



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 Corpora-
tion of the County of Northumberland to estab-
lish, 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,
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M4V 1K7

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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

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Environmental Assessment Act, and notwithstanding that the proponent may have considered alternatives during the site selection process, the proponent should not be placed in the position of having to respond to evidence concerning alternatives to the site chosen by him and which is the subject matter of the application before the Board.

The Board has heard evidence that the existing Campbellford site has reached its capacity and is in the process of being closed and accordingly has concluded that there is a need for a new waste disposal site.

For the reasons expressed above, the Board has also concluded that any further evidence concerning alternatives to the proposed site is irrelevant to this application and would not assist the Board in reaching a decision under the Environmental Protection Act.

SUMMARY OF FINDINGS:

After carefully considering all of the evidence presented at this hearing, the Board makes the following findings and conclusions:

1. There is a need for a landfill site in the north end of the County of Northumberland to serve not only the Township of Seymour and the Town of Campbellford, but also the Township of Percy and the Village of Hastings.