

SWM-10-84

THE REGIONAL MUNICIPALITY OF HALTON

P.O. BOX 7000
1151 BRONTE ROAD
OAKVILLE, ONTARIO L6J 6E1
416/827-2151

OFFICE OF THE CHIEF
ADMINISTRATIVE
OFFICER

*On for agenda
March 2/84*

1984 02 23

City of Burlington
426 Brant Street
BURLINGTON, Ontario

Attn: Mr. M. Boggs
Chief Administrative Officer

Dear Mr. Boggs:

Re: Regional Landfill Site - Burlington
Interim Waste Disposal Plan - 1983 and
Permanent After-Use Plans for the Close
of the Burlington Landfill Site

RECEIVED	
CITY OF BURLINGTON	
C. A. O.	
FEB 24 1984	
M.H.B.	
G.V.	
S.B.	
COPY TO:	
SWMC AGENDA	
ECOPANS	
D. BROWN & GOODMAN	
R. DAVY	

Purpose:

On behalf of the Regional Municipality of Halton, I am writing to the City with certain information and respectfully requesting the City's consideration of a number of matters regarding the existing Regional Landfill Site in Burlington.

The requests are as follows:

1. Would the City commit itself to the development of a permanent after-use plan for the existing Regional landfill site in conjunction with the Region? This request is made regardless of whether the Region receives approval for continuation of landfilling beyond the existing approved contours or not.
2. With respect to the Interim Waste Disposal Plan 1983 that the Region adopted in December last, would the City reconsider its opposition to the proposed four phase landfill continuation program and enter into a Site Plan Agreement with the Region covering the usual site plan matters similar to the past Agreement covering the original expansion in 1980, such Site Plan Agreement to confirm that only as many of the proposed four phases are necessary would be utilized until commencement of operation of the long-term landfill component for Halton?
3. The opportunity for Regional politicians, i.e. the Regional Chairman, the Chairman of the Solid Waste Management Committee of the Region, and Regional staff to make presentations to both the Solid Waste Management Committee and City Council with respect to the above two requests.

BURLINGTON

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ACTON

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GEORGETOWN

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MILTON

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In addition to the requests above, the purpose of this letter is to provide information to the City on the Region's Interim Waste Disposal Plan 1985 particularly the Continuation of landfilling and where it is proceeding.

Permanent After-Use Plan:

Regarding the first request to have the City commit itself to the development of a permanent after-use plan for the Regional landfill site in conjunction with the Region, this request is made in recognition of the involvement of the City with respect to passing and active recreational opportunities within the City.

This request would be current whether or not the Region gains approval of the four phase continuation proposal or not.

The basic idea would be that the Region would, as it must, assume the long term responsibility regarding the "underground" matters related thereto and also such above ground matters as settling as a result of the settling of garbage. Further, the Region would be responsible on a perpetual basis for monitoring leachate and methane gas concentrations, drawing off leachate where necessary and providing for its re-treatment, protecting the banks along Falcon Creek, etc. Basically the Region would be responsible for matters arising out of the fact that the area had been a landfill.

The after-use plan by the City would determine what activities, if any, would take place on the surface of that area; what part would be parks; what part might be recreational activities, etc.

It might be that the City may wish to provide two after-use plans - one with respect to the existing approval and one with respect to the area should approvals be obtained for the continuation.

In any case, the after-use plans should be provided now as that would allow M.M. Dillon Limited, the Engineer's consulting firm, to take into account the after-use plan which the City would wish, in doing its final design.

If it is not possible to provide after-use plan(s) now, then we would appreciate a commitment to the effect that the City would prepare a permanent after-use plan in the near future. Then, for now, the Region would prepare an interim after-use plan to submit to support the approvals process.

We would indicate to you that we believe that any after-use plan submitted to the Region in relation to the continuation program could be submitted without prejudice to the City's position as far as actual approvals for the continuation are concerned.

