

Canadian Environmental Law Association
L'Association canadienne du droit de l'environnement

8 York Street, 5th Floor South, Toronto, Ontario M5J 1R2, telephone (416) 366-9717

April 10, 1984

SPECIAL DELIVERY

Mr. Bruce Krushelnicki
Assistant Professor
Urban and Environmental Studies
Brock University
St. Catharines, Ontario
L2S 3A1

Dear Mr. Krushelnicki:

Further to our conversation today, I am enclosing information relevant to the issue of whether the proposed expansion to the Burlington Landfill needs an amendment to the Parkway Belt West Plan. The documents include:

1. M. M. Dillon's rationale for why the Plan does not need amending;
2. Our opinion letter of February 1, 1984 which may be a bit premature;
3. correspondence from the Ministry of Housing;
4. a city councillor's opinion.

I will assume you have access to a copy of the Plan. As you may be aware, the landfill site was expanded once to the north in 1980 and no amendment was required. However, there still may be an argument that the 1984 proposed expansion does not meet the five conditions set out in the Plan. As I mentioned, the City has been on record stating that the Plan needs to be amended. Feel free to contact Ministry of Housing officials if you think they might be helpful.

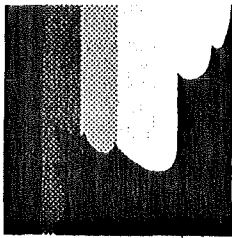
I look forward to hearing from you on Monday with your reaction.

Thank you again for your assistance.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Toby Vigod
Counsel



Canadian Environmental Law Association
L'Association canadienne du droit de l'environnement

8 York Street, 5th Floor South, Toronto, Ontario M5J 1R2, telephone (416) 366-9717

April 4, 1984

Roy E. McArthur
Branch Head
Resources Department
Monenco Ontario Limited
Colonia Place
Two St. Clair Avenue East
Toronto, Ontario
M4T 2T5

Dear Roy:

Re: Expansion of Burlington Landfill

Further to our conversations of March 12 and April 2, 1984, we would like to retain Monenco to review reports prepared by the Region of Halton and to appear at the upcoming Environmental Protection Act hearing in relation to the proposed expansion of the Burlington landfill. We are in agreement that Murray Gomer and Jeff Westerby will be doing the review. The hearing is scheduled for May 7, 1984 and we would anticipate that we would need Murray to help prepare cross-examination and attend at the hearing and appear as a witness. We have agreed that \$2,500 would be the maximum amount available for the review of the documents.

Background

The existing Burlington site has been in operation since 1972. It was originally run by the City of Burlington but was transferred to the Region of Halton in January 1974. In 1980, the site was expanded after a hearing before the Environmental Assessment Board.

The Region's consultants are M.M. Dillon and Gartner Lee. The latter firm has continued to monitor the site and have issued a number of reports in this regard.

April 4, 1984

The proposed expansion is to consist of 4 phases (A, B, C & D). Earlier this year the Region was considering whether to expand the Burlington site or whether to export wastes until the main Regional site is available. Our clients, the West Burlington Citizens' Group, advocated the export option, but tentatively agreed that if the export option went ahead, they might agree with phase A & B of the expansion. However, since the export option has fallen through, our clients have stated that they are opposed to the expansion of the Burlington site. Their main concerns revolve around the hydrogeology and geology of the site. The site is fractured shale and highly permeable. They are also concerned about the proposed height of the landfill and visual impacts.

Questions

What we would like Monenco to do is review the material and advise on:

- (1) whether any of the four phases will have an adverse impact on the environment. We are particularly concerned about phase D which proposes landfilling in a buffer zone, north of the groundwater divide. In addition, phase B also encroaches on a buffer zone. Which(if any) of the phases should not be proceeded with?;
- (2) whether Dillon's engineering and monitoring schemes are adequate and whether ground and surface water will be protected;
- (3) whether further engineering, monitoring, etc. is necessary to protect the environment;
- (4) what will be the environmental impact of the vertical expansion and whether the height proposed is normal for landfill sites;
- (5) general critique of Dillon's work.

Our clients would also be interested in whether it is viable to do their own analysis of leachate at the site. They had thought of contacting Zenon Ltd. in this regard, but would like your opinion as to the advisability of proceeding in this way. One concern is whether this would be money well spent..

We have enclosed a number of reports for your consideration. They are listed on the appended sheet. In some instances, they are our only copies. As you can appreciate, time is of the essence. If at all possible, we would like to meet with the reviewers on April 16, 1984 to discuss their findings. Our clients realize that their case rests on the issue of whether the proposed expansion will adequately protect the environment. To this end, they realize a final position can not be taken until your review is complete.

April 4, 1984

Finally, as you may be aware, Dr. Cherry has done extensive work on the City's old landfill, the Bayview site, which is located nearby. The geology of that site is also fractured shale. Work has also been done on National Sewer Pipe (NSP) property which is located up between the Burlington site and the old Bayview site. We trust that this letter outlines the issues we would like Monenco to address. Please contact me for any clarification needed. It would also be useful if Murray Gomer would call me for elaboration of the questions raised before he starts the review.

We look forward to working with you on this case.

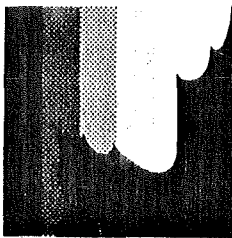
Thank you again.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Toby Vigod
Toby Vigod
Counsel

TV:dlb



Canadian Environmental Law Association
L'Association canadienne du droit de l'environnement

8 York Street, 5th Floor South, Toronto, Ontario M5J 1R2, telephone (416) 366-9717

April 4, 1984

Ms. Marie Corbett, Q.C.
Chairman
Environmental Assessment Advisory
Committee
1 St. Clair Avenue West
9th Floor
Toronto, Ontario
M4V 1K6

Dear Ms. Corbett:

Re: Burlington Landfill Site

Thank you for your letter of March 26, 1984 informing us of the Minister's referral of the above-noted matter.

We have recently heard that a delegation from Halton Region met with the Advisory Committee to discuss their application for exemption from the Environmental Assessment Act. We would ask, first of all, for clarification as to whether this meeting took place. If it did, we are concerned that our clients and other interested parties were not informed that such a meeting was taking place, and further that they were not invited to make representations as to why the matter should not be exempted. It would appear that a decision may be made on the basis of hearing only one side, and that fundamental principles of fairness were not adhered to by the committee.

We are also concerned that your committee was only given one week in order to decide what has been an extremely controversial matter in Halton Region.

We look forward to hearing from you in regard to the matter raised in this letter.

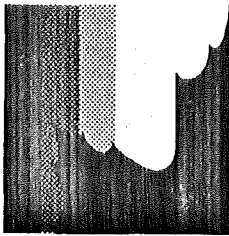
Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Toby Vigod

Toby Vigod
Counsel

TV:dlb



Canadian Environmental Law Association
L'Association canadienne du droit de l'environnement

8 York Street, 5th Floor South, Toronto, Ontario M5J 1R2, telephone (416) 366-9717

10 February 1984

Ms. Marie Corbett, Q.C.
Chairman
Environmental Assessment
Advisory Committee
9th Floor
1 St. Clair Avenue West, Toronto

Dear Ms. Corbett:

We have recently been retained by the West Burlington Citizens Group in relation to a proposed expansion of the Burlington landfill site.

The citizens are concerned about the environmental impact of the proposed expansion to the site. The proponent, the Regional Municipality of Halton, wrote to the Minister of Environment in November 1983 asking for "assistance to avoid public hearings(s)". On December 1, 1983, Mr. Brandt replied to the Regional Chairman indicating that he was prepared to waive the application of the Environmental Assessment Act through a section 34 order, but that an Environmental Protection Act (EPA) hearing would be required.

Our clients are concerned that an EPA hearing will be of much more limited scope than an EAA hearing as it will not require detailed evaluation of alternative sites and methodologies. This is of particular concern as one option looked at by the Region and supported by my clients was the export of some wastes to the energy from waste plant in Niagara Falls, New York. At this time, the Region has opted for the expansion to the Burlington landfill. An environmental assessment hearing would of course examine both alternatives.

We are not aware that a formal exemption has been granted by the Minister to date. We would therefore ask, firstly, whether your committee has examined the Region's request for an exemption to the Environmental Assessment Act and if you have, what your recommendations were. If not, we would request that you review the Region's request for an exemption. We believe that this is a matter of public concern and that the Region should not be exempted from requirements of the EAA in this matter.

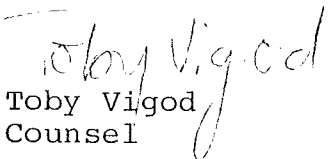
Ms. Marie Corbett, Q.C.

continued ...

Thank you for your attention to this request. We would be pleased to provide more details and correspondence, if required.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION


Toby Vigod
Counsel

TV:nd

**OSLER,
HOSKIN &
HARCOURT**

BARRISTERS AND SOLICITORS

Toby
RECEIVED MAR 13 1984

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

TELEPHONE (416) 362-2111
CABLE ADDRESS CARTHOS
INFOTEX 3029 5001 062/OHH
TELEX 06-22457

March 12, 1984

Canadian Environmental Law Association,
8 York Street,
5th Floor South,
Toronto, Ontario
M5J 1R2

ATTENTION: Ms. Toby Vigod

and

Corporation of the City of Burlington,
P.O. Box 5013,
Burlington, Ontario
L7R 3Z6

ATTENTION: Doug Brown, Esq.

Dear Sirs:

RE: Continued use of the Burlington Landfill
Site - Our File Number: 62,071

I wish to confirm my telephone conversations with you wherein I advised you that most of the hydrogeological information relating to the Burlington Landfill Site is already available in published reports and documents and that Robert Leitch, the senior hydrogeologist advising the Regional Municipality of Halton in respect of this matter is prepared to meet with hydrogeologists under retainer to your respective clients for the purpose of making available the existing hydrogeological data.

Further, I wish to invite each of you to contact me if your clients have need of information relating to this matter which has not yet been made public. In respect of each such request, I will of course have to obtain instructions, but I do wish to emphasize that our client wants to be as open as possible in respect of information pertaining to this site.

OSLER, HOSKIN & HARCOURT

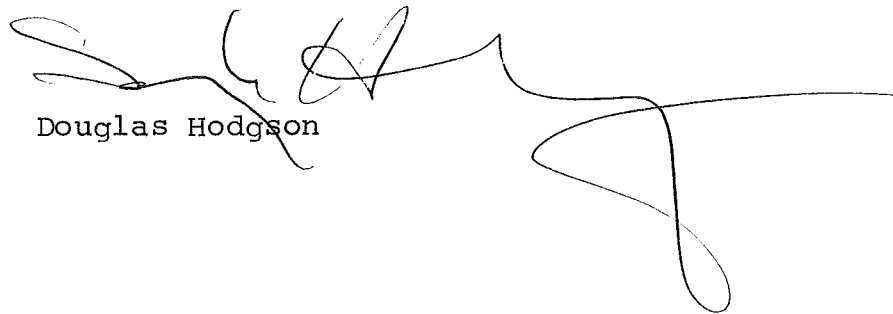
Page 2,
Canadian Environmental Law Association,
Attention; Ms. Toby Vigod,
Corporation of the City of Burlington,
Attention: Doug Brown, Esq.
March 12, 1984

As you know, the existing approved landfill in the Region will be exhausted by about August, 1984. Accordingly, our client proposes to request a hearing as soon as possible after completion of its application to the Director of the Environmental Approvals and Project Engineering Branch. We hope that a hearing can be scheduled in the first part of May. I regret the pressure that this puts on the time of everyone concerned, and I hope that through the early production of information we can minimize the inconvenience to you and your clients.

In turn, I know that you will want to make available to the Region any expert reports or evidence on which you intend to rely at a hearing.

There are innumerable issues relating to the siting of any landfill. Since both the City of Burlington and the Region have been landfilling in this area for a number of years, it strikes me that it should be possible to narrow somewhat the issues that are explored before the Environmental Assessment Board. I would welcome an opportunity to meet with you, and with the counsel of any other interested party, for the purpose of exploring the possibility of narrowing the issues before we get to a hearing.

Yours very truly,


Douglas Hodgson

DH/msb

c.c. J. E. Sexton

To CELA, % T. Vigod

Mar. 6, '84

Enclosed are some of the documents you require:

- Access to Meetings & Availability of Information bylaw, Region of Halton (Mar. 9, '83).
- (Leachate & Sewer bylaw, Region of Halton; incl. correspondence
- Correspondence re. Environmentally Sensitive Areas.
- My letter to the Minister of the Environment, Nov. 18, '83, and reply
- Re. Sol. Waste Mgt. Committee meeting Mar. 5, '84:
 - (a) MoE / Region correspondence: Parallel processing of application at MoE and at Env'l Assessment Board
 - (b) objections raised by me re. Are available to us for studying the technical info (to be filed later): Requested the "raw" data before report is filed.

→ CELA

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 35-83

A BY-LAW TO AMEND BY-LAW NO. 41-81 BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF THE REGIONAL COUNCIL, ITS COMMITTEES, AND THE CONDUCT OF ITS MEMBERS IN THE CALLING OF MEETINGS.

WHEREAS the Council of the Regional Municipality of Halton has deemed it necessary and expedient to make and establish rules and regulations to govern the proceedings of Regional Council and its Committees, the conduct of its members and the calling of meetings through By-Law No. 41-81;

AND WHEREAS the Council of the Regional Municipality of Halton has determined that it is appropriate to amend By-Law No. 41-81 to determine the process both for access to meetings of Regional Council and its Committees, and for the availability of information appearing on the Agenda of Regional Council and its Committees;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

1. THAT the Regional By-Law 41-81 is hereby amended by the addition thereto of a new Part II which is as set out

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 35-83

SCHEDULE "A"

PART II

ACCESS TO MEETINGS

- 37(a) In this Part II "Committees" shall mean Committees established by Regional Council and reporting directly to Regional Council and their Sub-Committees and Advisory Committee.
- (b) All meetings of Regional Council and all meetings of all its Committees shall be open for attendance by the public, except for meetings related to the matters following.
- (i) Matters related to litigation or communications respecting the solicitor and client relationship including matters related to procurement of professional services;

AVAILABILITY OF INFORMATION

- 38(a) All information including documents, papers, materials, reports and documentation prepared by Regional staff, or the Region's consultants, for submission to Regional Council or any of its Committees, shall, as soon as such information is available for distribution, be distributed to all members of Regional Council and all information which relates to the matters set out in Section 38 (b) shall be marked "Confidential" and shall be dealt with as set out in Sections 38(b)(c) and 39.
- (b) As soon as the information referred to in Section 38(a) is distributed to members of Regional Council and subject to the then current policy of Regional Council respecting reproduction charges, the information should be made available, together with the Agenda to any member of the public requesting such information and shall be distributed to the persons and places named on Schedule "A" to this By-Law except for information related to the matters following;

(c) Except for those matters set out in Section 38(b)(vi), all of the above matters, or any of them, may be made available to the public by the Regional Council as it may determine by resolution of Regional Council.

