attached to it the documents that make the form complete, understandable and defendable.

Surely the M.O.E. must have been aware of the fact that supporting material has yet to be prepared in order that an Application can be submitted and that therefore it was most unreasonable to expect any application by January 14th, 1984 for either Option.

The only way to submit Applications by January 14th would be to do so in an unprofessional and "half-baked" manner.

Since the Applications would then be going on to a definite hearing, that would not "auger" well in front of the Hearing Panel for the professionalism, the planning, the organization, and the credibility of the Region in the way it does and presents things.

Surprise #3

The third surprising aspect of the Ministerial response is his seeming indication that the "Seymour Decision" will reduce the scope of any hearing for the landfill component of either Option. He states that matters related to the long-term Environmental Assessment will not be canvassed in the Environmental Protection Act Hearing for the landfilling. Hopefully the Minister's right; I am not so sure.

First the Seymour Decision is so recent that appeal periods to the Courts for judicial review and/or for Petitions to the Cabinet have not expired.

In any case, one tribunal hearing panel's decision is not binding on the next board.

Further, the Board hearing the Seymour case was a joint Board of the Environmental Assessment Board and the Ontario Municipal Board. In the case of the Interim Waste Disposal Plan, we will be dealing just with the Environmental Assessment Board.

Finally, and most important, one should read carefully all of page 53 of the Board Decision and not just that part which is quoted in the Minister's letter.

Our concern with the length of the hearing process and the prejudice to the Region's position in any future hearing in the Environmental Assessment for the long-term landfill component has NOT been that there will be an alternative

site comparison during consideration of the Interim Waste Disposal Plan; it has been that evidence with respect to need (i.e. from alternatives like the Export Option) and with respect to landfill proposal in the area such as the National Sewer Pipe proposal which is a candidate area in the long-term program, could be presented. The Seymour Decision, in my opinion, lends strength to the very concern that we have expressed where the Decision on Page 53 clearly states "Evidence on alternatives may in some instances be admissable.....for the purposes of need and for the purpose of providing reference with respect to this site being actually considered by the Board". Thus the Seymour Decision may not provide the comfort to Regional Council with respect to the type of hearing that will occur on the landfilling portion of any Interim Waste Disposal Plan that the Minister is trying to suggest.

Despite any surprises that are contained in the Minister's letter, the "bottom lines" remain:

(a) that to do any landfilling beyond the capacity already approved at the existing Burlington Landfill Site, a public hearing will have to be held under The Environmental Protection Act.

(b) that in order to utilize the Export Option, a public hearing will be required both for the Transfer Station and any landfilling portions required to support the Export Option. Thus Phases A & B will definitely be required for the Export Option and the need for Phase C now looms larger in the Export Option (which it never did before the Minister's letter).

The Options

At this time the Options for the Interim Waste Disposal Plan 1983 remain essentially the same as they were before the December 1st, 1983 letter from the Minister of the Environment. However, some changes in detail are necessary in light of the budget discussions and in light of the need for a hearing for the transfer station portion of the Export Option. The two Options are reviewed below:

Continuation Option

1. The continuation of landfilling at the existing Burlington landfill site up to 4 phases (Phases A,B,C, and D) on a phase-by-phase basis in accordance with the 1983 MM Dillon Report on the Continuation of Landfilling at the Burlington Landfill Site, utilizing only as many of the phases as are necessary until the commencement of operation of the long-term landfill component for Halton;

2. The addition of 1.5 million cubic yards of landfill capacity to the capacity figure being sought by Walker, Wright, for the long-term landfill component of Halton's Solid Waste Management System to enable the minimal use of phases set out in the Dillon rpeort; and landfill capacity to the end of the interim period;

3. The financing of this option by way of the present approach to the setting of Regional tipping fees with the 1984 tipping bee being $18.00 per tonne;

4. The continuation and promotion of source separation in Halton.

Export Option

1. The export for three years by the consortium of Browning-Ferris Industries Ltd. (BFI and Robran Construction Ltd. of approximately 75% of the weaste received by Halton for disposal at the Energy from Waste Plant in Niagara Falls, New York run by Occidental Chemical Corporation at the fee set out in the BFI letter of September 28, 1983.

2. The entering into of a contract with BFI-Robran consortium for such export for a period of 3 years with the price to be a base price escalated on the Canadian Consumer Price Index for years 2 and 3, and with 2 one-year options thereafter in favour of the Region to renew at a then negotiated price.

3. The establishment of an open-air transfer station for the 3-year term to enable the export to take place at the existing Burlington Landfill Site;

4. The "unburnables" (approx. 25%) to be landfilled at the existing Burlington Landfill Site utilizing firstly the remaining capacity in the existing site, plus Phase A of the Dillon continuation plan, and then Phase B, and in

each case whether the further phase is utilized will be dependent on whether the long-term landfill component of Halton is in operation.

5. The addition of sufficient cubic yards of landfill capacity to the capacity figure being sought by Walker Wright Assoc. for the long-term landfill component of Halton's Solid Waste Management System to cover the 100% landfill requirement from the termination of the initial 3-year term of the export contract with BFI and Robran through June of 1988.