At one time there was thought of tying the Bayview location to the existing Regional location with respect to the parks and recreational opportunities of the City. If so, now is the time to indicate that that would be the case.

On the other hand, if the City has no interest whatsoever in the existing landfill for a park or recreational area, then the Region will prepare the permanent after-use plans and of course discuss them with the City but on the basis that the lands would remain those of the Region with the Region totally responsible for them.

In that regard you know that we are discussing with the Royal Botanical Gardens the possible rehabilitation of those lands for reforestation.

I am submitting to you for your information Public Works Report 10/84 which was sent to the Region's Solid Waste Management Committee on February 6th and approved by Planning and Public Works Committee on February 8th, and by Regional Council on February 8th, for your information regarding the permanent after-use plans.

Applications for the Continuation Option:

With respect to the continuation program and the Applications to the Province in support of the four phase continuation program:

Enclosed with this letter are firstly a copy of a letter signed by the Region's Manager of Waste Disposal enclosing a copy of the Application that has been made to continue the landfilling use at the existing Burlington Landfill Site on a four phase basis.

You have seen the four phases previously, they being Phase A, then Phase B, then Phase C, then Phase D.

As well, please find the supporting documentation available to date which was attached to the Application from M.M. Dillon Limited which was sent to the Ministry on February 15, 1984.

If you require further copies please contact me and I will arrange for more to be sent to you.

Further documentation will be submitted to the M.O.E. throughout March and as we receive it, we will send copies to you.

In addition to the Application for approval under The Environmental Protection Act, an Application was submitted for exemption under The Environmental Assessment Act to the Lieutenant Governor in Council in care of the Ministry of the Environment on February 15, 1984.

With respect to the public hearing that is to be held, we expect that the Director of Environmental Approvals will be referring this particular matter for a public hearing under the Environmental Protection Act to the Environmental Assessment Board and we have asked the Environmental Assessment Board to be prepared to schedule the hearing for early May if the submission from the Ministry is received by the end of March.

The Ministry indicates that the May hearing date is one that they can meet in the sense of them being able to complete their review and submit their comments to the Environmental Assessment Board.

Because of the urgency of the matter we would ask the City to advise the appropriate staff and Consultants of the likelihood that the hearing will be in May, and that we are hopeful by this much notice that people can arrange their calendars accordingly.

Also please find enclosed a copy of supporting Public Works Report PW.18/84 which went to Solid Waste Management Committee on February 6th, was approved by Planning and Public Works Committee on February 8th, and finally by Regional Council on February 8th, for your information. If there are any questions contained in that report, please feel free to contact me concerning same.

Referring to that report and in particular Recommendation #6, I would hope that the City would be prepared to participate in the "Burlington Landfill Advisory Committee" should approvals be received for the Continuation Program and perhaps at some future date you could give me your response concerning same.

Reconsideration:

Regional Council has requested the City to reconsider its opposition to the proposed four-phase landfill continuation program at the Regional landfill site and enter into a Site Plan Agreement with the Region to cover the usual site plan matters similar to the original matters covering the 1980 expansion. This Agreement could also confirm that only as many of the proposed four phases as are necessary would be utilized until commencement of the long term operation of the landfill component for Halton.

In Public Works Report 18/84 a number of issues that were raised by City staff in their report have been addressed.

The Region very much appreciated the input from the City regarding the Interim Waste Disposal Plan and while the City's suggestion was not accepted we believe that that should not lead to a tragic confrontation between the Region and the City at a public hearing.

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Regional Council considers this matter of such importance that the Regional Chairman and the Chairman of the Solid Waste Management Committee at the Region wish to attend and make presentations to City Council and discuss this matter with City Council to see if reconsideration would not be possible and the City's opposition to the four phase program dropped.