39. Following consideration by Regional Council, all information referred to in this By-Law, except the information referred to in Section 38(b)(i) to 38(b)(vi) inclusive (unless otherwise directed by Regional Council) shall be made available for inspection by the public at the office of the Regional Clerk during normal office hours and if requested, certified copies thereof shall be provided by the Regional Clerk to any member of the public in accordance with the then current policy of Regional Council respecting reproduction charges.

LOCAL BOARDS

40. All Boards, Commissions or Agencies of the Region that may be described as "Local Boards" under the Municipal Affairs Act, R.S.O. 1980, Chapter 303.

of all information in the possession of the staff of the Region to Regional Councillors or to the public in accordance with Regional Policy. There shall be a right of appeal from any decision of the Chief Administrative Officer to the Regional Administration and Finance Committee with a further right of appeal in writing to Regional Council.

ADVERTISEMENT OF BY-LAW

43. This By-Law shall come into force and take effect on the date of its passing and enactment, and shall thereupon be advertised by the Regional Clerk pursuant to Section 137 of The Municipal Act, R.S.O. 1980, Chapter 139.

SCHEDULE "A" TO BY-LAW NO. 35-83

1. City Clerk, City of Burlington
426 Brant Street
Burlington, Ontario L7R 3Z6
2. Town Clerk, Town of Halton Hills
36 Main Street South
Halton Hills, (Georgetown) Ontario
L7G 3G4
3. Town Clerk, Town of Milton
251 Main Street East
Milton, Ontario
L9T 1P1
4. Town Clerk, Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6J 5A6

5. Burlington Central Library

→ CELA

Re. SWMC meeting Mar. 5. '84
Delegation: H. Kreplin

The concerns expressed to the SWMC Committee by me were:

Ag. Item 1, Interim Waste Disposal Plan:

While the Region's application for an EPA hearing is still incomplete, the MoE Deputy Minister wrote that the application will be completed when the information

→ CELA

REGIONAL MUNICIPALITY OF HALTON

Report to The Chairman and Members of the
Solid Waste Management Committee

From The Director of Public Works

Date 1984 02 20

Report No. PW.32/84

Re Interim Waste Disposal Plan at the Burlington
Landfill Site

RECOMMENDATION

THAT the attached letter dated
February 8, 1984 from the Deputy
Minister of the Environment, Mr.
Brock A. Smith, re Interim Waste
Disposal Plan at the Burlington
Landfill Site, be received for
information.

(it was, Mar. 5 '84)

REPORT

bcc: Minister's Office (12A-357)

Deputy Minister's Office

E. McIntyre, MOE

R.V.J. Moore

R. Mohammed

D.Y. Berlin

W. Wells, M.M. Dillon

P. Walker

Walker, Wright, Young

Author: P.H. Rennick

RECEIVED

FEB 8 1984

FALTON REGION
PUBLIC WORKS

Mr. Peter D. Pomeroy
Chairman
Regional Municipality of Halton
P.O. Box 7000
1131 Bronte Road
Oakville, Ontario
L6J 6E1

FEB 8 1984

Dear Mr. Pomeroy:

The Honourable Andrew S. Brandt has asked that I acknowledge our recent understanding of your interim waste disposal plans. This Ministry agrees that

Comments - Hans Kreplin

Application - "Incomplete" (A., final by late Mar.'84?)

Phases A.B.C and D.

Error: Item 7c: New total area of site "SAME" (ha)

is incorrect: The property is the same, but the LANDFILL AREA
licensed so far does not include expansions B & D (see 7b)

[Other data appear correct]

Unnecessarily incomplete: Items 4,5,6 (a-f & h,i), 10.

Regional Chairman is Peter Poweroy (didn't sign it)

Dillion Draft

Letter of transmittal: "... is support of an application...", i.e.
disclaims to be impartial! - - Read draft report with that in mind!

1.1 "continued use" is incorrect: Expansion goes beyond present
license.

1.2 (p.1-2 par. 2): re Alternatives; Region was urged to use either
export of 75% of waste or use exchange agreement with other
Region(s) to avoid expansion (extent). The Region ignored that
(report sidesteps this). (Par.3): The Sept. 28, '84 public meet-
ing (100 people) unanimously and strongly opposed the expan-
sion! (report glosses over that).

2.2 Theoretically, the control of the accepted types of waste are
correct, but in doubt is (a) the judgment of the site personnel,
and (b) the degree of enforcement; note that industrial waste
is not excluded (what determines the difference between the
acceptable and unacceptable qualities? - Note the problems
other landfills developed after the fact!)

3.1 par. 2: "Consistent with sound engineering design" has
proven inadequate here and elsewhere!

The Region's long-term EAA site search applies much stricter
criteria than are used here (e.g. re. setback from streams).

3.3 (Parkway Belt West Plan) (and Planning Assessment)

Significantly, Dillon devotes Appendix A to this subject,
showing a high degree of concern. They say guardedly "no
significant impacts were found" (what is significant? --
the finding remains questionable, and this report supports
the application!)

- See notes in Appendix A;

- See notes in Appendix B.

• Again, continued use "is incorrect! Present permits don't
cover the expansion area or capacity.

• "Site conforms to the Parkway Belt West Plan" is as sub-
jective as "will, after rehabilitation, assist in achieving
the goal of a "Link Open Space Framework" is very debatable:
Placing a huge dam across this corridor that remains rustable
ground and can never be excavated will surely not "assist the goal"
of maintaining a traffic/communication corridor.

• The report concedes that there will be visual impact (B.4.1, p.B.5
and B.5.1, p.B-5), although this is not detailed or quantified (it
(*) is significant); noise impact (heavy machinery operating)
and (*) small impact (both frequent) are not mentioned at all;
the waste is not covered daily, raising a stink.

3.4 (p.3-2) Right Turn should insist on: The speed
limit there is 80 km/h on a 2-lane road; slowing & stopping trucks

are a hazard (straight road - trucks block view of road!)
Lowering the speed limit will make no difference: It is
60 km/h to the East of King Rd., but traffic moves at 80 km/h as
there is no perceived need to go slow. The same would happen
at the landfill entrance.

4.1 (Design Approach)-

"Possible to use only as much capacity as is required prior to..."
(new long-term site becoming available) is simply misleading:

There is virtually no chance of that long-term site becoming
operational before (1984 + 3 yrs.) 1987, even if there are no
objectors (and there will be!)

Neither could an EFW plant start sooner.

Probabilities are that the present application, if granted,
will lead to a further expansion of this site in 1987---'89,
which would even more violate any "sound engineering" this
site already lacks (absense of underdrains in lower, i.e.
high leachate pressure, region; absense of leachate treatment
before discharge to Sanitary Sewer System; lack of setback
from streams). Note par. 2 on p.4-1: "will extend the limits of
fill into the existing buffer zone," already!

4.2 Max, proposed elevation = 10 m (33 ft) higher than (!)
presently approved (all much higher than treetops!)

- Minimum of 10 m setback (EAA for all site require 100 m setback!)
from a ravine bank (deep and steep, attracting leachate migration!).

(4.3, 4.4, 4.5 still missing).

4.6 (Surface Drainage)

Aggravated surface runoff ... "must be accommodated... ultimately by off-site watercourses," this should be compared to 4.7 (Leachate Collection - still missing) since the added overburden of fill will raise the watertable, driving leachate towards the ravines. The effect will be increased stream pollution, particularly when nearly dry.

(5 - missing)

(6 - missing)

7. (Rehabil. & After use): Generally agree. Doubts about (a) species surviving in clay cover over waste; (b) control of snowmobiles, XC-bikes, other AT Vehicles.

Appendix A (Parkway Belt West Plan Amentment Requirement Assessment)

A1 ... "continued use"..., used twice, is deliberately deceptive and is a crucial point:

Even though only phases B and D expand the land area, all phases are expansions past present permit levels (incl. elevation) and they all conflict with the Belt Concept (See goals - below)

A2 "... exempted municipalities from complying with Reg. 472/73 provided it was for a public service undertaking."

(See seal on application: "municipality of Halton")

BUT: "Public service undertaking" in this case is a question of scope: Locally, this is a DISSERVICE

(the waste collection is the service - the disposal can be elsewhere!)

-Needs examination or inquiry in a hearing.

"Existing and prior uses are permitted" - the reference to the prior City operation of landfill at this site DOES NOT INCLUDE EXPANSION past the earlier limits of the permit: The proof is the fact a hearing was necessary in 1980. (The last par. on p. A-2 misconstrues the facts!)

A.3.1 (Goals & Objectives of P.B.W. Plan)

Dillon's interpretation is debatable: The landfill places a dam across the "Land Reserve for future flexibility"

(goal 3), adding a permanent 480,000 tonne waste ($686000 \text{ w}^3 = 24 \text{ million ft}^3$) that can't support structures (transport, towers, etc.) and can't be excavated either.

Re. goal 4, "linked open space framework, the expanded landfill would obviously violate that "open space link" by obstructing it even more than under the present limits.

New transport lines, e.g. the GO-ALRT rail link planned to pass by to Hamilton, are forced to pass closer to the residential area to the South as a result.

Dillon does not list the PWBW Plan's list of objectives; they must include the "corridor for linear facilities" idea with which the landfill (expansion) conflicts.

A.3.2 I very much doubt Dillon's statement "objectives... are still not intended to be used as a means of development" - then what is used? The quoted designation under the PWBW Plan is "Public use area - public open space and buffer area", obviously in agreement with

the goals of "integration of the system of urban areas", "land reserve for future flexibility" and "linked open space framework".

By contrast, the disposal of the Region's waste is an undertaking of INDUSTRIAL proportions, obviously in disagreement with the goals and objectives.

- (a) The "Public Use Area" (p.A-4) quotation clearly envisages (1) individual development and (2) minimal permanence of any development - the landfill and its expansion violate both.
- (b) The "Complementary Use Area" (p.A-5) quotation is to show it permits "other public uses of low-density, low-intensity character" - landfill is neither - and meet [new developer/min. permanence] as in (a) - the landfill is neither "minimal" in size nor is it temporary (subject to easy removal to make way for other facilities); landfill is particularly not low-density development, it is 100% development of the occupied area, and with 100% intensity (major earthwork, heavy machinery..., comparable to a quarry operation!)

Even the "no new buildings" argument is spacious:

The landfill itself is a monumental built structure!

(See p.A-6, top).

A.33 (Implementation)

After stretching the meaning and receiving the words,

Dillon still agree: "The Minister -- may -- declare -- undertakings to conform."... (Sec. 5.1.3 of PWBW Plan)

and add "The Plan provides no other means of determining whether a public undertaking in the PWB Plan conforms with the intent of the Plan".

Conclusion: A hearing is required under the PWBW Plan

A.3.4 i.e. these quotations and Dillon's own assessments contradict their conclusion "no amendment to the Plan is, therefore, required"

A-4 Their conclusion is merely based on finding no specific prohibition of landfill in the Plan - non sequitur --, quoting that the after-use would agree with the permitted (incidental, but not the main) purpose or use of the land.

NOTE: THE DETAIL OF Dillon's examination of the PWBW Plan is a measure of their doubts.

-See individual notes attached to report pages.

(1) A-3 to A-8 (2) p.A-4, A-5 (3) p.A-5, A-6 (4) p.B-2 (5) p.B-4

Parkway Belt West See 5.4.1(e) p.A-4, A-5

Conditions re. landfill:

- (i) does not preserve natural features
- (ii) is a structure of very high lot coverage and great height
high mass appearance
- (iii) does not secure (interferes with) open space character of the area

Also note: The restrictions' intention is to keep development low and/or non-permanent, allowing future planning decision (corridor). The landfill would (a) obstruct the corridor and (b) do so massively, (c) permanently (can't be excavated again).

Parkway Belt West, Sec. 5.5.1(e)

5.5.1(b)

"Complementary Use Area"

(1) "public uses of low density..."

Landfill = 100% density

See Dillon A.3.4 (p.A-7) "The impact on the INTEGRITY of the surrounding area... mitigated..." acknowledges (implies) the same (unmitigated).

(2) The INTENT of the Belt is obvious: NOT to PRE-EMPT future "linear" facilities for transport, communication or similar links between population centers;

The landfill is a barrier which:

- (a) is of huge size,
- (b) remains mustable as support for future structures,
- (c) cannot be excavated either; it would permanently disable the Belt.

Note: re. 5.5.1(e): Landfill = 100% density

re. 5.5.1(b): Refers to present terrain

Landfill = "Interim Use" ? under the Regional Official Plan:

Very arguable: Landfill permanently changes (a) the land contours

(Application for 34.5 ha/480,000 tonne/686000 m³)

(b) soil stability

(c) range of future land uses.

(acknowledges "considerations for an after-use")

-Challenge the Regional Official Plan.



TELEPHONE CONVERSATION

INTERVIEW

HANS F KREPLIN
510-20 NORTHSHORE BL W
BURLINGTON ONT
L7T 1A1

JOB NUMBER

808

FILE NO.

BETWEEN

AND

DATE

SUBJECT

TIME

COPY TO:

Mr. Dennis Perlin, Region of Halton, collect me,
Hans Kreplin

Mar. 12 '84

1:15 pm

D. Pocock
T. Vigod

Request for landfill data that will complete the MoE application

A. Landfill data:

1. Mr. Perlin explained that my request for these data was discussed with the Region's legal counsel, Mr. Doug Hodgson.
2. Mr. Hodgson was asked to contact CEIA (Toby Vigod) for arranging a meeting between Gortner Lee and us (incl. a hydrogeologist) to explain the use of the data. Much of the data ~~was~~ used in the MoE application ~~are~~ already public, i.e. shown in past reports.