6. The financing of this option by way of a blended Regional tippage fee payable at any Regional disposal site including the Halton Hills transfer station of $18.00 per tonne (1984) with the remainder by way of the Regional portion of the Municipal tax bill preferably by a special Regional Waste Disposal Fee.

7. The continuation and promotion of source separation in Halton.

The only change in the Continuation Option is the 1984 Tipping Fee from $17.50 to $18.00 per tonne in accordance with the 1984 budget discussions.

The changes made on the Export Option are that the actual fee to be charged by BFI and Robran may be higher in light of the later start although the fee would be in accordance with the

provisions of the BFI letter of September 28, 1983. In addition Phase B will now likely be necessary and so it is no longer prudent to put a condition as was in C.A.O. Report 319/83 on Phase B, i.e. "if absolutely necessary".

The landfill capacity to be added under the Export Option to the long-term landfill component of Halton's Solid Waste Management System will be somewhat different depending on the time that the three-year contract with BFI would start. If it cannot start until June or July of 1984 then it will come to an end of June or July of 1987 and therefore the amount of landfill capacity to be added to the long-term landfill component can be reduced from the 606,050 cubic yards that was set out in .5 on page 7 of the original report C.A.O. 319/83. Further a change would be made in the actual tipping fee to be charged at the waste disposal sites under the Export Option to $18.00 per tonne from $17.50 per tonne to reflect the 1984 budget discussions.

With the Export Option and the need for hearing, there will be some additional cost for the preparation and conducting of the hearing and that additional cost would be "by way of the Regional portion of the Municipal tax bill" in any case under the Export Option so we will report back to you with respect to that additional cost. It may be that that additional cost related to the preparation for and the conducting of the hearing can be covered off in the amount already included in the budget for the transfer station. Should Council adopt the Export Option, then these figures can be refined.

ADVANTAGES AND DISADVANTAGES

In this report for the assistance of Council and once again reviewing the advantages and disadvantages of each of the Options, changes have been made in the list of Advantages and Disadvantages to reflect the results of the letter from the Minister of the Environment dated December 1st, 1983.

In the case of the Continuation Option, the disadvantage now is clearly that tribunal hearing(s) will be required.

On the Export Option side, the advantage of no hearing(s) is dropped. Hearing(s) will be required and are added to the disadvantage side of the "Ledger" for the Export Option although in my opinion the hearing(s) will be significantly less in terms of cost, time, confrontation, and therefore damage, delay and prejudice to the long-term landfill component.

Continuation Option

Advantages

1. It is significantly cheaper.

2. It can be done with no significant increase in environmental impact beyond the environmental impact that already exists with the existing site.

3. It accomplishes the interim objective.

4. It is supported by the 3 area municipalities of Halton Hills, Milton, and Oakville.

5. It is acceptable in concept to the Staff of the Ministry of the Environment and apparently the Minister of the Environment.

6. There is no objection from the industrial/commercial neighbours of the site, i.e. Tridon, Cumis and National Sewer Pipe.

Disadvantages

1. It is opposed by the Council of the City of Burlington.

2. It is opposed by the residential neighbours who live around the Burlington landfill site, i.e. on Mountainbrow, Rennick, and Old Waterdown Road.

Export Option

Advantages

1. It will likely avoid confrontation with the City of Burlington, many residentialneighbours and many residents of the area in which the landfill is located.

2. It will likely eliminate all outstanding confrontations at this time in the Solid Waste Disposal Program, including the confrontation with Halton Hills over transfer station responsibility being Regional and not local.

3. It implements the resource recovery-based system for the disposal of waste in our interim program by utilizing the Energy from Waste Plant in Niagara Falls, New York.

4. While the increase in waste disposal cost to the taxpayer is high, the additional cost still keeps the waste disposal utility significantly below the cost of any other utility such as water, sewer, gas, electricity and telephone. For example, a household with an average assessment in Oakville and certain other average utility assumptions would see his cost rise from $33 per year to $66 per year for waste BUT that compares to $223 for water and sewer, $770 for gas, $252 for electricity, and $294

3. It is opposed by the West Burlington Ratepayers Group and many citizens who live in the Aldershot area of the City of Burlington.

4. Tribunal hearing(s) will be required under the provisions of the Environmental Protection Act.

5. Confrontation in the form of tribunal hearing(s) will result in lengthy, costly ($500,000), damaging, and possibly prejudicial hearing to the long-term landfill component.

6. Confrontation by way of the tribunal hearing(s) could produce significant delays in the finalization and implementation of the Environmental Assessment of the long-term landfill component.

7. Confrontation between the Region and one of its constituent Area Municipalities continues a "sorry" chapter in the history of the Region, i.e. the Site "F" - Milton confrontation.

8. Controversy and uncertainty regarding the handling of the leachate impact.

9. The inability to resolve all outstanding confrontation matters at this time, including the for telephone.

5. Avoiding and/or reducing confrontation on the interim program allows concentration on the completion and implementation of the long-term Solid Waste Management Program for Halton.