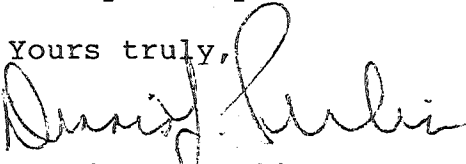
I would therefore request that the Region be placed as a delegation to the appropriate City Committee that would consider this Regional request for reconsideration and entering into of a Site Plan Agreement and then also on the City Council Agenda thereafter.

Conclusion:

If you have any questions regarding this particular letter and/or the documentation enclosed herewith, please feel free to contact me. We look forward to hearing from you as to the meeting dates of the appropriate Committee and City Council as to when the Region's requests contained in this letter will be considered.

Thankyou very much.

Yours truly,



Dennis Y. Perlin
Chief Administrative Officer

DYP*pm

cc: D. Varley
R. Moore
P. Pomeroy
A. Mulvale

encl. - P.W. Report 10/84
P.W. Report 18/84
Certified Copies of Council re PW 10 & 18/84
Letter and Report from M.M. Dillon

L-16/84

23rd February, 1984.

Chairman and Members of the
Solid Waste Management Committee

Re: Proposed Interim Expansion to
Regional Land Fill Site in Burlington
Our File: 90- 31.00-200A

RECOMMENDATION:

No recommendation. For your information only.

REPORT:

This report is in response to Alderman Mulkewich's memorandum to me of January 11th, 1984, in which he asked for comments on two questions:

1. Are there grounds for the proposed hearings for the proposed Regional interim expansion to be consolidated under the Consolidated Hearings Act?
2. How and when could the City, as an interested party, proceed to make application to consolidate the hearings?

1. Grounds for Consolidation:

The Consolidated Hearings Act applies to undertakings for which more than one hearing is required or may be required to be held by more than one tribunal under one or more of the acts set out in the schedule to the Consolidated Hearings Act or the Regulations thereunder.

As indicated in Legal Services Report L-85/83 dated October 17th, 1983, in our opinion an amendment to the Parkway Belt plan is required to accommodate some phases of the proposed interim expansion because they lie outside the area designated on map 2 to the Parkway Belt Plan which designates a landfill site in the area of the present Regional Landfill Site in Burlington. In particular Phases B and D clearly lie outside of the designated area. Phase C also lies outside of the designated area, but Phase C involves raising the elevations of the area presently being filled by the Region as well as raising the elevation of proposed Phase B.

The Minister of the Environment is requiring a hearing under the Environmental Protection Act pursuant to Section 34 of the Environmental Assessment Act.

Accordingly, it would appear that two hearings are required to be held by two tribunals, and therefore the Consolidated Hearings Act applies.

Regional Staff appear to be taking the position that a Parkway Belt Plan amendment is not required. The basis for this position appears to be Ontario Regulation 263/79, which provides that the Regional Municipality of Halton may use land or erect any building or structure for the purpose of providing a service to the public notwithstanding anything contained in the Parkway Belt Regulations. We agree that the Parkway Belt Regulations do not require amendment because of the exemption in Regulation 263/79. However it is our view that the 1979 Regulation does not affect the Parkway Belt Plan as such, and that the Plan requires amendment.

Burlington did not raise the issue of the designated area in the Parkway Belt Plan at the time of the last Regional expansion, and the Region

may take the position that we are precluded from raising it at this time. Notwithstanding our position in 1979-80, it does appear that Phase C clearly lies outside of the designated area, and Phases B and D are beyond the area approved in 1979-80.

However Section 5.1.3 of the text of the Parkway Belt Plan, permits the Minister to declare undertakings to conform with the intent and purpose of the Parkway Belt Plan. It would be therefore possible for the Region to apply to the Minister for such a declaration. However until he does so, the Consolidated Hearings Act is applicable to the proposed expansion.