3. H.K. Q. Will we be given copies of the latest data?

D.P. A. Data obtained in Nov. - Dec. '83 & Jan. '84 will be available to us only when the MoE application's documentation is in report form.

H.K. Q. (Request denied? - note "access to information" bylaw)

D.P. A. (Repeat of above answer and "don't know" if data will be handed overth).

B. Other items of comments to Mar. 5 '84 SWMC meeting:

H.K. Q. Why should my written submission go again to the SWMC, having been heard already Mar. 5. '84 (as per Mrs. Pat Crummins' Mar. 9. message) before reaching Councilors?

D.P. A. Agreed, they will be distributed (D.P. had not realized they equalled the verbal submissions).



HANS F. KREPLIN
510-20 NORTHSHORE BL W
BURLINGTON ONT
L7T 1A1

To CELA, /o Mrs. Toby Vigod

Mar. 25 '89

Dear Mrs. Vigod:-

(1) Re. Expansion, Burlington landfill site:

As you will know through Dorothy Porock, the Region's chairman has not persuaded the SWMC of the City to change the City's stance. I got Dorothy's brief, have discussed the matter with Walter Mulbewich (Reg'l Aideau) and will attend tomorrow's City Council meeting with the hope of being heard after the Reg'l Chairue, Peter Pomeroy. The intent is to merely stress that the City did not cause conflict but is rather on the "receiving" end (pun intended).

We don't expect any upset, i.e. the City Council is not likely to change the SWMC's response.

(2) Re. Long-term EA / NSP et al (74Q #1):

After responding at the Region to the Stage 2B report by WWY and being reassured by the City's preliminary response (CAO Boggs') as well as Ecoplans' critique, I have concentrated on the Stage 2C Work Program.

My comments on this are enclosed. I am not sure that there is not more wrong with it, but I found plenty to be concerned about, as you will see. I hope this reaches you in time for your own response.

Regards

Hans Kreplin

Brief presented to Burlington Solid Waste Management Committee meeting - March 23, 1984
by Dorothy Pocock, Acting Chairman of the Solid Waste Management Committee of the West
Burlington Citizens Group

The comments

The comments that I will make today apply not only to the request from the regional
CAO's office but also to other items on the agenda because they are interrelated.

Mr. Perlin has expressed concern in his letter that the City's opposition to the
Region's interim proposal might lead to "tragic confrontation" at a public hearing.

Our contention is that the City's position was taken as a necessary action to protect
its citizens. It is clear that the Region intended to avoid environmental hearings
if at all possible on the basis of 'need' in spite of the fact that it had been known,
not just in terms of months but in years, that there was an impending crisis brewing
regarding the lack of landfill site accommodation.

Is the Region conceding anything in order to obtain the City's change of hear?
No - they are offering exactly the same as they offered the West Burlington Citizens
Group one year ago - nothing but a promise to expand only as they needed each phase
and no further - and that is a promise worth nothing.] As we all heard from the
Regional Chairman today, that if approval is given, all four phases will take place.

In fact, there should be no expansion at all given the amount of input to the site
to date. [According to the Region's own staff, which stated "based on existing
experiences in the Region, landfill height should not exceed 15 metres (50 feet)"¹
the interim proposal clearly illustrates that the proposed height will ultimately
reach 190 feet."²

The City has responded in a responsible manner to the Region - local citizens
feel that regional government is not responding to their concerns. As was
pointed out repeatedly at a public meeting on Tuesday regarding the selection
of the 6 candidate sites, the citizens of West Burlington feel that they are
being let down - there have been landffill sites in the area for over 20 years now
and they are faced with the possibility of another 20 and maybe even more. We
are the recipients of a legacy of those who didn't know and understand that one
should never site a landfill on the side of a hill crossed by creeks which lead to
the bay and with a base of fractured shale. Surely experience has taught us
something - but no, we not only have the possibility of a private landfill
operation but a regional site as well.

The point was raised, which is referred to in the City's letter, that tests already done by National Sewer Pipe would be used in the Environmental Assessment process and as the City point out, this could "prejudice the decision process". Walker Wright Young could not satisfactorily answer this and in fact responded that they would examine this site in isolation, i.e. would not take into consideration that there were adjoining landfill sites and attendant problems. Although the consultants have stated that they would disregard all except the data used for comparison among the candidate sites, we feel that they are setting themselves an impossible task - how can you disregard that which you already know?

Both the interim proposal and the long term process are disregarding Regional policy which is to "locate sanitary landfills where feasible on lands less suited to other purposes, but recognize that the nature of the operation of landfills includes the need to protect ground and surface water, may require locations for landfill which according to other policies of this Plan may be best suited to other purposes". Our point exactly.

We think that the City has shown a careful and analytical approach to the issues, not only in their own assessment but also in the hiring of independent consultants to advise them. The latter's report on today's agenda, confirms what has been said in the past, that "there is a real concern regarding groundwater pollution potential associated with quarries in the fractured shale bedrock areas" and "given these concerns, ground and surface water, biological resources, it is surprising that the P&Q1 - NSP site made it to the list of six". The "tragic confrontation" spectre was not raised by the City and this threat should not be used against it. The position taken indicates its sense of responsibility and we as citizens are thankful that it is continuing to show leadership in a very difficult situation - it must continue to do so.

¹ Walker Wright Young Associates Limited, Appendices Phase 2, Stage 2B, February 1984

² Dillon Consulting Engineers & Planners, Burlington Landfill Site Proposed Continued Use, February 1984.

A-①
Preliminary comments

- H. Ingle, Mar 4 '84
(to W. Mulbrich)
Walker Wright Young reports "Feb. '84"

Selected items (new)

[Draft Report, Ph 2 St. 2B]

- ① Revised Landf. Cap'y (p. 5-6) ~~Favors a single site~~
✓ Assumes expanding Burlington Site through A+B only,
by starting another site by April '85
This is too much to expect. I regard this as a
P.R. effort that is not realistic
- ② NSP (and adjacent lands) (Pits & Quarries) p. 35 ff.
 - P+Q sites must be evaluated alongside other sites.
The separate treatment is not evenhanded. (if at all)
 - Landfilling the whole area E. of "Burlington" site and
W. of King Rd. would create a long-term disaster area.
 - Parkway Belt West Plan prohibits large structures of
per and permanent structures. "Municipal" exemption
(other than for the Plan) for "utilities" does not reach to building a permanent mountain.
 - p. 37/38 item 5.3: "Best P+Q's are NSP and Nelson Quarry."
Ignores that leachate capture and treatment more than for
ordinary sewage are required, especially if EFW residue
is landfilled (concentrates of heavy metals in soluble form).
→ Proximity to sewers is not a major advantage.

(3) Social Analysis, p. 92 - 102

The population density (affected) evaluation takes into account only the Subarea site itself, relating only to immediately adjacent land uses.

The social impact is obviously over a much larger area, including the range of visibility, noise carryover, smell carryover and traffic impacts: Fair evaluation should include:

(Buffer areas) →	Severe within 0.5 km
	Moderate " 1.5 (between 0.5) km
	Low " 1.5 to 2.0 km

Therefore the smallest site would affect more than a circle of 4 km diameter (Earlier comment was not accepted!)

The WWF evaluation of "population density" of a site itself is not only too narrow but ludicrous as a concept: No one lives on a site!

Re. P&R 1 (p. 101): "Moderate" is incorrect (see above).

Dense residential areas are within 700 m and 1 km (S. & E.)
See Map 11 (after p. 30)

APPENDICES Ph. 2 St. 2B

B., P&R #1 info. rated "Low to Moderate" impact on water resources:

- Does not consider effects on Bay and Lake Ontario (via sewers)
- Does not consider likelihood of underground leachate breaking through surface downhill - in residential (area) area!

(Prelim. comm., WWY Feb. '84) - 3 +

Appendix B, P & Q #1 info:

- "Quantity of (leachate) produced": Figures don't agree:
If Bayview generates 80 L/s (= 288 000 L/day),
how could N&P and adj. lands generate only 100 000 L/d (?)
The area of " " " " is larger, and the mass of
waste would also be greater.

Draft Work Program, Ph. 2 St. 2C | Feb. '84

p. 6 (4.1 = Hydrogeol. Anal.)

- "It is intended ~~that~~ that a conceptual plan of operation for ONE new candidate site will be developed during Stage 2C"
- "It is intended that a Preliminary Hydrogeological Survey will be undertaken ~~for~~ in Stage 2C to select THE preferred site"

There are 3 more references to "THE preferred site" on p. 7
IMPLICATIONS:

- + Before evaluation WWY decided to favour only ONE site (not the multisite option): This would be a mistake in operational logistics: There must be backup (not all eggs in 1 basket, again!)
- + Studying 1 (arbitrary) site in more detail than all others will predicate the outcome of the whole EAs effort

(Compare: 1.0 Objective: "Comparison ... to identify...")
This smacks of justifying a pre-ordained decision.

(Prelim Comm. + WWY Feb '54) - 4 -
[Draft Pt 2 '51 20' with Progs.]

6. Social Environment:

Last par. of 6.1.2 (on p 11.) excludes "noise, dust, litter, odors and concerns about water supply" [add: Traffic]

This is probably the subject matter of the greatest social impact. Relegating these issues to "technical" analysts only is avoiding the real issues to the adjacent population: This is what matters most to them!

WWY have either totally missed the mark here, or these issues are deliberately scattered and buried in technical detail!

7. Cultural Envir't:

Includes only the past — present culture is omitted (earlier comment: "Culture = a state or stage of civilization, affected by lasting landmarks, changes in rural character of land, stigma of living near dump, fear of contamination" — was not heeded by WWY.)

This WWY attitude is similar to the one shown in 6. Social Env., above. — A serious shortfall!

DRAFT/March 27, 1984

Mr. Peter Walker
Walker, Wright, Young Associates Ltd.
c/o Regional Municipality of Halton
Planning Department
1151 Brontë Road
Oakville, Ontario
L6J 6E1

Dear Mr. Walker:

Re: Comments on Draft Report, Phase 2, Stage 2B
Selection of Candidate Sites

CELA has recently been retained by the West Burlington Citizens' Group in relation to the proposed expansion of the existing Burlington landfill as well as the Region's long-term waste management plans. The Group have reviewed the above-noted report and offers the following comments for your consideration. Our comments will be directed to the National Sewer Pipe (NSP) Site which has been identified as one of the six candidate sites. These comments are preliminary and should not be taken as conclusive of my client's concerns in regard to the Environmental Assessment document and the NSP site. Our clients' position is that the NSP site is unsuitable for landfilling.

I. The NSP Site does not meet the Criteria established for Site Selection

On page one of your report you state that site selection was based on an evaluation of environmental factors "which stressed (1) the importance of areas hydrogeologically suitable for

landfilling, (2) the avoidance of designated environmentally sensitive areas and (3) built-up urban areas."

It is our submission that in the 1980's, our knowledge of waste disposal practices has reached the point that it is generally accepted that hydrogeology is the key concern in the siting of waste disposal sites. The Ontario Waste Management Corporation has followed this philosophy in first mapping the hydrogeology of the province to narrow down its list of suitable locations for a landfill. It should be noted that the NSP site is *located in zone* Therefore while we believe that the 3 criteria listed above *over* are appropriate, you violate your own criteria by choosing a completely unsuitable site from a hydrogeological viewpoint.

(you repeat at page 1 that states that)
Further, ^{to be} areas were specifically avoided ^{to the siting of a landfill site} where;

- soils have low attenuation capability
- soil thickness is not sufficient
- ^{there is} steeply sloping land
- setback of 100 metres from major watercourses
- ^{here are} major supply aquifers and underground ^{natural} features that contain or transmit large quantities of groundwater.

It is clear that these characteristics are present in the NSP site. Specifically the area is fractured shale which makes it "quite permeable to groundwater and solute transport. Further,

compared to ^{some} ~~poor~~ media where much information exists on the theory of contaminant migration, ~~contamination~~ migration in fractured systems is relatively poorly understood."¹

Fractured ^{shale} ~~shall~~ also exist in the Niagara region in the U.S. where Canadian governments have spent thousands of dollars ^{advocating} ~~arguing~~ for the clean up of leaky landfills migrating into the Niagara River. To deliberately choose an area of fractured shale for a landfill seems shortsighted ^{and} cannot be justified on any environmental basis.

The NSP lands are also bounded by Indian Creek, a major watercourse in the area which could easily become contaminated by ^{leachate} ~~surface runoff~~. While on page 2 you state that areas that exhibited these characteristics listed above were considered "environmentally unacceptable" and rejected; ~~However~~, this was not ^{done} ~~the case~~ for the NSP site.

II. Pits and Quarries are not Hydrogeologically suitable for Landfills

Further ^{While} agricultural capability was ranked as a second priority item after hydrogeology, pits and quarries, somehow entered the picture and were then evaluated on "an equal basis" with sites considered to meet the number one criteria of

-
1. James Pankow, Lorne Isabelle, Janet Hewetson and John Cherry "A Cartridge and Syringe Method for Down Hole Sampling for Trace Organic Compounds in Groundwater", for submission to Ground Water, draft August, 1983.

of hydrogeological suitability. This gap in logic is difficult to comprehend - either a site is hydrogeologically suitable or it isn't. It is our submission that the fractured shale present at the NSP site is not a suitable medium into which to place a landfill. It is further submitted that the pits and quarries were not evaluated on an equal basis with other sites ~~as they would have been rejected.~~ or they would have been rejected. Your The Report also makes a rather bold leap on page 29 by stating that "pits or quarries candidate areas were not considered to have any immediate constraints for landfilling until the more detailed evaluation of individual sites was undertaken and compared with other candidate areas". Again, where the hydrogeological suitability of pits and quarries.

Finally, in this regard, WWY on page 149 ^{you} note that the first order of importance in selecting a site is Public Health and Safety and that hydrologic constraints must be rated "low" impact in order to consider an area for landfill. Yet NSP is rated by WWY as "low to moderate". Therefore again even by ^{you} its own criteria, ^{you} WWY should have rejected the NSP site. Our clients also seriously question your rating of the hydrologic concerns as only low to moderate.