6. It accomplishes the <u>interim</u> objective.

<u>Disadvantages</u>

1. Tribunal Hearing(s) will be required uinder the provisions of the Environmental Protection Act for both the transfer station and the landfilling portions of the Plan but the cost, time, confrontation and therefore damage, delay and prejudice to the long-term landfill component should be significantly less than in the Continuation Option.

2. It is significantly more expensive.

3. It does <u>not</u> provide an Energy from Waste solution <u>in</u> Halton.

4. It requires a permit from the U.S. Secretary of Agriculture and agreement from the State of New York.

confrontation matter over the transfer station responsibility as a disposal matter and not a collection matter.	5. If the border closes to passage of garbage any time during the term of the Interim Plan, then we must return to the continuation option; enforcement of any contract would be limited to obtaining damages (dollars) as opposed to disposal capability. 6. It will have a significant one-time impact on the taxpayers of Halton in the year 1984. 7. It may be difficult to return to a 100 per cent landfilling approach in the future if any Regional Council would wish to do that; some may argue that once you have started exporting, keep exporting, particularly in the absence of any feasible Energy from Waste opportunity in Halton.

Future Action

Set out in the two columns below are the recommendations that would be necessary to pursue either option and Regional staff would seek direction from Regional Council as to which Option they would wish to pursue.

Continuation Option	Export Option
1. That the letter from the Minister of the Environment dated Dec. 1, 1983 concerning the proposed Interim Waste Disposal Plan for the Region of Halton be	1. That the letter from the Minister of the Environment dated Dec. 1, 1983 concerning the proposed Interim Waste Disposal Plan for the Region of Halton be received.

received.

2. That the Minister of the Environment be informed that any Applications for Approvals required under the Option selected below cannot reasonably be made by January 14th, 1984 in light of the preparation time necessary but that such Applications will be made as soon as reasonably possible.

3. That Option One, i.e. the "Continuation Option" as set out in C.A.O. Report 377/83 be approved as the Interim Waste Disposal Plan 1983.

4. That Regional staff and Consultants be directed to take the necessary action to obtain the necessary approvals such that Option One, i.e. the Interim Waste Disposal Plan for 1983 can be implemented.

5. That Browning-Ferris Industries Limited and its affiliates, Newco Waste Systems of Buffalo, New York, and Robran Construction Ltd. of St. Catherines, as well as the management of the Occidental Energy from Waste Facility in Niagara Falls, New York, be sincerely

2. That the Minister of the Environment be informed that any Applications for Approvals required under the Option selected below cannot reasonably be made by January 14th, 1984 in light of the preparation time necessary but that such Applications will be made as soon as reasonably possible.

3. That Option Two, i.e. the "Export Option" as set out in C.A.O. Report 377/83 is hereby approved as the Interim Waste Disposal Option strictly on an interim basis only.

4. That the Resolution set out in Schedule "D" to C.A.O. Report 377/83 is hereby expressly adopted as the intention of this Council regarding any approval and implementation of the "Export Option".

5. That the financing of this Export Option be on the basis of a blended Regional tipping fee, being payable at each of the disposal site(s) in Halton, including the Halton Hills Transfer Station, and the existing Burlington Landfill Site, of $18./metric tonne with

thanked for their proposals and their assistance, as the case may be, with respect to the investigation of the use of the Occidental Energy from Waste facility for the Interim Waste Disposal Plan, 1983.

the remainder of the cost including the remainder of the Halton Solid Waste Management Program, being financed by way of the municipal tax bill, preferably as a special Regional Waste Disposal Charge, if possible.

6. That Regional staff be instructed to finalize the negotiations with the consortium of Browning-Ferris and Robran Construction Ltd. with the agreements being satisfactory to the Director of Public Works, the Regional Solicitor, and the Regional Treasurer, based on the consortium's letters of June 17th, 1983, and September 28th, 1983 and with any Agreements being subject to the receipt of the environmental approvals necessary for the implementation of the Export Option.

7. That Regional staff and Consultants are instructed to take the necessary action to obtain the necessary approvals so that Option Two for the Interim Waste Disposal Plan can be implemented.

CONCLUSION

This particular matter is a very difficult one and the letter from the Minister has not helped Council, no matter which Option one may favour.

I would urge Council to make a decision on December 7th regardless of the Option so that Regional staff and Consultants can get on with the necessary Approvals.

As stated previously, the Minister's letter of December 1st, 1983 would not change the essence of the approach that I previously recommended in C.A.O. Report 319/83.

Respectfully submitted,

Dennis Y. Perlin
Chief Administrative Officer

DYP*pm

SCHEDULE A TO CRO 1763

THE REGIONAL MUNICIPALITY OF HALTON

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1983 11 10

BY COURIER

The Honourable Andrew S. Brandt
Minister of the Environment
135 St. Clair Avenue West
Toronto, Ontario

Dear Mr. Minister:

Re: Regional Municipality of Halton - Interim Waste Disposal Plan - Request for Ministerial Consent to Approach - Exemption under Environmental Assessment Act and Avoidance of Hearing under Environmental Protection Act - Emergency Situation

Purpose

Some time ago, I had the pleasure of meeting with you and your staff regarding the "woes" we are having in Halton regarding the establishment of the long-term landfill component for our Solid Waste Management System.