Also at issue is the question of whether the proponent (Region) is required to consolidate the hearings. At the present time there is some degree of uncertainty as to whether a proponent is required to consolidate. However the opinion generally held among lawyers involved in this area is that at the present time the proponent probably does not have to consolidate. This opinion is based on Section 3 and 24 of the Consolidated Hearings Act. Section 3(3) provides that any person affected by an undertaking which is subject to the Consolidated Hearings Act may make an application to the Divisional Court for an order that the proponent commence consolidation proceedings. However subsection(3) has not yet been proclaimed in force. Section 24 states that prior to Section 3(3) being proclaimed, the Act does not apply to any undertaking in respect to which a hearing has been commenced. Our opinion is that as a result of these two Sections, there is no requirement on a proponent to consolidate until such time as Section 3(3) is proclaimed in force.

Accordingly it is our view that the Region can probably proceed independently with an E.P.A. Hearing and a Parkway Belt Hearing if it so wishes.

2. Can the City make Application to Consolidate the Hearings?

In our opinion the City is not able to take action to force a proponent to consolidate matters which are subject to the Consolidated Hearings Act prior to the commencement of any of the unconsolidated hearings. However once an unconsolidated hearing is commenced, any party to the hearing can bring application to the tribunal holding the hearing for an order which in essence would require the proponent to consolidate the hearing with other necessary hearings. The tribunal may grant the order whereupon the hearings would eventually be consolidated, or it may refuse to grant the order whereupon the hearing in which the application was made would proceed.

In my opinion the City would not want to make a decision whether to attempt to consolidate the necessary hearings for the Regional Interim Expansion until the City has finalized its substantive position on the interim expansion proposal. Hopefully the consultants that have been recently retained will be of assistance in arriving at a position prior to any of the hearings commencing. When the position of the City has been finalized then we would be in a better position to evaluate whether we wish to take advantage of procedural options available to the City in order to further advance attainment of the City's objectives.

Respectfully submitted,

Douglas C. Brown
Douglas C. Brown,
City Solicitor and
Corporation Counsel.

09811
DCB/ds

APPROVED BY C.A.O. <i>[Signature]</i> MANAGEMENT COMMITTEE <i>Feb 28/84</i> Date
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THE REGIONAL MUNICIPALITY OF HALTON

P.O. BOX 7000
1151 BRONTE ROAD
OAKVILLE, ONTARIO L6J 6E1
416/827-2151

OK for agenda
H. MacRae
Mar 2/84

FEB 27 11 13 AM
OFF. OF SUNDAY

1984 02 23

The Corporation of the City of Burlington
Miss Helen MacRae, City Clerk
426 Brant St.
Burlington, Ontario
L7R 3Z6

Dear Miss MacRae:

Re: Guidelines for the Regulations and Siting of Mobile
PCB Destruction Facilities

This is to advise that the Council of the Regional Municipality of Halton, at its meeting held February 22, 1984, adopted the following resolution:

1. THAT PW. Report No. 25/84 re:
Guidelines for the Regulation and
Siting of Mobile PCB Destruction
Facilities be received for informa-
tion.
2. THAT Regional Council acknowledges
the letter from the Minister of the
Environment dated January 24, 1984
re: Process regarding Involvement
and Comments on the Guidelines for
the Regulation and Siting of Mobile
PCB Destruction Facilities, and
accepts the invitation to be
involved.
3. THAT Dr. Carole Burnham be formally
requested to address the Planning
and Public Works Committee, and
that prior to such an address, the
Regional Clerk be directed to con-
tact the Clerks of the Area
Municipalities in order that the
joint concerns of the Regional and
Area Municipalities can be
presented to Dr. Burnham, if the
Area Municipalities so wish.

[Handwritten signature]
CB ☒ LF ☐
Comments to SA M.C.
for info - C.C.
Pl. Long immediately
for info

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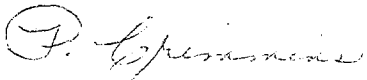
1984 02 23

- 2 -

Enclosed, for your information, is a copy of Report No.
PW.25/84.

If there are any further queries with respect to the above,
please do not hesitate to contact the Regional Public Works
Department.