Your report appears WWY seems to have ignored Dr. Cherry's research in regard to the Bayview site and hydrogeological studies of leachate migrating from the existing Burlington site. Further, while you only consider ^{1/2} mile study area, it is clear that in relation to the NSP site, effects are felt by residents in an area 1 to 2 miles from the site. The impact on Burlington Bay and Lake Ontario is ignored. Visibility is also.

III The ^{the} estimated capacity of NSP site exceeds even that of ^{proposed by NSP} ~~proposed~~ applicant. My clients are also concerned that you are estimating a capacity of ~~4~~4,350,000 tons for NSP and adjacent lands. First of all, this far exceeds the current NSP application for a private landfill site to hold 1,760,000 tons. ^{Obviously NSP's knowledge that their roads included environmentally sensitive areas and streams earned them their application for landfilling to a smaller area of their property.} Second, the Citizens' group would ask for clarification of "adjacent lands". They are concerned that this whole area will become one large landfill.

IV
III. WWY assumes that the Expansion to the Burlington Landfill is a fait accompli

On page 5, ^{you} ~~WWY~~, states that a Regional decision was made during stage 2B to continue landfilling at the existing Burlington site as an interim solution for waste disposal. Our comment would be that it seems premature for the consultants to second guess the results of a matter that has not yet been before the Environmental Assessment Board.

see V next page

VI
~~IV~~. The Parkway Belt Plan must be Amended if the NSP Property is to become a Landfill Site

Nowhere does ^{your report} ~~WWY~~ refer to the fact that the Parkway Belt West Plan would have to be amended if the NSP site is to become a landfill site. Further, any amendment would be subject to the process, including hearings, set out in the Ontario Planning and Development Act. The Minister of Housing has stated that an amendment would be necessary in a letter dated September 3, 1982 to NSP's consultants. Clearly, this factor must be considered.

In conclusion, the West Burlington Citizens' Group's ~~position~~ position is that the NSP site is unsuitable.



Reply to Nov. 16 letter (Jhy)
→ CELA

RECEIVED MAR 8 1984

Office of the
Minister

Ministry
of the
Environment

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

December 16, 1983

Mr. Hans F. Kreplin, P. Eng.
510-20 Northshore West
Burlington, Ontario
L7T 1A1

Dear Mr. Kreplin:

In response to your letter of November 18, 1983, I am pleased to enclose for your information a copy of a letter I have sent to Mr. Jack Raftis, Chairman of the Regional Municipality of Halton, concerning the municipality's proposals for an interim expansion of the Burlington landfill site. (✓)

My decision, as set out in the enclosed letter, will enable the Region to work on a long-term solution to Halton's waste management problems, will provide an answer to the immediate situation and will ensure the environment is protected.

I trust that this will answer your concerns.

Sincerely,

Andrew S. Brandt
Minister

Enclosure

*Copy of Dec. 1, '83 letter,
Minister to Reg. Chairm. (R.J. Raftis)
(A. Brandt)*

HAIR F KREPLIN P.E.
510-20 NORTHSORE
BURLINGTON ONT

L7T1A1

Nov. 18 '83

To The Minister of the Environment
The Hon. Mr. A. Bonnett
Queen's Park, Toronto

Dear Sir:

The Regional Municipality of Halton has asked you to exempt it from an environmental hearing regarding the intended expansion of its landfill site in the City of Burlington, or else to postpone such a hearing until after the fact.

The purpose of this letter is to ask you to deny either of those requests which amount to highly irregular procedures. Please let the normal process prevail in accordance with the EPA and FAA and their regulations.

The reason for the Region's request of you to set aside the due process is merely that it attempts not to face an in-house decision and its consequences, as I see it. And you will agree that, if you make such a decision for the Region, whatever negative effects the decision may have can then be blamed on you instead of the regional government.

The motivation for that move was made obvious by the positions taken by the Regional Councillors, namely they avoid the smallest negative reaction in their local municipalities, although a larger problem for the Region remains unresolved that way: In short, they think parochially rather than regionally.

Some of the technical and financial aspects of the question which may not be brought to your attention by other parties are these:

(1) The plans for expanding (*) the Burlington landfill site through its phases A, B, C and D are very unlikely to provide enough time to get long term disposal methods operational: Only if there are no delays whatsoever in the process of site selection, approval and construction for a new site can that be completed by Jan. 1987, i.e. the time at which the expansion phases would all be filled. Experience makes the "no delay" assumption very questionable.

(2) The "export" option is an unusual opportunity that will most probably not be available for very long, i.e. it must be assumed to be unavailable in 1986 or '87.

(*) "Continuation" is a euphemism since it exceeds limits set by engineering and MoE approvals.

(3) The Tredington landfill site shows signs of causing future environmental problems, and the Region has not addressed that question: The hydrological reports have failed to analyze leachate samples for hazardous substances, except one (Phenol) once (for 1979-'80) at which time the innocuous compounds indicated a leachate plume underground and downhill of the waste deposits (later denied!). The concentrations found in boreholes show an advancing front of leachate (#), concentrated to the saturation level of the Quenston Shale. This level of concentration is low relative to other more attenuating soils, which makes the migration relatively fast, but these saturation levels are still exceeding groundwater concentrations (unsit for drinking) by factors ranging from 2.5 (sulphate) to 33 (conductivity) and 511 (!) (chloride), according to the specific chemical/soil interactions (*).

The front is estimated to advance possibly 10 to 25 m/year, which would make it surface in the residential area of Aldershot in the next few years. It has probably reached Hwy. #403 already.

(4) The expansion of this site would predictably make the underground leachate problem worse in two ways:

(cont'd)

(#) See Gortner Lee Associates report Proj. 81-96-B of April 1981 for the Regional Municipality of Halton (Fig. 3, foldout map of plume)

(*) See report noted above, Fig. 12

- (a) simply by the greater amount of waste deposited; and
- (b) by greater elevation differences between the sole of the oldest part at the lower end and, where there are no sole or toe drains (only peripheral), and the newly added uphill areas plus elevated contours. The elevation differences increase the hydraulic pressure of leachate on the lower sole, of course (*). Note that the site is on the escarpment slope, with additions reaching ever higher ground.

At this time no one knows where the midground leachate plume has advanced, or what harmful substances it may contain. Prudence dictates to hold off the expansion, or at least slow it down and limit it, until the potentially great hazard is assessed and either controlled or discounted. As to the later effects of leachate entering Burlington Bay and Lake Ontario, they will require similar investigation.

(5) Differences in cost between the "export" of 75% of waste and the landfill expansion are really smaller than has been quoted by the Region: The cost of landfilling is calculated superficially without taking into account many of the associated costs, as pointed out in your Ministry's "Blueprint for Waste" proposal. This exaggerated difference has influenced the Region's Councillors, of course. Until full costing is applied (incl. aftercare), the comparison must be lopsided.

In any event, the cost difference to a typical single-family

(*) The pressure is evidenced by occasional leachate "springs" (break-outs) through the cover of the low end of the site.

residues would appear to be only in the order of £750,000, or about 2% of the cost of all utilities, even when using less than full costing for landfilling. Please note that at numerous committee and council meetings of both the Region and the City of Burlington no one has appeared before these bodies arguing against the added cost. To the contrary, a great number of comments made from among ca. 100 persons attending an Aldershot public meeting by the Region were unanimous in rejecting the landfill expansion.

(6) The landfill expansion plans would not qualify under the criteria used for selecting a new site under the EAA, now under way. Conflicting criteria would include proximity to ravines, to densely populated residential areas, and to official Environmentally Sensitive Areas; soil type, surface runoff patterns etc. would also speak against it; moreover, the Parkway Belt West would be violated in concept since the landfill would block the "linear transport & communication facilities" by forming a dam across this corridor.

These technical and financial circumstances are important to appreciate both, the opinions opposing the expanded landfill, and the judgement of the regional council. More important to you and your reaction to the Region's requests may be the question of what real alternatives there are.

(6)
This is not the black vs. white situation which the Region may want you to believe:

Firstly, all opponents of the landfill expansion have made a compromise proposal at the staff, committee (two) and council levels that was not given due consideration. It would have limited the landfill expansion to only phases A and B while exporting 75% of waste for about 3 years [Phases A and B amount to 133 350 tons (146 700 tons), or about 28% of all four phases]. That constitutes a large concession in view of the concerns of opponents, including the acceptance of using the same site as an open-air transfer station to facilitate road transport, asking in return to continue exporting at 100% in the event that the long term ^{disposal} were delayed getting operational at the end of those 3 years. This option was not discussed, not voted on, and it remains unanswered. Consequently, it would appear that there is more "confrontation" than exists in fact.

Please note that the Region's stance at this point is the least constructive and reflects the lesser regional thinking.

Secondly, there is a number of other alternatives which were dismissed by the Region earlier on because they could not be handled by the Region alone, such as sharing temporarily the landfill facilities of other regions or municipalities. To my knowledge, no serious attempt

ties made to obtain Met assistance and in approval
of such a one way or exchange arrangement as an interim
solution.

You may be considering any of these alternatives in your
response, but you may also ask why they were not
pursued earlier. It seems that the answer to that question
lies in the pressure that a time limit places on the
Region to not only take concrete action, but also
provide viable contingency plans, should the primary
plan be delayed or fail.

The 9-year history of the Region's actions has shown
a lack of action and contingency planning in this matter.
I submit respectfully that the said pressure is exactly
what is needed to start this Region acting as it should
but has not done so far. This sentiment is shared
widely, I can assure you.

Please regard the length of this letter as a measure of
my concern to have the issues understood in their
proper context.

Yours Truly
Rene Replin

A concerned resident with no financial interest.

(B)

Solid Waste - Halton Region
Update, "BFG from SW" (Blast Furnace Gas from Solid Waste)

Oct. 14, '83

To M. J. d'Ambrade

Overview, present situation

See attached documents (much more detail available).

1. Long term plan

The Region has now adopted a two-track plan to run 20 yrs. after securing new landfill capacity:

(1) Finding new landfill sites:

A search under the Environmental Assessment Act is underway, has reached the elimination of unacceptable areas and applied broad impact criteria for all the region's area.

Remaining candidate areas are all agricultural land.

To follow are site specific studies and site selection (to mid 1984)

After that, hearings, approvals, engineering and site preparations will take at least until 1988(?).

(2) Reducing the amount of waste to be landfilled:

(a) "Separation at Source" = separate curb collection of materials to be recycled (commercial pilot project started)

(b) "Energy from Waste" (EFW) via incinerators / boiler plant(s) (search for steam users has started; see attached "D")

Timing is also targeted for 1988(±)

2. Interim plan

About 10 yrs. of the Region's handling of waste disposal was impeded by the Province (*). This has reduced the available landfill to one site in Burlington (Sidershot), on the slope below the escarpment. It will have reached approved capacity in mid-1984.

Having examined other options, two possibilities remained for the 1984 to 1988 (?) period:

- (a) expand the Burlington landfill (area and depth)
- (b) ship waste to an EFW plant at Niagara Falls, N.Y. (plus recycling and reduced landfill) in a 5 yr. contract.

The Region has rejected the "export" option and proposes to expand the existing landfill, citing costs as the main reason. This interim plan is now at the "comment input" stage; committee and council meetings to decide are scheduled for late Oct. - early Nov. '83.

(*) Included response to court action by citizens in the Milton area.

3. Opposition to expanding landfill site

Local citizens and the City of Burlington object, favoring the "export" option instead. Reasons include

- unsuitable site location (slope, on shale, residences, escarpment...)
- present & future nuisance (traffic, noise, dust, odors, visibility...)
- leachate problems expected (escape from partial collection prone to contaminate residences and the bay; low absorbing quality of shale...)
- expansion area was formerly rejected for hydrogeological reasons
- could be insufficient if ~~for~~ long term plans are delayed(!).
- added cost of "export" option is needed incentive for progress.

- added cost of "export" option is acceptable to the public (e.g. \$10 to \$20/yr. ea. avge. Burlington residence);
- "Social" cost of landfill is very high in Burlington
- quoted costs are only "direct" costs; the difference is less if all indirect costs are included (landfill).
- the "export" offer will probably not be for long: "use it now"

4. Prospects

So far, the majority of regional committee and council members support expanding the landfill, accepting the cost argument, because the municipalities other than Burlington (their constituents) are not affected and see no advantage to their areas in the export option.

Citizen groups in North Burlington and the Milton areas may change some councillors' votes as they fear the possibility of another interim landfill close to themselves.

My estimate is still that the expanded landfill will be accepted by the Region's council, but that MoE approval will be contested.

5. Stelco

If preliminary evaluations indicate interest by Stelco, including a suitable time frame, the EFW Program of the Region offers a convenient start of exploring possibilities, regardless of "interim" or "long term" plans laid in the Region so far.

The fact that the Halton efforts are limited to
volunteers inside the region's boundaries should not
be an obstacle to a wide alternative that involves
crossing into an adjacent region: The "Blueprint for
Waste Management" published in June '83 by the Province
anticipates such arrangements.

There should also be no problem with keeping early exploration
contacts discreet: While the Region has passed
a "freedom of information" provision, any matters affecting
personal or commercial interests remain exempt and
can be dealt with confidentially.

I have not pursued the "BFC from SW" matter with anyone
but M.J. O'Audrade since raising it in July '83. However,
I have remained an active member of the SW Mgt. Committee
of the W. Burlington Citizens Group, opposing further landfill
in the Alderston area. Part of that is to suggest
participants of waste generally. Helen Keplin

P.5. Halton Region meetings to decide Interior Plan
are scheduled;
Solid Waste Mgt. Committee : Oct. 24, 9^{am} - 4^{pm}
Hills & Planning " : Oct. 26,
Council : Nov. 9, '83
(subject to change). R.

Solid Waste - Oct. '83 update

(Attached)

A. Region of Halton "Interim Waste Disposal Plan"

- A 1 The plan
- A 2 Resolution before regional council, pending.
- A 3 Region's financial impact estimate
- A 4 Offer by BFI Waste Systems to export waste

B. City of Burlington

- B 1 Response - staff recommendation to Solid Waste Mgt. Comm. (passed Aug. 19. '83) incl. financial impact estimate
- B 2 Response - City to Region (passed Aug. 22. '83)

C. Citizens Group - SW Mgt. Committee (had urged City to act as above)

- C 1 Flyer re. Sept. 28. '83 public meeting by Region (presenting landfill expansion plan)
- C 2 Map showing location of landfill site.