At that time, you directed your staff and I directed mine to seek ways of trying to move the Environmental Assessment process along as efficiently and effectively as possible without undermining the purpose of the process, and you also directed your officials to work with mine to see what financial assistance could be obtained for the Region. I understand our officials are doing these things.

In your closing remarks to us you indicated that the process must come to an end soon and that Halton must get its landfill component.

We sincerely appreciated your encouragement and concern and I am writing to you today to seek your further help in achieving the objective of finalizing a long-term landfill component in Halton.

We require direction from you to your staff which your staff have indicated they believe they would need as their hands are tied by past practice related to the interpretation of The Environmental Protection Act and The Environmental Assessment Act. They see the Regional request which I am going to set out below as deviating from that past practice, although we do not. We would ask you to consider our position and, if possible, meet with us to discuss it, find favour with it and help us in directing your staff to work with us in that regard.

What are needed are directions that exemptions under The Environmental Assessment Act are to be processed and emergency situations are to be considered under Section 31(a) of The Environmental Protection Act to avoid a Hearing(s) under The Environmental Protection Act for the small interim phases being looked at for continuing landfilling at the Region's one and only existing landfill site in Burlington should the existing approved contours be reached by July of 1984 and the long-term landfill component not be in place by that time.

Your staff, and to some extent your predecessor, have previously written to us requesting us to make application for approvals for interim waste disposal needs with the likelihood of an exemption being granted under The Environmental Assessment Act, but with Hearing(s) to be held under The Environmental Protection Act. Any Hearing(s) for an interim situation would be unnecessary and wasteful considering the existing situation and the minimal scope of the interim phases. Further, such a situation will lead to delay, confrontation, possible damage and prejudice to the long-term landfill component, and will be extremely costly ($500,000) as well as confrontational because of the opposition that exists. After all is said and done there is only one practical cost-effective interim option and that is the continuation of landfilling within the existing Burlington Landfill Site until the new landfill component is operational. Hearing(s) for the interim program will achieve nothing because in our opinion no other option could be ordered by the Ministry of the Environment so that will have to be the Option in any case. Our fallback request is to at least avoid Hearing(s) on the interim program until it can be combined with the likely Hearing(s) for the long-term landfill component.

Background

Because of our previous correspondence to you regarding the Environmental Assessment for our long-term landfill component, you are very familiar with the background to this situation. Therefore, I will only review the key points at this stage.

In 1977, Regional Council, after a study of the entire Regional Area, determined that the best location for its then needed long-term landfill component would be at Site "F" at the north-west corner of Tremaine and Britannia Roads in the Town of Milton. After numerous court cases, an O.M.B. hearing and Cabinet approval, Planning Approval in the form of Official Plan and Zoning By-law Amendments were finalized in 1980 and an application made for Environmental Approval under The Environmental Protection Act.

On June 3rd, 1980, The Environmental Assessment Act was made to apply to waste disposal projects of Municipalities, and by a Court Decision it was determined that the "grandfather" provision in the Regulation which brought the Municipalities under The Environmental Assessment Act did not cover the Site "F" situation such that Site "F" was covered, both by The Environmental Assessment Act and The Environmental Protection Act requiring an

Order under then Section 35 of The Environmental Assessment Act indicating which Act would apply.

Knowing of the exhaustive studies that were likely if The Environmental Assessment Act were made to apply, and considering that Planning Approval had already been received from both the O.M.B. and the Cabinet for Site "F", we petitioned the then Minister of the Environment, Dr. Harry Parrott, to maintain the course that had been set by the previous rules and to allow the matter to proceed under The Environmental Protection Act.

For reasons given in his Order dated February 9, 1981, Dr. Parrott determined that Environmental Approval for the long-term landfill component in Halton should be by way of The Environmental Assessment Act.

In considering our request in this letter, I would ask you to review that Order of February 9.

There is one very important paragraph in that Order which is very relevant to our request today and it was the last major reason given by Dr. Parrott for his Order:

> "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."

Our request to you today is simply to allow us, as Dr. Parrott said we could, "to follow the procedure through to developing an operating site prior to the remaining capacity at its existing sites being exhausted".

When Dr. Parrott made his Order in February of 1981, the remaining capacity then existing was to the summer of 1984. That remaining "capacity" was secured by virtue of an Interim Waste Disposal Plan that was developed in 1978 and finally approved by the Ministry without a Hearing for the Oakville Landfill Site and with a Hearing for the Burlington Landfill Site in 1980. The capacity at the landfill sites which had been available to the Region when Regional Government started was fully exhausted by 1979-1980. Regional Council had acted responsibly in 1978 and having then seen that Site "F" would not be in place by 1980, it formulated an Interim Waste Disposal Plan to allow us the time to finalize the long-term landfill component.

Thus, when the Minister of the Environment made his Order in 1981 we were already driving with our fuel gauge on "low". Despite that, that particular Order was made.

After seeking and not obtaining financial assistance, Regional Council began the process of obtaining the necessary consultants and working with your Ministry Staff to develop a Work Program and carry through with the Environmental Assessment.

This we have been doing with the approval and excellent cooperation of you and your staff.