Yours truly,



P. Crimmins (Mrs.)
Recording Secretary

encl.
c.c. Mr. D. Varley (Regional Clerk)
Public Works Department

PC/sl

REGIONAL MUNICIPALITY OF HALTON

Report to The Chairman and Members of the
Planning and Public Works Committee

From The Director of Public Works

Date 1984 02 06

Report No. PW.25/84

Re Guidelines for the Regulations and Siting of
Mobile PCB Destruction Facilities

RECOMMENDATION

1. THAT P.W. Report No.25/84 re Guidelines for the Regulation and Siting of Mobile PCB Destruction Facilities be received for information.
2. THAT Regional Council acknowledges the letter from the Minister of the Environment dated January 24, 1984 re process regarding involvement and comments on the guidelines for the regulation and siting of Mobile PCB Destruction Facilities, and accepts the invitation to be involved.
3. THAT Dr. Carole Burnham be formally requested to address the Planning and Public Works Committee, and that prior to such an address, the Regional Clerk be directed to contact the Clerks of the Area Municipalities in order that the joint concerns of the Regional and Area Municipalities can be presented to Dr. Burnham, if the Area Municipalities so wish.

REPORT

On March 23, 1983 Regional Council approved the recommendations contained in PW. Report No. 68/83 regarding the Guidelines for the Regulations and Siting of Mobile PCB Destruction Units, which stated:

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- "1. THAT PW. Report 68/83 re the Ministry of the Environment publication "Guidelines for the Regulation and Siting of Mobile PCB Destruction Units - A discussion paper" be forwarded to the Ministry of the Environment for consideration in the preparation of guidelines for siting the mobile PCB Destruction Units.
2. THAT Council request the Ministry of the Environment to circulate the regulations and any proposals for PCB destruction technology to Local and Regional Municipalities for their input prior to submission to the Environmental Assessment Board."

The Report summarizes the major points of the discussion paper produced by the Ministry of the Environment and outlines concerns of Regional staff with both the siting and subsequent monitoring of the mobile destruction facilities. In addition, the report contains some discussion of PCB storage facilities located in Halton Region, including comments from Ontario Hydro and the Ontario Waste Management Corporation. Subsequent to the submission of a report by Regional staff, reports were also submitted by Area Municipalities who echoed many of the concerns of Regional staff and also expressed many concerns of their own.

In response to comments and concerns received by the Ministry from municipalities, municipal utilities, various associations, industries and public interest groups to whom the document was submitted, the Ministry is proposing in a letter dated January 24, 1984 from the Minister of the Environment, to:

1. Draft a regulation concerning the approval of mobile PCB destruction technologies and the siting of facilities.
2. To submit the regulatory proposals containing technical and siting criteria to a Public Hearing, likely under the Public Enquiries Act.
3. Prior to the Hearing, to approach affected municipalities, industry groups' proponents, public interest groups and associations, for their comments on the regulatory proposals.

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The Minister also states that in the near future we will be contacted by the PCB task force headed by Dr. Carole D. Burnham with written material, and possibly a request to address Regional Council. In addition, they propose to run several Public Information Sessions. Staff would recommend that in addition to receiving the written material, Regional Council should formally request that Dr. Burnham address the Planning and Public Works Committee of Regional Council, and that prior to this presentation, the Regional Clerk be requested to contact the Clerks of the Local Municipalities and request their input so that the joint concerns of the Region and the Area Municipalities may be expressed at the same time to Dr. Burnham.

Respectfully submitted,



P.W.S. Moore, P.Eng.
Director of Public Works

GNW:sw



- 38 -

January 1984

RECEIVED

AM. _____ P.M. _____

JAN 31 1984

Mr. D.Y. Perlin
Chief Administrative Officer
Regional Municipality of Halton
P.O. Box 7000
1151 Bronte Road
Oakville, Ontario
L6J 6E1

CHIEF ADMINISTRATOR
REGIONAL MUNICIPALITY
OF HALTON

Dear Mr. Perlin:

Earlier this year my predecessor, the Honourable Keith C. Norton, sent to you a discussion paper "Guideline for the Regulation and Siting of Mobile PCB Destruction Facilities".