D. Energy from Waste (EFW)

- D 1 Halton Region EFW program
- D 2 Personal comments, HK
- D 3 Press report of other EFW initiatives

Personal comments - Halton Region EFW Program

- NOTE
- Public info. meeting Oct. 19. '83
 - Mailing list offers automatic updates.

An outline of my comments (yet to be made) is:

1. Program procedure

- The "marketing phase" (a) appears to be too short, and (b) should be open to later entries:
The critical path schedule has many short steps, but business proposals require ingenuity, initiative and time to work out proposals technically, financially and contractually. The program does not anticipate that.

2. Location

- Only Halton Region is considered. There should be provision for including adjacent regions as required. That could also include joint ventures with other Regions. See 1.2.4 (p.4) last sentence of first par.: "Further work would be restricted only to long-term ... plans".

3. Process

- There should be provision for including processes other than generating steam in a mass burning type facility:
The user's application of steam is limited to low temperature processes, i.e. to a narrow field of energy applications.

At the same time a considerable portion of the steam's heat is lost in condensate or exhaust.

- The process of pyrolysis should also be considered:
 - Producing fuel gas and/or oil from waste opens a much wider range of applications including high and low process temperatures.
 - Distances between producer and user can be greater, creating less of a siting problem (area quadruples as distance doubles)
 - Energy utilization can be greater for gas or oil burners than for steam users, while the producer's energy efficiency is about equal for steam generation and pyrolysis (about 70% output).

Oct. 13. '83

Hans Kepner

(A)

(Stelco Inc.)

INTER-DEPARTMENT MEMORANDUM
note de service

XW420 (REV. 6-76)

TO/destinataire

M. J. d'Andrade

SUBJECT/objet

Haltan Region Solid Waste Management

ISSUED/émise

July 21, 1983

A.M. / heure
P.M. / heure

RECEIVED/reçue

19

A.M. / heure
P.M. / heure

CC/FILE

Enclosed is further info. on recent developments:

(1) Sol. Waste Mgt. Committee - agenda July 11, '83 (for Council decision in Fall '83)

Item 6 (a) Alternative options are shrinking, available time is shrinking:

- Envir. Assessments will take until mid-'84 (not Fall '83), re. landfill sites yet to be selected.
- SWARU can't help, pending results of its dioxin (waste gas) study;
- Maple cannot accept waste other than terms of its license;

(b) Financial analysis of landfill vs. waste export (& combination);

See p. 51 & 61-69.

REPLY/reponse

Item 1 (c) Political climate: Report on NIMBY syndrome

(2) Proposed expansion of existing landfill site, incl. costs (Villon report excerpt, June '83): Approx. \$1 million added costs to buy time.
(Full report available K.)

(3) Waste processing technology (POWER, July '83): Simplifying trends;
Initiative is by industry; Tech. info. on pyrolysis.

Hans Kepkin

Mar. 8, '84

The Regional Municipality of Halton
Regional Council - To Rec. Sec. P. Crummins
1151 Bronte Rd. , P.O. Box 7000
Oakville, Ont.
L6J 6E1

Dear Mrs. Crummins:

Enclosed are concerns I raised when appearing as
a delegation before the SWM Committee on Mar. 5, '84.
Please forward them to the Regional Council.

The first item contains a request for information;
please have that processed as well.

Sincerely yours
—> Hans Kreplin

Re. Region of Halton SWMC Mar 5, '84

Delegation: H. Kreplin - submissions:

Ag. item 1, Interim Waste Disposal Plan

MOE Rep. Min. Mr. B.A. Smith wrote (see Ag. info p2) that the Region's application will be expedited as soon as the outstanding portions will be submitted by the Region. This will severely limit the time available to us to evaluate the missing data.

These data are late, as the CAO, Mr. Pelin, pointed out, because this technical nature calls for careful scrutiny. It is for that same reason that I request similarly long time to deal with those data, and since we do not wish to delay the process, may I please be given the "raw" data, i.e. before they are incorporated into a report.

(You may phone me at (Bus.) 528-2511, Ext. 4442,
or (Home) 632-8917,
and I will pick up the information at your offices to save time)

P.S. Phone message received from Mrs. Crimmins on Mar 9, '84

(1) she received my letter (Mar. 9.)

(Fri., pm)

(2) next scheduled SWMC meeting (Mar. 12.) has been cancelled

(3) this letter will have to be submitted to the SWMC before being distributed to all Councillors.

HK.

Note: The delay is not justified, I feel, because those items were already heard by the SWMC - should I appeal? H.

Ag. item 3, EA Study, WWY Draft 2/2B

- (1) The procedure used for selection of candidate sites must be regarded as flawed: It does not assign weights to the factors of the four priority categories according to those priorities, namely
- | | | |
|----------------------------|---|---------------------------------------|
| (in that descending order) | { | 1. (A) Public Health & Safety ; |
| | | 2. (B-C) Natural & Social Environment |
| | | 3. (D) Cultural Environment ; |
| | | 4. (E-F) Costs, Eng'g & Operations |

To wit, Tables 12 to 15 of the draft report (after p. 149) rate all categories and factors without weight factors. Indeed, these tables invite the reader by their form to merely count scores without discrimination.

- (2) As was pointed out, WWY are processing a vast amount of information. This required them to make judgement calls between reviews, and Councillors established the need to examine these judgement calls.

The concerns I raise are in the same vein on this report:

- (a) The sheer volume of data can cloud the common sense perspective by working against deadlines;
- (b) judgement calls can be subjective or objective, depending on the nature of the question and the person's makeup;
- (c) review and feedback are needed because of (a) and (b).

(cont'd)

My cases in point are:

- The "Social" and "Cultural" impact assessments offer much less substance than other, more technical ones. Typically, they deal with history more than the present, and they explicitly exclude noise, smell, sight and water quality impacts. Yet these are the social and cultural impacts to which the affected people react more than most other factors (Councils as residents and other residents' representatives will know these "gut reactions"): If noise, smell etc. already appear elsewhere, that should not prevent them to count in the Social Sciences sections, because they really do count. This may not be WWY's strongest suit, though, and requires feedback. E.g., 2 km impact zones should be used.
- P. & Q. #5, at the escarpment brow, is discounted very briefly (along with P. & Q. #6), but the "Ecosystem" and "Biophysical" negative impacts are already there: Landfill could heal that by filling that awful cavity!

The point is one of perspective and common sense, requiring a more than mechanical screening of data (see p. 37, 44, 153, 61, 158).

- On single vs. multiple site plans, WWY conclude a single site preferable, quoting only "possible slight inconvenience" and "no back-up, but not generally required" (p. 148).

From an engineering viewpoint it is simply unacceptable to have no back-up for a critical service (garbage does not store well), and any site can suffer an outage (force majeure), but the Region must provide the service. —

The points are perspective and judgement, but in this case

~~X~~ This conclusion is already carried forward to the draft work program 2/2C report which is based on a single site (p. 6-7, 5 places).

Review and feedback seem necessary. However, beyond the particular examples, public comments in such matters have been disregarded by WWY before.

EA Study, WWY draft 2/2C (Ag. item 3, cont'd)

Par. 1 on p. 6 states that "it is intended that a conceptual plan of operation for one new candidate site will be developed during Stage 2C".

My objection to this intention is that it preordains the WWY choice of site (one only - see above!) before that recommendation is subjected to review. While recommendations are required, they ought to be made without prejudice of the way in which they are presented with more and less detail, respectively.

If conceptual operation plans are needed (they would be useful, they may have to wait until after the final choice of the Region, or else be made for all candidate sites.

-4-⁵

Ag. Item 5, EFW / Electric power only

5.1 Common power prices of Ontario are artificially low, resulting in poor payback unless "total avoided cost" pricing (as in the USA) can be applied, including the cost of Ont. Hydro's debt financing.
(Should better EFW plans fail, I would be willing to help in seeking "total avoided cost" pricing).

5.2 See Ag. info. p. 23, l. 2

The statement "18 megawatts... daily" is ambiguous: MW describe a rate of production which has no meaning if stated as MW/day (but $MW \times \text{hours} = \text{energy produced}$).

5.3 The Parkway Belt is quoted as a suitable siting for several EFW plant locations (see agenda info. p. 23, 27, 28, 30, 31). This is not in keeping with the intent and purpose of a Parkway Belt, which is to link population centers, providing corridors for "linear" facilities. Therefore transmission lines qualify, but power plants don't, for locating there.

5.4 The Summary table (p. 28, info.), should include

ADVANTAGES

- Open land available (users)

DISADVANTAGES

- In or near heat island (see map)
 - Near dense population (700 m)
- (Neither appears on p. 23, either)

March 1, 1984

Mr. Michael Boggs
Chief Administrative Officer
City of Burlington
City Hall
P.O. Box 5013
Burlington, Ontario
L7R 3Z6

Dear Mr. Boggs:

Re: Proposed Burlington Landfill Expansion

We have recently been retained by the West Burlington Citizens Group in regard to the above-noted matter. As you are aware, my clients are concerned about the environmental impact of the proposed expansion of the Burlington landfill. They are also concerned that the Region may be trying to delay a hearing in order to compel the Minister of the Environment to issue an emergency Certificate of Approval. We have written to the Minister in this regard (see letter attached).

We understand that the City has retained consultants to review the documentation prepared by the Region regarding the proposed expansion and that the City is presently opposed to the expansion of the site.

We believe that it would be extremely useful for ourselves and representatives of the West Burlington Citizens Group to meet with yourself, appropriate members of City staff and your consultants informally to discuss the upcoming hearing. We understand that Ecoplans will be attending a meeting at City Hall on Friday, March 9 and would therefore suggest setting up a meeting later that day.

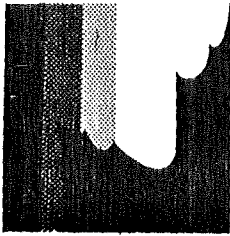
Please contact us to let us know if this is a convenient time for us to meet. We look forward to meeting you in the near future.

Yours very truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Toby Vigod
Counsel

TV:dlb



Canadian Environmental Law Association
L'Association canadienne du droit de l'environnement

8 York Street, 5th Floor South, Toronto, Ontario M5J 1R2, telephone (416) 366-9717

March 1, 1984

The Honourable Andrew S. Brandt
Minister of the Environment
135 St. Clair Avenue West
Toronto, Ontario.
M4V 1T5

Dear Mr. Brandt:

Re: Burlington Landfill

We have recently been retained by the West Burlington Citizens Group in relation to the proposed expansion of the Burlington Landfill by the Region of Halton.

My clients are concerned about the environmental impact of the proposed expansion of this site and have been advocating that the Region consider alternative sites, including an export option.

The Citizens Group is concerned about the fact that the Region appears to be delaying its application for an expansion to the Burlington site to the point that a hearing may not be completed or a decision made before the anticipated closure date of August, 1984. It would seem that the Region intends to create a situation whereby your Ministry would have to issue an emergency certificate of approval for part of the expansion for the site. This is evidenced in correspondence from the Region to your office dated November 10, 1983 which requested your assistance in "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".

It is our submission that there should be no emergency approval given to a further expansion of this site. Specifically, we would refer to correspondence from your director of Central Region on March 25, 1983 to the Region of Halton in which he stated that "We cannot sanction any plans to request approval or modifications to the site on an emergency basis if the need is documented now". It would therefore appear that the Region had ample notice that it should file its application early and that an emergency certificate would not be granted the following June.

Comments - Hans Kreplin

Application "Incomplete" (v., final by late Mar '84 3)
Phases A, B, C and D.

Error: Item 7c: New total area of site "SAME" (ha)
is incorrect: The property is the same, but the LANDFILL AREA
discussed so far does not include expansions B & D (see 7b)
[Other data appear correct]

Unnecessarily incomplete: Items 4, 5, 6 (a-f & h, i), 10.
Regional Chairman is Peter Pomeroy (didn't sign it) ↑

Dillon Draft

Letter of transmittal: "... in support of an application...", i.e. disclosure
to be impartial! → Read draft report with that in mind!

1.1 "Continued use" is incorrect: Expansion goes beyond present license.
1.2 (p. 1-2 par. 2): re. alternatives; Region was urged to use either export
of 75% of waste or use exchange agreement with other Region(s) to avoid
expansion (extent). The Region ignored that (report sidesteps this).
(par. 3): The Sept. 28 '84 public meeting (≈ 100 people) unanimously and
strongly opposed the expansion! (report glazes over that).

2.2 Theoretically, the control of the accepted types of waste are correct,
but in doubt is (a) the judgement of the site personnel, and
(b) the degree of enforcement; note that industrial waste is not
excluded (what determines the difference between the acceptable
and unacceptable qualities? - note the problems other landfills
developed after the fact!)

3.1 par. 2: "Consistent with sound engineering design" has proven
inadequate here and elsewhere!

The Region's long-term EAA site search applies much stricter criteria
than are used here (e.g. re. setback from streams).

3.3 (Portway Belt West Plan) (and Planning Assessment)

Significantly, Willou devotes Appendix A to this subject, showing a high degree of concern. They say guardedly: "no significant impacts were found" (what is significant? - the finding remains questionable, and this report supports the application!)

→ See notes in Appendix A;

→ " " " " B.

- Again, "continued use" is incorrect: Present permits don't cover the expansion area or capacity.
- "Site conforms to the Portway Belt West Plan" is as subjective as "will, after rehabilitation, assist in achieving the goal of a 'Link Open Space Framework'" is very debatable:
Placing a huge dam across this corridor that remains unstable ground and can never be excavated will surely not "assist the goal" of maintaining a traffic/communication corridor.
- The report concedes that there will be visual impact (B.4.1, p.B-5 and B.5.1, p.B-5), although this is not detailed or quantified (it is significant); Noise impact (heavy machinery operating) and smell impact (both frequent) are not mentioned at all; the waste is not covered daily, raising a stink.