As I write to you today, there is only one remaining landfill site in Halton and that is the Regional Site in Burlington. It was, as stated above, the subject of an interim expansion in 1980, which we are presently using.

The other sites in the Region had to be closed for various planning and environmental reasons, all of which were agreed with by your own Ministry Staff.

It is now expected that the approved contours for the existing Burlington Landfill Site will be reached by July of 1984. We are informed that the Work Program for the Environmental Assessment is such that we are not likely to achieve a new operating long-term landfill component by July of 1984.

Options

We have explored various options for handling the waste disposal responsibility that we have should the new operating landfill component not be in place by July of 1984 and indeed should the delay be up to three or four years thereafter. Because of the Environmental Assessment Act requirements for any new locations and, indeed, because of the very Environmental Assessment Act process that we are already in which is looking at all of Halton for the most suitable location or locations for the new long-term landfill component, the only option that we have within Halton itself is to continue landfilling at the existing Burlington Landfill Site.

The only other option that has been considered is an enormously expensive option; that being the export of the "burnables" (approximately 75% of the waste) to the Energy from Waste Plant in Niagara Falls, New York based on a proposal received from a consortium of Canadian industrial haulers who have access to that particular Energy from Waste Plant. The "Export Option" would raise our budget requirements for waste disposal by four times from 1.8 million to 6.4 million dollars in one year. That would mean on a "user pay" basis that the present tippage fee which covers all of our waste disposal costs would have to rise from $17.50 per tonne to $41.00 per tonne, or, if we left the tippage fee as is and put the cost on the Regional tax bill, the additional cost to the taxpayer as far as Regional services are concerned would be up some 25% or $32.00 for this particular service alone in the year 1984.

In addition to the high cost of this "Export Option", the export requires a permit from the Department of Agriculture in the

United States, and where it is dependent upon such a permit, that permit could be revoked and "where would we be at that point?"

Therefore, my Council is very, very leery and concerned about having to accept an Export Option at such a tremendously high cost and where control of the disposal of the garbage is taken away from Regional Council itself.

Regional Council engaged a competent planning and engineering firm, M.M. Dillon Limited, who themselves engaged a very competent hydrogeological firm, Gartner, Lee & Associates, before accepting that there was a "Continuation Option" for the existing Burlington Landfill Site in light of our past interim expansion.

M.M. Dillon have indicated that within the existing boundaries of the Burlington Landfill Site as approved under Certificate of Approval A 210102 dated October 24, 1983, a very small capacity can be obtained of some two and one-half to three years duration.

M.M. Dillon Limited have indicated that this Continuation Program can be done in four phases (A, B, C and D) and that as soon as we have the long-term landfill component operating in Halton, we can discontinue the landfilling at the existing Burlington Landfill Site. A copy of the Dillon Report is enclosed for your information.

The phases were designed to meet the concerns of neighbours to the Site and ratepayers groups in the area by keeping the most objectionable parts of the interim phases, i.e. raising the height of the contours (Phase C) and entering into a new area to the north (Phase D), to the very last.

In addition, we can even sub-phase that phase of the program which calls for the increase of the height of the landfill site (Phase C) so that when the new landfill(s) is (are) operational then we will be able to stop landfilling at the existing Burlington Landfill Site and go to the new long-term landfill component.

Indeed, the opponents to the "Continuation Option" have not objected to the first two phases of the Dillon program if it is used in conjunction with the "Export Option" (as indeed they would have to be for the "unburnables") and so it does indicate that part of the Interim Program at least is acceptable without opposition and those two parts of the "Continuation Option", i.e. Phases A and B, should with any luck allow us to reach the likely Hearing(s) for the long-term landfill component where, as stated above, the rest of the interim program could be considered if you were to provide the appropriate direction.

I should add that in staff-to-staff discussions, M.O.E. staff's overview look at the interim program set out by M.M. Dillon Ltd. was that it appeared acceptable from an environmental point of view.

Both M.M. Dillon Ltd. and Gartner Lee have indicated that the "Continuation Option" can be done with the required reasonable degree of safety and that any impact from this "Continuation Option" will not add significantly to any impact that already exists with the existing site.

Therefore, as stated above, our preference is the "Continuation Option" but we need your assistance to avoid the Public Hearing(s). We are very sincere when we stated that the holding of Public Hearings in the early part of 1984 would not only be unnecessary considering the scope of what we are proposing and what already exists, but would see tremendous delay in the implementation of our long-term program as staff and consultants prepare for and attend the Hearing(s) for a small interim program.

Because one of the candidate areas for the long-term program is to the immediate east of the existing Burlington Landfill Site (i.e. the National Sewer Pipe lands), that particular issue gets "mixed-up" with the interim program by those in opposition and that will mean that any hearing on the interim program will turn into a "full dress rehearsal" for the long-term program. That, in advance of the finalization of our Environmental Assessment and the review by the Province of that assessment and then the likely Hearing thereon, will be very prejudicial to the Region's position on the long-term landfill component.

Preferred Approach

What we would wish to do is to make application for each phase of the "Continuation Option" approximately 3 months ahead of when it might be necessary so that there is no time for a Hearing but there is time for consideration by your staff, the setting of conditions, and site preparation. We would do this for Phase A in the spring of 1984, and then for Phases B, C and D if and when each was required.

