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June 8, 1984.

The Federal Minister of Justice,
The Honourable Mark MacGuigan, P.C., Q.C., M.P.,
Department of Justice,
Ottawa, Ontario.
K1A 0M8

Honoured Sir:

RE: Halton Region Landfill Extension Inquiry
before the Environment Assessment Board:
R.B. Eisen, Q.C., Chairman -
D. Hodgson appearing for Halton

I wish to report on a matter concerning the above Inquiry in which I will conclude that the above-named Mr. Hodgson has sought, if not willfully, then at least with apparent intent, to inhibit, impede and disturb certain submissions I wished to make at an open public hearing advertised locally on Saturday May 26th, and taking place at the Polish Community Centre, 2316 Fairview Street, Burlington on Tuesday 29th May, 1984.

Previously I had been asked to help a sub-committee of the West Burlington Ratepayers/Citizens Group (WBCG) to interpret whatever data I was able in the anticipated consultant's report. I am a resident of Aldershot, and Professor of Physical Geography at McMaster with some research publications in kindred fields.

Immediately previous to the Inquiry I passed most of my notes regarding the deficiencies in the consultant's report to a member of CELA. WBCG gained a hydrogeological consultant at the same time. I attended the opening morning of the Inquiry and subsequent short visits, and I was disturbed to learn that our own funded expert had been "taken over" by the Environmental Assessment Board (EAB) a little later, this I think after comments by Mr. Hodgson.

Thus our Ratepayers group was bereft of its fully independent expert. CELA took the position, apparently, of trying to win concessions as to dimensions and design of the facility, not total opposition to its extension. This was the position of WBCG in principle, if not with the complete conviction that we could ever prevail in such an approach for we were faced with a blackmail situation - if we so prevailed Halton would have nowhere to put its garbage for several years! The ultimate responsibility for that might never be traced.

To this point, Sir, I have tried to give background. I may not be correct in detail. It is, I grant, probable hearsay born of possible incomplete understanding - but it is not far from the truth.

My submission to the Public Hearing was disturbed by considerable questioning as to who I was, then, when I tried to begin, by a lengthy discussion as to whether I was an expert, not a member of the public. I was indirectly accused by Mr. Eisen of attempting "trial by ambush", Mr. Hodgson claiming, "I had ample opportunity to have been made aware of rules of the Board". (I had not, nor were these clearly enunciated at the opening day, if at all.) Hypothetically, if I had been an informed member of the public approving the landfill, Mr. Hodgson might not have interrupted? Additionally is it right that a quasi-expert should be required to submit his ideas to lawyers in advance of speaking in public? (Do not that both Mr. Chumley and myself were told by Mr. Timbary that he would not call on us as witnesses, but only opening would be in the public session)

Actually the good people of Burlington were "ambushed" by a forbidding notice, in which it was difficult to find date, venue and purpose of the meeting not to mention the exhibition places of the three large volumes of the consultants' reports, all to be read during two working days - even though a decision to have a public hearing was discussed at least two, possibly three, weeks earlier.

It was made clear to me, that I should not broach "expert" matters in the time left to me, only explore my stated wish to outline general matters - the poor quality of the original site etc. (I enclose a rough copy of my submission in which I believe I have made adequate use of my academic command of certain aspects of the subject and my educator's duty, if not right, to explain such matters faute de mieux.)

Later I was asked by the Chairman if I was available for cross-examination and Thursday, May 31st, was agreed upon. The Member, Mr. M.I. Jeffery, had been given my phone number and I think I was told that I would be contacted if required. The subtlety, not to mention the possible indignity of this, escaped me - I will not insult you by asking you to lunch on the same basis - and I spent many hours preparing myself and a report for Thursday morning. I did present myself on Thursday, to a locked, empty hall. However, unbeknown to me, Mr. Hodgson, and Mr. Tidball, representing the Ministry of the Environment had indicated to the Chairman that they did not wish to cross-examine me, this by 3:00 p.m. in that day's (Wednesday's) proceedings, which I did not attend because I do have other responsibilities.

For your information, Mr. Timbary was not able to support this hypothesis, and it turned out that he would have done so if interviewed with a question as to that unlikely event.

This was also true of all other members of WBCG.

(Already in Timbary's files presumably)

My Tuesday submission was not elementary, though it may have been untidy and hastily-prepared. It was not so simple as to be self-evident.

I accuse the above two gentleman of an attempt to suppress explanation and cross-examination of my evidence, which needs some investigation.

I admit to having phoned the offices of the Ontario EAB, expressing dismay at the non-telephone approach and asking for a copy of the record of the proceedings when I was attempting to establish my case. I was also told that I could request to be heard as an expert-witness - but since when, Sir, does a citizen in such circumstances have to beg to be heard in Canada? (i.e. about the 7 June).

(Come to think of it,
I could ask
Trotter the same
Q).

Sir, it is my belief that the conduct of Mr. Hodgson needs close investigation in this case. It is my belief too, that I am not the only person to have been diverted, or more, by his zeal. Just as there may be Rules of the Board, there is also a Constitution and, I believe, a Declaration of Human Rights.

I believe Sir, that the above represents an honest appraisal of the situation and I would be willing to be interviewed by your staff.

I have the Honour to be, Sir,

Yours truly,

Brian T. Bunting,
Professor Geography.

BTB/dw

Acq. of my written submission is enclosed. It is not the report I would have given as an expert witness, nor did I keep to it, after being so discredited. The data in part B was only included as my own 'aide-memoire'.