3.4 (p.3-2) Right Turn lane should be insisted on: The speed limit there is 80 km/h on a 2-lane road; slowing & stopping trucks are a hazard (straight road - trucks block view of road!). Lowering the speed limit will make no difference: It is 60 km/h to the East of King Rd, but traffic moves at 80 km/h so there is no perceived need to go slow. The same would happen at the landfill entrance.

4.1 (Design Approach) -

"Possible to use only as much capacity as is required prior to ..." (from ~~new~~ new long-term site becoming available) is simply misleading: There is virtually no chance of that long-term site becoming operational before (1984 + 3 yrs.) 1987, even if there are no objectors (and there will be!).

(4.1, cont'd)

Neither could an EFW plant start sooner.

Probabilities are that the present application, if granted, will lead to a further expansion of this site in 1987-'89, which would even more violate any "sound engineering" this site already lacks (absence of underdrains in lower, i.e. high leachate pressure, region; absence of leachate treatment before discharge to Sanitary Sewer system; lack of setback from streams). Note par. 2 on p. 4-1: "will extend the limits of fill into the existing buffer zone," already!

4.2 • Max. proposed elevation = 10m (33 ft) than higher than (!) presently approved (all much higher than treetops!).

• Minimum of 10m setback (EPA for new site require 100 m setback!) from a ravine bank (deep & steep, attracting leachate migration!).

(4.3, 4.4, 4.5 still missing).

4.6 (Surface Drainage)

Aggravated surface runoff... "must be accommodated... ultimately by off-site watercourses"; this should be compared to 4.7 (Leachate Collection - still missing) since the added overburden of fill will raise the water table, driving leachate towards the ravines. The effect will be increased stream pollution, particularly when nearly dry.

(5 - missing)

(6 - missing)

7. (Rehabil. & After-use): Generally agree. Doubts about (a) species surviving in clay cover over waste; (b) control of snowmobiles, XC-bikes, other AT Vehicles.

Appendix A (- Parkway Belt West Plan
Amendment Requirement Assessment)

A1 "...continued use" - used twice, is deliberately
deceptive and is a crucial point:

Even though only phases B and D expand the land area, all
phases are expansions post present permit levels (incl. elevation)
and they all conflict with the Belt concept (See goals - below)

A2 "...exempted municipalities from complying with Reg. 472/73
provided it was for a public service undertaking."
(See seal on application: "Municipality of Halton") ✓

BUT: "Public service undertaking" in this case is
a question of scope: Locally, this is a DISSERVICE
(the waste collection is the service - the disposal can
be elsewhere!)

→ Needs examination or inquiry in a hearing.

"Existing and prior uses are permitted" - the reference to
the prior City operation of landfill at this site DOES NOT
INCLUDE EXPANSION post the earlier limits of the permit:
The proof is ~~the~~ the fact a hearing was necessary in 1980.
(The last par. on p. A-2 misconstrues the facts!)

A.3.1 (Goals & Objectives of P.B.W. Plan)

Billon's interpretation is debatable: The landfill places
a dam across the "Land Reserve for future flexibility" (goal 3),
adding a permanent 480 000 tonnes waste ($686\ 000\ m^3 = 24\ \text{million}\ ft^3$) that

can't support structures (transport, towers etc.) and can't be excavated either.

Re. goal 4, "linked open space framework, the expanded landfill would obviously violate that "open space link" by obstructing it even more than under the present limits.

New transport lines, e.g. the GO-ALRT rail link ~~planned~~ ^{planned} to pass by to Hamilton, are forced to pass closer to the residential area to the South as a result.

Dillon does not list the PWBW Plan's list of objectives; they must include the "corridor for linear facilities" idea with which the landfill (expansion) conflicts.

A.3.2 I very much doubt Dillon's statement "objectives... are still not intended to be used as a means of development" - then what is used?

The quoted designation under the PWBW Plan is "Public use area - public open space and buffer area"; obviously in agreement with the goals of "integration of the system of urban areas", "land reserve for future flexibility" and "linked open space framework".

By contrast, the disposal of the Region's ~~total~~ waste is an undertaking of INDUSTRIAL proportions, obviously in disagreement with the goals & objectives.

(a) The "Public Use Area" (p.A-4) quotation clearly envisages

(1) minimal development and (2) minimal permanence of any development - the landfill & its expansion violate both.

(b) The "Complementary Use Area" (p.A-5) quotation is to show it permits "other public uses of low-density, low-intensity character" - the landfill is neither - and meet [min. develop. / min. permanence]

as in (a) — the landfill is neither "minimal" in size nor is it temporary (subject to easy removal to make way for other facilities); landfill is particularly not low-density development, it is 100% development of the occupied area, and with 100% intensity (major earthwork, heavy machinery ---, comparable to a quarry operation!)

Even the "no new buildings" argument is specious: The landfill itself is a monumental built structure! (See p.A-6, top).

A.3.3 (Implementation)

After stretching the meaning and misusing the words, Dillon still agree: "The Minister -- may -- declare -- undertakings to conform" (Sec. 5.1.3 of PWBW Plan) and add "The Plan provides no other means of determining whether a public undertaking in the PWB Plan conforms with the intent of the Plan".

→ Conclusion: A hearing is required under the PWBW Plan

A.3.4 i.e. these quotations and Dillon's own assessments contradict their conclusion "no amendment to the Plan is, therefore, required"

A-4 Their conclusion is merely based on finding no specific prohibition of landfill in the Plan — non sequitur —, quoting that the after-use would agree with the permitted (incidental, but not the main) purpose or use of the land.

NOTE: THE DETAIL of Dillon's examination of the PWBW Plan is a measure of their doubts

→ See individual notes attached to report pages.

(1) A-3 to A-8 (2) p.A-4, A-5 (3) p.A-5, A-6 (4) p.B-2 (5) p.B-3 (6) p.B-4

TO THE CHAIRMAN AND MEMBERS OF HALTON REGIONAL COUNCIL

Our objective today is - to present a petition
and - to explain why it was taken.

The wording of the petition is as follows:

"WE, THE RESIDENTS OF WARD 1 IN BURLINGTON OPPOSE ANY MORE SOLID WASTE LANDFILL SITES
IN WARD 1.

WE OPPOSE HALTON REGION'S PLAN TO EXPAND THE EXISTING SOLID WASTE LANDFILL SITE.

WE OPPOSE THE NATIONAL SEWER PIPE CO. APPLICATION TO REMOVE THEIR PROPERTY FROM
THE PARKWAY BELT WEST PLAN IN ORDER TO OPERATE A LANDFILL SITE ON THE LAND ADJACENT
TO THE CURRENT LANDFILL SITE."

The petition was taken door to door in WARD 1 BURLINGTON only. This is an area west of
King Road. The petition includes only signatures of voters over 18 years of age.

We have received 3341 signatures on that petition!

WE FEEL THAT THIS VERY GOOD RESPONSE IS TOO HIGH TO IGNORE.

A copy of the petition together with a covering letter has already been sent to

MR. CLAUDE BENNETT - MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

and to MR. KEITH NORTON - MINISTRY OF THE ENVIRONMENT

We plan to present a copy and the letter to

THE MAYOR AND MEMBERS OF BURLINGTON CITY COUNCIL
AND TO HON. G. KERR MLA FOR BURLINGTON SOUTH

Since Jan. 1st 1983 all of Halton's garbage is being trucked to the existing site in
WARD 1 (due to close April 1984).

We are here to register opposition to the application by N.S.P. CO. REFERRED TO earlier
in the wording of our petition.

Our group has an interest in the STAGE 1 report of the Halton Environmental Assessment
Of Landfill Component Of Halton Solid Waste Management System, and our committee
on solid waste management has submitted a brief to Walker Young and Wright and assoc..
Specific sites have been named including N.S.P. site contrary to the study terms of reference.
We question the objectivity of the next stage when in stage one report sites are named.
There have been so called newsletter drops by N.S.P. in WARD 1, which would have us
believe that the biggest concern is a lack of action on your part to their application.
OUR PETITION REFUTES THAT!

We understand that staff is meeting with N.S.P. and the province on May 19th to
decide HOW TO TREAT THE N.S.P. CO. APPLICATION.

We are concerned that WARD 1 has taken its fair share of Halton Region's garbage and
that a further concentration is a potential danger to the community.

The STAGE 1 REPORT on page 51 states that "THE FEASIBILITY AND SUCCESS OF THE

CONTAINMENT OPTION WILL REMAIN IN DOUBT FOR MANY YEARS UNTIL SUCCESS CAN BE ASCERTAINED"
over time. This does not reassure a community at the bottom of the hill and down stream
from the proposed N.S.P. CO. landfill site.

I will now introduce those members of our committee who are present.

Sincerely


R.E. LUXON
PRES. WARD 1
CITIZENS GROUP
(A RATE PAYERS ASSOC.)

WE, THE RESIDENTS OF WARD ONE, OPPOSE ANY MORE SOLID WASTE LANDFILL SITES IN WARD ONE.

NAME _____

*This letter accompanies
the petition.*

Solid Waste Committee
West Burlington Ratepayers Assoc.
Ward One
595 Kingswood Place
Burlington, Ontario
L7T 2W6

April 29, 1983

Dear Sir:

3,500 information letters were circulated to the homes, rental accommodations, and small businesses in Ward One. This was followed with a petition by the new Solid Waste Committee set up under the auspices of The West Burlington Ratepayers Association. The number of names on this petition indicates there is very serious concern about any further expansion of landfill sites in Ward One.

The concern of this letter will point out the problems we are experiencing and also the consequences of any further expansions of garbage landfill sites by the region or any private operators.

A committee has been formed under the auspices of the West Burlington Ratepayers Association (designated as Ward One of Burlington). The scope of this committee is directly related to Site A which is the Regions only landfill site and also includes the National Sewer Pipe proposal to take 52 acres out of the parkway belt for the purpose of creating a privately owned and operated landfill site.

The Bayview landfill site is closed, and the Regional Landfill site, now on it's third extension supposedly will be completely filled by 1984, when this operation is completed we will have in excess of 300 acres of landfill garbage in this area designated as site A.

A meeting was held Wednesday, February 16, 1983 with the ratepayers of Ward 1. There were 250 people in attendance who very strongly opposed the expansion of site A beyond the 1984 limits.

I will list their objections and proposals.

1. Oppose any ammedment which would remove any property out of the Parkway Belt regulations for the purpose of Solid Waste Landfill sites.
2. To oppose any further Landfill sites in Ward One.
3. To maintain or improve the quality of life in Ward One.
4. To promote the use of alternative methods of solid waste disposal.
5. Definite opposition to privately operated Landfill garbage site.

6. If landfill sites are to be approved the Regional Council and the Burlington Council must look at the proposal of multiple landfill sites.
7. Due to the N.S.P. changing their original request for 145 acres down to 52 acres in various stages, people would be very suspicious of future plans of expansion.

I would like to point out some further problems pertaining to further development of Site A.

1. At the present time the Bayview dump that is closed, is in serious trouble and will have to be harnessed at the expense of the Burlington taxpayers only at a very high cost.
2. At the present Region's site, they have had to put in a leachate and draining system to divert waste back to the Burlington sewer plant which is compounding the problems at the plant.
3. Vents are being installed to the height of the completed landfill in order to vent the methane gasses.

In reference to all the hole drilling in order to take soil samples for analysing, it would be assumed that a big measure of common sense and logic must be used in studying the findings.

1. On the west of the Regional landfill site is the Falcon Creek drainage basin, on the east side of the closed Bayview site and the N.S.P. proposal is the Indian Creek drainage basin.
2. Due to the fact that you cannot keep burying garbage and waste on the side of a hill in front of the escarpment and make it acceptable, it is logical that all surface drainage and underground drainage comes down through a residential area making it's way into the Burlington Bay through the Burlington Canal into Lake Ontario right past the water intake to our filtration plant.

Due to the location of site A in conjunction with the escarpment and the prevailing winds, most of the methane gases and the dirt and dust created would be carried over the residential area of Ward One and Ward Two. It would have a very detrimental effect on property values. This has been proved to be a fact in a number of other areas.

We sincerely hope that you will seriously analyse all the concerns mentioned in this letter as we have a very worried, highly populated residential area within one half mile of the existing landfill site. Any further landfill sites or expansions should not be allowed in Ward One.

Yours truly,

S. Chumley
Chairman

Jamie Edwards
Vice Chairman

D. Pocock
Secretary

Ron Luxon
President
West Burlington Taxpayers Association

Ward 1 Committee STAGE 1 response

April 25, 1983

Dear Sir

Our organization - Solid Waste Management Committee of the West Burlington Citizens Group (Ward One) wish to comment on the Stage 1 Waste Needs and Systems Analysis Draft.

Our group has just completed a petition in Ward One with upwards of 3000 citizens signatures under the following heading:

"We, the residents of Ward One, oppose any more solid waste landfill sites in Ward One. We oppose Halton Region Plan to expand the existing solid waste landfill site. We oppose the I.S.P. application to remove land from the Parkway Belt West Plan in order to operate a landfill site on the land adjacent to the current landfill site."

Therefore our group does have an interest in the Stage 1 report of the Halton Environmental Assessment of a landfilled component of Halton's Solid Waste Management System. We consider this report to have some very pertinent information as follows:

1. Sets out the information on Waste in Part One very clearly.
2. Recognizes public concerns and interest about landfill.
3. Recognizes that there are viable alternatives to landfill and notably on Page 71 recognizes mass burning potential.

Our Concerns about the Report include:

1. Sewer sludge output from the Region does not appear to be included, yet we believe this is part of the overall system.
2. Specific sites including the N.S.P. site are named. The team of reference did not call for the use of specific sites in the Stage One analysis and we believe this can not help in reaching a decision regarding objectivity at the next stage.
3. The report is predominantly landfill oriented and in great detail but does not provide too much insight as to the alternative methods of disposal and we are left wondering if for example the latest European and Japanese technologies have been considered.
4. On Page 51 the report states "The feasibility and success

of the containment option will remain in doubt for many years until success can be ascertained over a sufficiently long period." We concur but feel that this on site containment feature is a well known problem in many sites including the existing Site F. dump in Ward One, but the report seems to be downplaying the aspect in the overall landfill context and indeed makes containment appear to be safe and acceptable.