We believe that by submitting applications at that point, we are doing so when we know whether or not the long-term landfill component has a chance to be in operation and at a time that an an emergency will exist under Section 31(a) such that the Certificate of Approval for that next phase could be granted on an emergency basis without the need for a Hearing.

In the meantime, we will continue to work diligently on the long-term program such that, hopefully, as little of the interim program will be required as is absolutely necessary. The guidance and direction of your staff will help keep us on track in that regard.

Deadline

In the Resolution that is attached to my letter from Regional Council you will note that we are requesting a response from you

by December 5 in time for our Council Meeting on Wednesday, December 7. We appreciate that this is very little time, however, your staff are very familiar with what has gone on in Halton over the last few months and I am enclosing a copy of a Staff Report No. C.A.O. 319/83 that has recently been prepared and that was considered by Council.

You will note that Council has deferred any consideration of the "Export Option" until after you have had a chance to consider our request regarding either the avoidance of Hearing(s) on the "Continuation Option" by the approach set out above or at least until the likely Hearing(s) for the long-term landfill component begin. On December 7 we would wish to re-examine our position based on your response and guidance.

For example, for the "Continuation Option", if your answer is that you will not agree to our approach, then Council if it wishes to proceed with the "Continuation Option" will obviously have to get on with the long and costly procedure for preparation and hearing. On the other hand, if Council wishes to proceed with the "Export Option", it then must make arrangements for obtaining approvals for the transfer station, negotiating agreements, etc., so that the option can be operational by March of next year. Further, with the "Export Option", the commitment for space at the Energy from Waste Plant in Niagara Falls, New York is only until January 1, 1984.

Your response is very, very important to us and while we appreciate the shortness of time to December 5, I know that you are aware of the urgency of the situation.

Conclusion

In conclusion, we would request your assistance in giving appropriate direction to avoid Hearing(s) for the Interim Waste Disposal Plan for Halton and in particular the "Continuation Option" by allowing an approach which presents applications for each interim phase at such a time that an emergency situation would exist allowing the issuance of Certificates of Approval for each such phase until the long-term landfill component is operational, OR at least the likely Hearing(s) for the long-term landfill component has begun, at which time any remaining part of the interim program could be considered at that Hearing, at that time.

In closing I would like to quote from a letter which was sent to us by The Honourable Keith C. Norton when he was Minister of the Environment on July 5, 1983 in which he stated:

> "I understand the problems that could occur if a Hearing under The Environmental Protection Act were held before Halton's Environmental Assessment effort is completed, however, I am satisfied that such a situation will not occur. I have no intention of

disrupting the progress of Halton's Environmental Assessment and I look to the cooperation of all parties in this matter."

While that particular quote comes from a letter dealing with the application for landfill site approval by National Sewer Pipe Limited, the whole issue that surrounded that particular matter with National Sewer Pipe regarding whether it should be designated under The Environmental Assessment Act or not, is the very same when it comes to the interim program. Any Hearing in 1984 on the interim program will do nothing but "disrupt the progress of Halton's Environmental Assessment".

While the Minister then went on to suggest that we seek approval for a strategy for managing waste in the interim period "so as to avoid the creation of an emergency situation", to do so would be contradictory to the above paragraph of that letter where he indicated that he has no intention of disrupting the progress of Halton's Environmental Assessment. We will have an interim strategy so that there will be a method of disposing of waste during the interim period but we do believe that the most appropriate approach would be to be make application for approval when there is an emergency situation such that a Certificate of Approval can be issued without the need for a Hearing.

Your cooperation and advice would be very much appreciated.

A Regional delegation would be pleased to meet with you at your convenience. You may find that helpful in light of the complexity of this issue and I look forward to hearing from you in that regard.

Yours very truly,

J.N. Raftis, P.Eng.
Regional Chairman

DYP/gh

cc Dennis Caplice
C.E. McIntyre
Paul Rennick
G. Mierzynski
Regional Councillors
R. Mohammed
K. Anderson
R.W.J. Moore
D. Hodgson
P. Walker

Encls.

Ontario

SCHEDULE B TO CAO 31183

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,

Andrew S. Brandt
Minister

Ontario

The Joint Board

THE CONSOLIDATED HEARINGS ACT, 1981

IN THE MATTER OF Sections 2 and 3 of the Consolidated Hearings Act, (S.O. 1981, c.20)

- and -

IN THE MATTER OF an undertaking of the Corporation of the County of Northumberland to establish, maintain and operate a landfill site for the purpose of receiving, dumping and disposing of waste on lands described as the Southeast Quarter of Lot 3, Concession V, Township of Seymour, County of Northumberland.

Before: W. H. J. Thompson, Q.C.
M. I. Jeffery, Q.C.

November 28, 1983.

5th Floor,
1 St. Clair Avenue West,
TORONTO, Ontario
M4V 1K7

In this regard, the Board feels it imperative that the present quality of the O'Rourke water supply not be impaired in any way as a result of the proposed landfilling. It is apparent from the evidence that the O'Rourkes are virtually the only adjacent residents that will be directly and adversely affected should the County's hydrogeological interpretation of the site prove to be wrong and should the monitoring program and contingency measures fail to prevent the impairment or contamination of their water supply. It is beyond question that a safe water supply is both necessary and of the utmost importance to the use and enjoyment of the O'Rourke property.