This document was circulated for comment to all of the municipalities in Ontario where PCB is presently in use or in storage awaiting disposal. It was also sent to all of the Ontario municipal public utilities and a wide variety of associations, industry and public interest groups.

As a result of the comments we have received, and in order to provide for a meaningful public review of our regulatory strategy and criteria, we are now proposing to proceed as follows:

1. A regulation concerning the approval of mobile PCB destruction technologies and the siting of facilities will be drafted.
2. The regulatory proposals containing technical and siting criteria will be submitted to a public hearing, likely under the Public Inquiries Act.
3. Prior to the hearing, affected municipalities, industry groups, proponents, public interest groups and associations will be approached for comments on the regulatory proposals.

Because of the scattered distribution of in-service PCB and PCB wastes outside a small number of large urban centres, it is anticipated that collection

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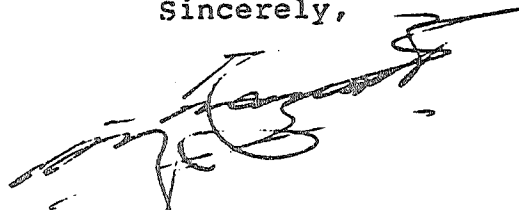
and consolidation of wastes at these centres will be necessary to provide sufficient quantities of waste to justify the establishment of a mobile destruction facility. It is, therefore, our intention to visit those locations where 75 per cent or more of the in-service PCB in Ontario is presently located.

During the next few months you will be approached by our PCB Task Force, headed by Dr. Carole D. Burnham, with written material for comment and/or a request to address your Council. You will also be kept informed of the times and locations of our public information sessions.

We believe that mobile PCB destruction facilities are a safe and effective means of destroying the PCB waste fluids presently stored in up to 180 municipalities in Ontario. Furthermore, we believe that the public hearing proposals offer an unprecedented opportunity for public input to the regulation and approvals criteria for such facilities.

We look forward to your involvement and comments.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Andrew S. Brandt', with a long horizontal flourish extending to the right.

Andrew S. Brandt
Minister

A handwritten mark or signature, possibly a stylized '14' or a signature, located below the main signature block.



SWM-12-84

THE REGIONAL MUNICIPALITY OF HALTON

OFFICE OF THE CHIEF
ADMINISTRATIVE
OFFICER

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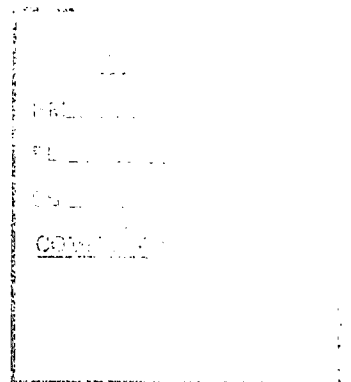
The Honourable Andy Brandt
Minister of the Environment
15th Floor, 135 St. Clair Ave. West
Toronto, Ontario
M4V 1P5

Dear Mr. Brandt:

Re: Guidelines for the Regulations and Siting of Mobile
PCB Destruction Facilities

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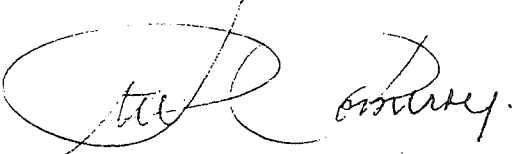
1984 02 23

- 2 -

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If there are any further queries with respect to the above,
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Department.

Yours truly,



Peter D. Pomeroy
Regional Chairman

encl.

c.c. Mr. D. Varley (Regional Clerk)
Public Works Department
The Corporation of the City of Burlington ✓
The Town of Halton Hills
The Town of Milton
The Town of Oakville

PC/sl