5. Siting requirements are dealt with in some detail but we are left in the dark when it comes to the amount of garbage that can be land filled on one site from an environmental or physical view. Population density would appear to be an important factor in areas for site consideration but no information is provided. A number of questions remain unanswered as to after use and after care of garbage sites, visual and aesthetic features and local and Provincial policies such as the Parkway Belt.

6. This report provides a scenario that Halton should acquire enough landfill space for the foreseeable future and then more possible alternatives. This is precisely what Halton Region has been trying to do but apart from policy statements issued over the years we appear to have been operating on a treadmill. We have procrastinated on new alternatives and taken the easy way out with more landfill options. Our fear is that the political structure will continue this mode of more landfill acquisition well into the 21st century at the expense of pursuing viable alternatives.

We do not have enough information on the variables that make up the tonnage costs used in the report and it may well be that short term arrangements make landfill appear attractive. However, this is only part of the picture and the long term problems down the road must also be weighed in. Up until recent years Montreal had a very cheap mode of sewage disposal - they dumped raw sewage into the St. Lawrence River and gave others their problem. And it's not many years back that Ward One completed their sanitary sewer program and eliminated the septic tanks and provided a viable alternative. It is our belief

that we have to recognize that we can no longer look upon solid waste disposal as something to bury - it won't stay buried. Can we not hope for at least a start on an alternate project such as a modular incineration unit to handle a percentage of the total waste and build on that experience? This report indicates on Page 11 that 65% of the solid waste can be incinerated.

Of immediate concern to our organization is the consistent remark that whatever system is adopted, there will be an interim period when landfill sites will be required for at least 5 years. The Consultant also knows that Hutton at Site A have at most one more year of operation under present guidelines. With this time frame in mind and since N.S.P. has been specifically referred to in this report we fear that their operator will come to the rescue with a timely solution, namely more landfill adjacent to the present Site A.

In summary, there has been ^{no} change in our position of strong opposition after reviewing this report. This committee and the community at large have expressed their viewpoint that:

1. Site A is poorly located and barely 1000 yards from a heavy residential area and already contains at least 300 acres of buried garbage.
2. Site A is environmentally unsound with low soil permeability facing a major body of water 2 miles distant, namely Burlington Bay.

Chairman Solid Waste Management Committee
West Burlington Citizens Group (Ward 1)

S. J. Churnley

S. Chumley
595 Kingswood Place
Burlington, Ontario L7T 2W6.

August 23, 1983

Ministry of the Environment
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5.

Attention: Andrew Brandt, M.P.P.
Minister

Dear Mr. Minister:

Re: Solid Waste Disposal

At a recent Ontario Waste Management public meeting, we met representatives of your department and discussed with them some of the problems that are currently facing us in Halton Region. At that time, they suggested that our committee submit a brief to you regarding any suggestions we might have toward reaching a long term solution to the handling of solid waste in the Region.

Our committee evolved not simply as a parochial protest group but from widely shared concern about problems which were piling up just as the waste was:

- 1) a heavy concentration of landfill disposal sandwiched between the escarpment and a prime residential area on Burlington Bay
- 2) although the site appears to be designed and operated well, with provision for future care, the prospect of future problems looms large as experience from other sites has shown
- 3) we are currently facing major problems and costs regarding an adjacent site closed in 1972, in which leachate is advancing on the residential area.
- 4) The Region of Halton is caught without any established alternatives as the present landfill site is approaching its capacity limit. While planning efforts began about nine years ago, they were stymied by lengthy procedures and failure to anticipate obstacles. Meanwhile, other landfill sites in the Region have reached their capacity and closed, leaving the present site in our area as the only one receiving all of the solid waste from Halton Region. It is slated for closure in March-June, 1984. We are afraid that for lack of alternatives at that time, we will see an expansion of this site into areas over which there is concern - e.g. another groundwater slope. In addition, we are faced with the opening of yet another landfill site, adjacent to the present one, if National Sewer Pipe is successful in gaining approval. We are long past NIMBY.

On the positive side, we are actively helping in the search for a suitable long term solution and are strongly in favour of an Energy from Waste approach

.....2

which we consider to more promising than yet another landfill somewhere: the social costs are lower and the dollar costs not prohibitive over the long term. Besides, the required capital outlay does not necessarily have to be provided by the public purse. There are successful EFW projects operating now which are mainly corporate enterprises with governments having helped to smooth the way and/or by assisting with the development of technology.

In conjunction with EFW, source separation of materials for recycling is not only desirable but to some degree necessary to lower the processing costs. We advocate a serious and continued effort to establish it as a normal routine in population centres. Currently, a selected group of households in our area is taking part in a pilot project and is reporting a 77% success rate.

The EFW technology deals almost exclusively with incineration plus steam production. The newer designs have overcome initial problem areas and trend has changed from those of increasing complexity to simpler and more reliable designs and even greater flexibility in work load. A major obstacle is finding suitable steam users in fairly close proximity. In that regard, a single large facility is harder to place than a number of smaller, less complex ones that could serve heating, air conditioning and low power users. Small units do not require a large waste transport network. One could certainly not compete with Ontario Hydro with electric power, however, there could be industrial plants that would find a fuel gas of low heating value useful. In this case, the waste could be pyrolyzed, i.e. gasified by the heat generation. Accordingly, we see the smaller EFW plants as having a better chance of finding application and general acceptance than the larger plants.

We have some comments with regard to the role that government might play in the search for alternatives. Elected representatives are being faced with the multiple hurdles of a) pioneering something new, b) justifying costs in a long term commitment containing uncertainties, c) dealing with complex technological decisions. Although the Ontario government is committed to other forms of disposal rather than landfill, we can foresee a decision being made to do just that. Leadership, guidance and assistance by the government are clearly needed to break the ice as well as to coordinate projects that may not fit within regional boundaries. Such action is needed now.

As you are no doubt aware, the options regarding EFW are growing rapidly. One that has recently come to our attention would be most suitable for this area. Burlington has been noted for market garden capabilities although the land is fast disappearing under urban sprawl. An EFW facility could be built to serve large greenhouse growers with heat in winter and cold storage refrigeration in summer. There is no reason why this could not be profitable when one compares the cost of imported fruits and vegetables - not only are we losing because of the exchange on the dollar but transportation costs will continue to rise. Such a plant is now operating in Manitoba and homegrown tomatoes are available in the winter for the first time. Other government ministries, both provincial and federal, could provide input for ventures such as this: agriculture, business development, consumer and corporate affairs, commerce and trade, etc.

The point to be made is that the Region's government obviously needs this coordination to launch projects such as this, and the provincial government is just as obviously the one to provide it. This should include financial

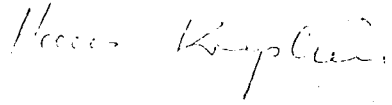
assessments to be used for attracting private capital as industrial initiatives account for most of the successful EFW projects in the U.S., large and small.

Thank you for this opportunity to state some of our views. We hope that they will provide some additional input toward the solving of the monumental problem currently facing Halton Region and ultimately many other communities.

Yours truly,



Sid Chumley
Chairman
Solid Waste Management Committee
West Burlington Citizens Group



Hans Kreplin, P. Eng.
Solid Waste Management Committee

cc: W. Mulkewich, Ward I Alderman
J. Cowman, Ward I Alderman
M.H. Boggs, CAO, City of Burlington

S. Chumley
595 Kingswood Place
Burlington, Ontario L7T 2W6.

November 15, 1983

Ministry of the Environment
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5.

Attention: Andrew S. Brandt
Minister

Dear Mr. Minister:

Re: Proposed Expansion of Burlington Landfill Site

Thank you for your letter of October 24, 1983 in response to our concerns expressed to you earlier regarding the above-mentioned issue.

Halton Region has now taken steps to request you, the Minister, to waive tribunal hearings under either the EPA or the EAA which will deny us our rights to due process as required by your ministry.

Attached please find a copy of our proposal which was presented to Halton Regional Council on November 9, 1983 and which represented a concession on our part in an effort to accommodate a solution acceptable to both the Region and our citizens' group. It was rejected by the Region which now intends to impose an expansion of the site upon us. Please note that the proposed expansion phases A + B = 133,350 tonne (146,700 tons) and phases C + D = 342,650 tonne (377,000 tons) in reference to the EPA provisions.

We urge you not to accept an argument of urgency as this is a long standing issue and an alternative is indeed available. We ask you for no more than to apply the letter and spirit of the law.

Looking forward to hearing from you soon, I remain,

Yours sincerely,

Sid Chumley
Chairman
Solid Waste Management Committee

Ron Luxon
President

West Burlington Citizens Group

WEST BURLINGTON CITIZENS GROUP POSITION

This is our position with regard to the Chief Administrative Officer's Report No. 319/83 - Proposed 1983 Interim Waste Disposal Plan - Staff Report No. 2, - October 21, 1983:

The West Burlington Citizens Group does not accept Option One - the expansion of the present Burlington landfill site.

If the recommendations of the report are accepted and the Region proceeds with Option One, we would:

- 1) urge the Ministry of the Environment not to grant any exemption to any tribunal hearings;
- 2) request that any necessary hearings not be delayed;
- 3) appeal any Ministry of Environment waiver or delay of any tribunal hearing(s).

Should Option two - export - be chosen but fail to be proceeded with, and therefore Option One be reverted to, we would oppose it.

We would agree not to oppose any tribunal hearing regarding Option Two with regard to:

- 1) the open air transfer station at the Burlington site
- 2) phases A and B of the expansion - or about 135,000 tonne of solid waste past the presently approved limits, PROVIDED the Region commits itself to not expanding more than phases A & B and, if necessary, go to 100% export in order to stay within those limits.

March 1, 1984

The Honourable Andrew S. Brandt
Minister of the Environment
135 St. Clair Avenue West
Toronto, Ontario.
M4V 1T5

Dear Mr. Brandt:

Re: Burlington Landfill

We have recently been retained by the West Burlington Citizens Group in relation to the proposed expansion of the Burlington Landfill by the Region of Halton.

My clients are concerned about the environmental impact of the proposed expansion of this site and have been advocating that the Region consider alternative sites, including an export option.

The Citizens Group is concerned about the fact that the Region appears to be delaying its application for an expansion to the Burlington site to the point that a hearing may not be completed or a decision made before the anticipated closure date of August, 1984. It would seem that the Region intends to create a situation whereby your Ministry would have to issue an emergency certificate of approval for part of the expansion for the site. This is evidenced in correspondence from the Region to your office dated November 10, 1983 which requested your assistance in "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".

It is our submission that there should be no emergency approval given to a further expansion of this site. Specifically, we would refer to correspondence from your director of Central Region on March 25, 1983 to the Region of Halton in which he stated that "We cannot sanction any plans to request approval or modifications to the site on an emergency basis if the need is documented now". It would therefore appear that the Region had ample notice that it should file its application early and that an emergency certificate would not be granted the following June.

Mr. Andrew S. Brandt

continued ...

However, in your recent letter of December 1, 1983 to Mr. Raftis, Halton Regional Chairman, you state that 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. We would contend that this position would condone the Region's behaviour in delaying their application, and create the situation where the site would be expanded without the necessary hearing.

We would therefore ask for clarification on your Ministry's position in this regard.

Thank you for your attention to this request.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Toby Vigod
Counsel

TV:nd

March 1, 1984

Mr. Michael Boggs
Chief Administrative Officer
City of Burlington
City Hall
P.O. Box 5013
Burlington, Ontario
L7R 3Z6

Dear Mr. Boggs:

Re: Proposed Burlington
Landfill Expansion

We have recently been retained by the West Burlington Citizens Group in regard to the above-noted matter. As you are aware, my clients are concerned about the environmental impact of the proposed expansion of the Burlington landfill. They are also concerned that the Region may be trying to delay a hearing in order to compel the Minister of the Environment to issue an emergency Certificate of Approval. We have written to the Minister on this matter. (see attached letter).

We understand that the City has retained consultants to review the documentation prepared by the Region regarding the proposed expansion and that the City is presently opposed to the expansion of the site.

We believe that it would be extremely useful for ourselves and representatives of the West Burlington Citizens Group to meet with yourself, appropriate members of City staff and your consultants informally to discuss the upcoming hearing.

We understand that Ecoplans will be attending a meeting at City Hall on Friday, March 9 and would therefore suggest setting up a meeting later that day.

Please contact us to let us know if this is a convenient time for us to meet. We look forward to meeting you in the near future.

Yours very truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Toby Vigod
Counsel

TV:d1b

Feb. 28 / 84.

1. Corbett's letter
2. Review letter to Brandt
3. sent copy to Brian Chilton - Anne W
Mumy Elston Leamy Gallon
talk to researchers
+ background documents.
Corbett. - -
- 4 send clients letter
- 5 Brown - Letter for Region -
letter to Committee.
CHA - could be argued at time at
hearing

NSP → avoid EAA

EPA - Parkway Belt.

CHA -

1980 - rept. hearing - said no alternatives
Mar 5. 84 - Regional Solid Waste
management meeting
Long term.

NSP - include us as one of the site, if you
don't

* Bayview site (old) goes under NSP property
(damages)

* gw. movement fractured shale,
permeable -

* leachate plume .

T-B grp 1976 - pursued NSP as a
site

②

Meeting → city staff - Kitchen/Dorney
no strategy - Ecoplans.

March 23 - strategy - EAA - but associated matters.

- Ecoplans met c George Fanse (city) - attend Region Solid Waste Management meeting
- March 9 - Burlington Solid Waste Perlen CAO for Region - asked for delegation - asking Burlington to reconsider - aftercare
- show made overrules at hearing
- committee & then City Council on 12th.
- ~~best~~ Walter - letter to City requesting informal meeting

① Michael Boggs CAO (Chief administrative officer)
{ city of Burlington -
9th.
informal meeting city's consultant
w. Burlington CAO, Kitchen Dorney,
city staff
Brown lawyer for city
George Vance -
my clients -
since Ecoplans ~~was~~ scheduled -

* reconsider opposition

③

City Council

- Mayor - Region all time, postponing it
- City & W.B. Citizens -
- support.
- opposing Region
- only 3 at Region that back city
- Regional bus items at City Council

*

march 12 - City might wait until
23rd until meet ecoplans

① NSP applies ~~to~~ under EPA, City will oppose it.

if Walker Unright includes NSP
City shld be opposed.

under EAA - examine sites for Region
P & Q sep categories
- city same criteria

- City v
NSP. E

City v { EAA
not criteria

City ~ ? CHA ?
→

? Experts → will position

④

? Peel Region - Exchange - *

- session in camera.