For reasons stated earlier, the Board is of the opinion that, although the chances of such contamination occurring is extremely remote, the County should nevertheless be obliged to ensure that the O'Rourke water supply is maintained at a level of quality that existed prior to the commencement of landfilling, at the County's expense, and the Board is prepared to attach such a condition of approval, should this undertaking be approved.

During the course of this hearing, Counsel for both the Township of Seymour and H.E.L.P. sought to introduce evidence concerning the existing Campbellford waste disposal site with a view towards demonstrating that expansion of the existing site would be a preferred alternative to approval of the pro-

posed site being the subject application before the Board. 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. Evidence on alternatives may in some instances be admissible, not for the purpose of demonstrating that an alternative site is "better" than the proposed site, but rather for the purpose of providing a reference in order that the Board might properly assess certain criteria, such as the need for a new site, for matters like that of "need" are often constituent elements of the concept of public interest. If the Board were in fact to entertain evidence concerning alternative sites in the context of evaluating whether or not an alternative site was "better" or more suitable than the proposed site under consideration, then it could be argued with some merit, that such a determination could not properly be made unless the alternative site was also evaluated on its merits. This would necessarily include a comprehensive analysis based on essentially the same degree of investigation as would be required with respect to the proponent's application.

Surely in the absence of a statutory requirement to investigate and assess alternatives, as is the case under the

"SCHEDULE C" TO CAO 377/83

15.6.1 THAT the Final Report on the Landfill Component Environment Assessment State 2A General Overview Analysis, October 1983, be adopted and circulated to the Environmental Assessment Mailing List for Information; and

15.6.2 THAT the report on Submissions on the Draft Stage 2A General Overview Analysis Report, September 1983, be received and circulated to the Environmental Assessment Mailing List; and

*15.6.3 THAT the Regional Chairman and Clerk be authorized to sign an agreement with Walker, Wright, Young Associates Ltd. to undertake the Landfill Component Environmental Assessment Stage 2B Study - Selection of Candidate Sites as described in the Stage 2B Work Program and at an upset limit of $119,315. plus information centre costs; and

15.6.4. THAT the Stage 2B Work Program be circulated to the Environmental Assessment mailing list for information.

15.7. THAT the 1984 Operating and Capital Budets for the Solid Waste Management function, as presented in Report FIN #136/83, be deferred to the November 9th, meeting of the Planning and Public Works Committee.

15.8.1.1 THAT, provided no tribunal hearing(s) are necessary in order to obtain the necessary approvals to put the "Continuation" portion of the plan in place, Option One, i.e. the "Continuation Option" as set out in C.A.O. Report #319/83, be approved as the Interim Waste Disposal Plan.

15.8.1.2 THAT the Regional Chairman be requested to write to the Minister of the Environment, Andy Brandt, requesting that since tribunal hearing(s) are likely for the long-term landfill component of the Region of Halton, that tribunal hearing(s) for the proposed Interim Landfill Component, i.e. the continuation of landfilling at the existing Burlington landfill site be waived by the granting of the appropriate exemption under The Environmental Assessment Act and on the basis of urgency under The Environmental Protection Act, at least until the tribunal hearing(s) for the long-term landfill component commences.

15.8.1.3 THAT should the Minister of the Environment give a negative response to Regional Council's request under 1.2 above, or should no response be received by December 9th, 1983, then Option Two below, i.e. the "Export Option" shall be implemented.

15.8.1.4 THAT should the Minister of the Environment give a positive response to Regional Council's request under 1.2 above by December 9th, 1983, then Regional Staff and Consultants are directed to take the necessary action to obtain the necessary approvals so that Option One for the Interim Waste DisposalPlan above can be implemented.

15.8.2.1 THAT should the Minister of the Environment determine <u>not to recommend</u> the necessary exemption and/or waive the otherwise necessary tribunal hearing(s) by December 9th, or not to respond at all by December 9th, then Option Twoi.e. the "Export Option" is hereby approved as the Interim Waste Disposal Option strictly on an interim basis only.

15.8.2.2 THAT the resolution set out in Schedule "A" to C.A.O. Report #319/83 is hereby expressly adopted as the intention of this Council regarding any approval and implementation of the "ExportOption".

15.8.2.3 THAT the financing of this "Export Option" be on the basis of a blended Regional tippage fee, being payable at each of the disposal site(s) in Halton, including the Halton Hills Transfer Station and the existing Burlington Landfill Site of $17.50 per metric tonne, with the remainder of the cost,including the remainder of the cost of the Halton Solid Waste Manage-ment Program, being financed by way of the municipal tax bill, prefer-ably as a special Regional Waste Disposal Charge, if possible.

15.8.2.4 THAT Regional Staff be instructed to finalize the negotiations with the consortium of Browning-Ferris and Robran Construction Limited, with agreements being satisfactory to the Director of Public Works, the Regional Solicitor, and the Regional Treasurer, based on their letters of June 17th, 1983 and September 28th, 1983.

15.8.2.5 THAT Regional Staff and Consultants are instructed to take the necessary action to obtain the necessary approvals so that Option Two for the Interim Waste Disposal Plan can be implemented.

15.8.3.1 THAT the City of Burlington, the neighbours to the landfill site, the Burlington West Ratepayers Association, all be approached to obtain their agreement that if the

Export Option is chosen by Regional Council, that they will not object to the placement of an open air transfer station at the Burlington Landfill Site to handle the Export Option and further that they will not object to the continuation of landfilling at the existing Burlington Landfill Site on a phased basis provided that only so many of the phases will be used as is necessary to supplement the Export Option pending the commencement of operation of the long-term landfill component.

15.8.4. THAT the Royal Botanical Gardens and the City of Burlington be approached regarding the possibility of an experimental program to reforest part or all of the existing Burlington Landfill Site with Staff to report back on the results of those discussions.

* * * * * * * * * * *

COMMITTEE NOTES

MEMBERS PRESENT: P. McLaughlin (in the Chair), W. Johnson, R. Miller, A. Mulvale (left at 12:10 p.m.), P. Pomeroy, F. Oliver (left at 11:30 a.m.), S. Toth (left at 11:35 a.m.), B. Quinn (left at 12:00 p.m.), J.N. Raftis (arrived at 9:55 a.m.)

ALSO PRESENT: W. Mulkewich, J. Cutmore (left at 11:55 a.m.), R. Forbes

STAFF PRESENT: D.Y. Perlin (C.A.O.), R. McMurray, R.W.J. Moore, R. Mohammed, R. Melady, P. Grimmins

SCHEDULE "D" TO C.A.O. REPORT #377/83

Resolution Setting Out Regional Council's Intention Re: Approval of Option Two, i.e. "Export Option" for Interim Waste Disposal Plan, If Necessary

WHEREAS the Region's preference on an interim basis pending the implementation of the long-term Solid Waste Management System for Halton is to provide waste disposal capability by Option One, i.e. the "Continuation Option", provided there is no tribunal hearing(s) for the continuation of landfilling at the existing Burlington Landfill Site;

AND WHEREAS that part of the Interim Program with respect to the continuation of the landfilling at the existing Burlington Landfill Site, is only approximately 2-1/2 to 3 years;

AND WHEREAS tribunal hearing(s) will likely be necessary for implementation of any long-term landfill component for Halton's Solid Waste Management System;

AND WHEREAS any tribunal hearing(s) for the "continuation" of landfilling at Burlington prior to any hearing(s) for the long-term landfill component of Halton's Solid Waste Management System will be lengthy, costly, and may in fact be prejudicial and damaging to any hearing(s) required thereafter for the long-term landfill component;

AND WHEREAS tribunal hearing(s) for the "continuation" of landfilling at Burlington will mean a likely confrontation between the Region and one of its constituent municipalities, the City of Burlington;

AND WHEREAS such a confrontation in a tribunal hearing(s) would be most unfortunate, particularly with respect to an Interim Disposal Plan only;

AND WHEREAS tribunal hearing(s) for the "continuation" of landfilling at Burlington will mean a likely delay in the completion and implementation of the Environmental Assessment of the long-term landfill component for Halton.

AND WHEREAS approval of any Export Option is strictly on an interim basis and is not intended to eliminate in any way the need for a landfill component in Halton's long-term Solid Waste Management Program;

AND WHEREAS this Council believes that the solution to Halton's Solid Waste Management Disposal requirements, be that by Energy from Waste, Landfill, Source Separation, or a combination of any of the three, would best be found within Halton, and that in finding that solution in Halton, a landfill component of at least 25% or more will be necessary in Halton itself;

AND WHEREAS should the Minister of the Environment not eliinate the need for a tribunal hearing(s) for the continuation of landfilling on an interim basis at the existing Burlington Landfill Site;

AND WHEREAS in order to avoid a tribunal hearing(s), for the reasons set out above;

AND WHEREAS in avoiding any confrontation with the City of Burlington over a Waste Management Program, confrontation should also be avoided with the other Area Municipalities like Halton Hills over other waste disposal matters such as transfer stations being a waste disposal responsibility, not a collection responsibility, such that the Export Option if implemented should be supported in part by a blended Regional tipping fee;

AND WHEREAS in order to avoid undue hardship on industrial and municipal haulers in the Region and on their customers, the remaining part of the Solid Waste Management Program other than that financed by the blended Regional tipping fee should be financed by way of the municipal tax bill and preferably as a special Regional Solid Waste Disposal Charge;

NOW THEREFORE IT IS RESOLVED that upon the Minister of the Environment determining not to grant the necessary exemption and/or waive the tribunal hearing(s) for approvals for the continuation of landfilling on an interim basis at the Burlington Landfill Site by December 9th, that Option Two, being the "Export Option", shall be approved and implemented as the Interim Waste Disposal Plan for the Regional Municipality of Halton on an interim basis only financed in part by a blended Regional tipping fee and in part by municipal taxes (Regional portion) preferably as a special Regional Solid Waste Disposal Charge.