- trade garbage -

if MOE asked us -

Queens Park.

*

G/L study → municipal

aftercare → citizens group →

① Sewer - by-law →

Get

* Dillon 1976 - early stage site A.

G/L 1980 → 1980 approval Sept. (have).

[G.L. ¹⁹⁷⁹ 1980]

→ Testing -

Site 1972 →

any new Regions -

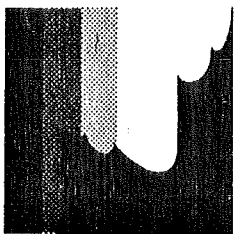
→ MOE files →

Regions - * Files

G/L 1979-80 - Leachate rate of progress 403

phenols

g w pollution, Bay -



Canadian Environmental Law Association
L'Association canadienne du droit de l'environnement

8 York Street, 5th Floor South, Toronto, Ontario M5J 1R2, telephone (416) 366-9717

March 1, 1984

The Honourable Andrew S. Brandt
Minister of the Environment
135 St. Clair Avenue West
Toronto, Ontario.
M4V 1T5

Dear Mr. Brandt:

Re: Burlington Landfill

We have recently been retained by the West Burlington Citizens Group in relation to the proposed expansion of the Burlington Landfill by the Region of Halton.

My clients are concerned about the environmental impact of the proposed expansion of this site and have been advocating that the Region consider alternative sites, including an export option.

The Citizens Group is concerned about the fact that the Region appears to be delaying its application for an expansion to the Burlington site to the point that a hearing may not be completed or a decision made before the anticipated closure date of August, 1984. It would seem that the Region intends to create a situation whereby your Ministry would have to issue an emergency certificate of approval for part of the expansion for the site. This is evidenced in correspondence from the Region to your office dated November 10, 1983 which requested your assistance in "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".

It is our submission that there should be no emergency approval given to a further expansion of this site.^w Specifically, we would refer to correspondence from your director of Central Region on March 25, 1983 to the Region of Halton in which he stated that "We cannot sanction any plans to request approval or modifications to the site on an emergency basis if the need is documented now". It would therefore appear that the Region had ample notice that it should file its application early and that an emergency certificate would not be granted the following June.

Mr. Andrew S. Brandt

continued ...

However, in your recent letter of December 1, 1983 to Mr. Raftis, Halton Regional Chairman, you state that 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. We would contend that this position would condone the Region's behaviour in delaying their application, and create the situation where the site would be expanded without the necessary hearing.

We would therefore ask for clarification on your Ministry's position in this regard.

Thank you for your attention to this request.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Toby Vigod

Toby Vigod
Counsel

TV:nd

TO CELA

- 1) WM - ~~Copies attached~~ reports.
- 2) Halton - 1) CAO Report - proposed interim
83/10/21
- 2) Report from WM to SWMC re
Leachate Monitoring 83/10/21
- 3) Letter & attached reports from WM to
Regional Councils 83/11/30
- 4) Memo from WM to Planning; Public
Works 83/12/8
- 3) Burlington Landfill Monitoring Reports
1981, 1982, 1983 (from Aid Chumley)
- 4) Letter (#1) from WM to Minister of Environment re
Emergency Certificate of approval. (copy attached)
(TOBY to have draft response ready 84/2/28)
- 5) Burlington Landfill Site - Report on possible
Continued use 83/6
- 6) " " " 84/2
- application for altered expansion

Dorothy Pocock

Repts from my "collection"

1. 1978 Interim Waste Disposal Study
2. 1979 Hydrogeological Study for
Burlington Landfill Site
3. 1980 Burlington Landfill Site
Environmental Analysis
4. 1980 Report of the Environmental
Assessment Board
5. 1980 Certificate of Approval for the
Landfill Expansion
6. 1980. Morrison Beatty Hydrogeological
Report on NSP Lands
7. 1981 Acres Report: Chapter 5 has
Hydrogeological Appraisal
of NSP Lands
8. 4 Dr. Cherry Reports, Oct, 1980,
April, 1983, Aug 29, 1983,
Aug 29, 1983

over →

1 February 1984

West Burlington Citizens Group
c/o Mr. Hans Kreplin
510 - 20 Northshore West
Burlington, Ontario
L7T 1A1

Dear Hans:

Re: Expansion of Burlington Landfill Site

On January 11, 1984, you asked us to research the possibility of obtaining a hearing under the Consolidated Hearings Act (CHA) for the above-noted matter. We discussed the advantages of having a hearing under that Act; the main advantages being the possibility of obtaining costs at the end of the hearing, and the fact that the Board makes a decision rather than recommendations. As stated in the correspondence from Mr. Andrew Brandt; Minister of the Environment to the Halton Regional Chairman dated December 1, 1983, the Minister plans to exempt the expansion from the provisions of the Environmental Assessment Act, which would have required an examination of alternative sites and alternative methods. Instead, there would only have to be a limited environmental hearing under the Environmental Protection Act (EPA). The Environmental Assessment Board which would conduct the EPA hearing would have no power to award costs or make a final decision.

The CHA was passed in 1981 for the purpose of avoiding a multiplicity of hearings in regard to one undertaking. For example, in the past, applications to establish or expand a waste disposal site often had to go through hearings before the Environmental Assessment Board (EAB) under the EPA as well as hearings before the Ontario Municipal Board (OMB) under the Planning Act for rezoning or Official Plan amendments.

The CHA provides for the establishment of a Joint Board (consisting of members of both the OMB and the EAB) to hear matters that would normally be dealt with in hearings under schedule consisting of twelve Acts. Both the EPA and the Parkway Belt Planning and Development Act (PBPDA) are listed in that schedule. However, the Act only applies in respect of "an undertaking in

West Burlington Citizens Group

continued ...

relation to which more than one hearing is required or may be required", (Section 2, CHA). Therefore, the issue here is: is a hearing under the PBPDA required for the expansion of the Burlington Landfill site? A examination of the Act follows.

In 1973, the PBPDA was passed to further large scale regional planning. Pursuant to that Act and the provisions of the Ontario Planning and Development Act (OPDA) which are incorporated by reference (see section 2, PBPDA) a Parkway Belt Planning Area was established by Regulation 472/73 as amended.

Under section 9 of the PBPDA, the Minister made land use regulations in order to control uses within the Parkway Belt Planning Area. The regulations in relation to Milton are found in O.Reg 482/73 as amended.

Following the investigations, establishment of advisory committees and hearings required under the PBPDA and the OPDA, the Parkway Belt West Plan was adopted in July 1978. All the same procedures relating to investigations, advisory committees and hearings apply to the consideration of a proposed amendment. There is one caveat whereby, under s. 9(2) of the OPDA, the Minister, upon application of a municipality, may declare a by-law or undertaking not to conflict with the development plan if he is of the opinion that the by-law or undertaking conforms with the general intent and purpose of the plan. However, the key question is whether an amendment to the Parkway Belt Plan is needed?

According to Map 2 of the Parkway Belt Plan, the existing Burlington landfill is in a public use area and marked as Public Open Space and Buffer zone. Part of the area of the proposed expansion is in the Complementary Use Area. According to section 9(1) of the OPDA and section 5.1.3 of the Plan no municipality shall carry out any undertaking or pass any by-law that conflicts with the Plan.

The question is then whether an expansion of the Region's landfill conflicts with the Plan. According to Section 5.5.1(e) Public Uses are permitted in General Complementary Use Area. If a landfill is a 'public use' it would appear that no amendment to the Parkway West Belt Plan would be required.

1 February 1984

Ms. Marie Corbett, Q.C.
Chairman
Environmental Assessment
Advisory Committee
9th Floor
1 St. Clair Avenue West

Dear Ms. Corbett:

We have recently been retained by the West Burlington Citizens Group in relation to a proposed expansion of the Burlington landfill site.

The citizens are concerned about the environmental impact of the proposed expansion to the site. The proponent, the Regional Municipality of Halton, wrote to the Minister of Environment in November 1983 asking for "assistance to avoid public hearings(s)". On December 1, 1983, Mr. Brandt replied to the Regional Chairman indicating that he was prepared to waive the application of the Environmental Assessment Act through a section 34 order, but that an Environmental Protection Act (EPA) hearing would be required.

Our clients are concerned that an EPA hearing will be of much more limited scope than an EPA hearing as it will not require detailed evaluation of alternative sites and methodologies. This is of particular concern as one option looked at by the Region and supported by my clients was the export of some wastes to the energy from waste plant in Niagara Falls, New York. At this time, the Region has opted for the expansion to the Burlington landfill. An environmental assessment hearing would of course examine both alternatives.

We are not aware that a formal exemption has been granted by the Minister to date. We would therefore ask, firstly, whether your committee has examined the Region's request for an exemption to the Environmental Assessment Act and if you have, what your recommendations were. If not, we would request that you review the Region's request for an exemption. We believe that this is a matter of public concern and that the Region should not be exempted from requirements of the EAA in this matter.

Dear Hon. Ryd.

Jan 27 1984

At a meeting of the executive of the West Burlington Citizens Group (a rate payers association) Saturday Jan. 21st 1984 the following was approved:

a) The W.B.C.G. Solid Waste Management Committee (S.W.M.C.) requested to receive approval, to retain CELA (Canadian Environmental Law Association) in order to have legal council and representation at any Environmental Protection Act hearing expected with respect to the Halton Region application to expand the Burlington Landfill site capacity.

Note - It is our understanding from S.W.M.C. of W.B.C.G. that C.E.L.A. is funded as a legal aid clinic and, consequently, there is no fee except, they require a retainer to cover incidental costs such as Xerox, telephone, travel etc. -
(2) S.W.M.C. recommended \$500 and I have enclosed same in the form of a cheque from W.B.C.G. Further, it was resolved that expenses beyond the \$500 must receive prior approval from the executive committee of the West Burlington Citizens Group in order for CELA to receive compensation for them.

b) W.B.C.G. S.W.M.C. also requested that W.B.C.G. assume the role of money-raiser, in order to support these efforts. Sincerely,

R. A. Dixon
Pres. W.B.C.G.

Landfill drama

Burlington site still choice for dump

Regional Chairman Pete Pomeroy vowed solid waste management would be his number one concern before he took over as Halton's chief executive. Shortly after taking office Wednesday that political hot potato was dropped right into his hands.

Council took about three hours to decide it was going to stick to its guns and push for a continuation of the Burlington landfill site as Halton's interim waste disposal option despite a serious roadblock set up by Ontario's Minister of the Environment, Andy Brandt.

On December 1, Brandt turned down the region's request that environmental hearings for the expansion be waived. He ruled that whichever option it selected—continuation or shipping garbage to a New York energy from waste facility via a transfer station at the Burlington site—hearings must be held under the Environmental Protection Act.

He also ruled that whatever its choice, Halton should submit a detailed application by January 14, a deadline regional staff say will be impossible to meet.

As at its November 9 meeting council decided to push for the continuation option because of the expense of exporting waste to New York.

"It's presumptuous to say that most people support the export option," said Pomeroy. "I'm certainly not willing to spend \$13-million to truck (garbage) to an EFW plant in New York state."

Though council is firm in its resolve, over the objections of Burlington councillors Roly Bird, Walter Mulkewich and Rob Forbes, the clock is running down in the region's bid to find a way of disposing of its waste until a long-term landfill site is chosen and has its scheduled opening in the summer of 1988.

The Burlington site will fill up to its approved limits at the end of July and council was told its application for the continuation of the site will not be ready until mid-March.

Pomeroy will contact Brandt to request a deadline expansion for applications.

Burlington city council is opposed to the expansion as are neighbours of the site and a ratepayers group. This will certainly lengthen the tribunal process and increase legal costs.

Chief Administrative Officer Dennis Perlin also warned that this confrontation could end up delaying the environmental assessment on the long-term landfill component as well.

The Burlington opponents favour the New York Export option but because it will cost an estimated \$13.9-million over three years and will itself involve environmental hearings, council has ruled it out.

As well, the energy from waste station in New York would only offer to wait for a commitment from Halton until January 1, and with the necessity for hearings the region would only be able to start shipping waste around July 1, said Perlin.

Region land study says town has erred

Halton Hills should set less ambitious goals for rural industrial land use and instead direct its efforts to increasing its supply of lands for urban industry says a report just released by the region.

The consultants report also suggests the town has erred in its new official plan by concentrating lands open to rural industry in areas it considers only fair for that purpose.

The Rural Industrial Lands Needs Study was presented to the region's planning committee last week by Carolyn Kearns of Peter Barnard Associates, who said the intensive four-month study aimed "to be realistic and to allow (Halton) to compete in the Greater Toronto Area."

Halton Hills currently has 950 acres designated rural industrial along the north side of Hwy. 401 and on the east side of Hwy. 25, north of Five Sideroad. According to the study this far exceeds a projected need of only 100 acres up to the year 2011, which is in addition to 180 acres presently used for rural industries.

In stark contrast the report states, "Halton Hills has immediate requirements for urban land as existing supplies are already below established requirements."

The town will need 585 acres of additional urban land over the next 27 years the report says and it adds that the existing 400 acres proposed for an urban industrial designation under the extended Georgetown urban boundary extension is a good start.

Town planner, Ian Keith, has yet to see the final version of the study but said when

questioned about it, "I think the study is a competent one, but we will have to do a thorough investigation of it before commenting on its findings."

The study says the two areas designated rural industrial by the town are only fair for that purpose, primarily because they are located on prime agricultural land.

It suggests instead that the best area is along Hwy. 7 and Trafalgar Rd., north and west of Georgetown. It is ideal, states the report, because it is on poor farm land, is adjacent to a major transportation artery and is close to municipal water services.

The report says the town should consider utilizing the Hwy. 401 corridor for urban industry, but states it won't be needed until after the turn of the century when growth starts to extend beyond south Halton and Peel Region.

Urban industry, the study notes, will be the major client for land in the region accounting for 95 per cent of the total. Burlington and Oakville will capture the lion's share.

"Halton Hills' demand will be constrained somewhat by its competitive disadvantages in the region," it says which include a small labor pool and supply of business service relative to other municipalities in the area, plus the distance of its urban areas from freeways.