



The Corporation of the
City of Burlington

March 14, 1984

Mr. Brock A. Smith,
Deputy Minister,
Ministry of the Environment,
135 St. Clair Avenue West,
Toronto, Ontario
M4V 1P5

Dear Sir:

Your letter of February 8, 1984, to Mr. Pomeroy, Regional Chairman of Halton confirming that February 15 is a suitable date for Halton to submit an application for the Burlington landfill expansion - with full details to be submitted by March 31, 1984, is disturbing and requires comment as well as a request.

You speak of your staff co-operating with the Region in assessing the material to expedite "the matter". You do not mention possible dates for the hearing. However, I am sure you are aware that the Region has requested early May hearing dates to be able to get possible approvals before the projected landfill closing date of August, 1984.]

I am sure you are aware that the period between March 31 and early May leaves very little time for other interested and affected parties to review the material. Furthermore, the period of time between May and August leaves little time for full hearings, for the Hearing Board to arrive at a decision, and for the possibility of appeals or other legal processes. I am told that often a Board requires as much as three months to arrive at a decision.

"The Matter", as you call it, is simply too important to expedite as you suggest. The rights of residents for a reasonable opportunity to defend their own individual rights and interests as well as the interests of the community must be given first priority. The protection of the environment must be given a priority above that of expediting "the matter".

You should be aware that this proposed expansion has the active interest of the City of Burlington, the West Burlington Citizens Group, and a number of neighbours and interested individuals. I am particularly concerned that the residents, both as individual parties and as an organized citizens group, be given a full opportunity for detailed investigation of the material, time for independent analysis, and the benefit of full hearings without the threat of emergency certificates or other arbitrary methods of closure.

Your letter clearly leaves the possibility that the residents will not be able to properly prepare for the hearing. Certainly, the Region of Halton and the Ministry of the Environment will have had an unfair advantage, reinforcing the popularly held notion of "the Halton steamroller".

Toby
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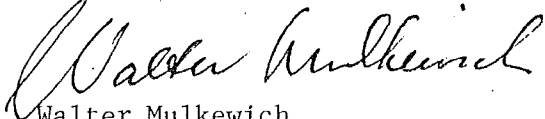
Previous correspondence from the Minister of the Environment indicated that "should the site reach approved capacity before the Environmental Protection Act hearing has been completed, the Director would be willing to consider issuing an emergency Certificate of Approval for part of the expansion of the site."

My previous correspondence to the Honourable Andrew S. Brandt, Ministry of the Environment, dated December 16, 1983 and January 25, 1984, has never been answered. I repeat my contention that, based not only on citizens' rights and the need to protect the environment, but also on a previous quote from your own Minister that "we cannot sanction any plans to request approval of modifications to the site on an emergency basis if the need is documented now", the Minister should give the community assurances now. The assurances should be that, given all circumstances, your Ministry will not consider any emergency Certificate of Approval in "this matter". I should remind you that the Region has rejected alternatives which could have avoided this potential emergency possibility. The practical effect of the current unfortunate situation is "planning for an emergency."

In conclusion, I would request two things. First, your Ministry should ensure that local residents and all interested parties have adequate time to prepare for the hearings. Secondly, your Ministry should now indicate that you will not consider an Emergency Certificate of Approval under any circumstances.

Thank you for your consideration.

Yours sincerely,



Walter Mulkewich
Regional Councillor
Ward 1

WM/dt

- c.c. -The Honourable Andrew S. Brandt, Minister of the Environment, 15th Floor,
135 St. Clair Avenue West, Toronto, Ontario, M4V 1P5
-George Kerr, M.L.A., Burlington South, Legislative Buildings, Toronto, M7A 1A2
-Brian Charlton, M.L.A., N.D.P. Environment Critic, Legislative Buildings,
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-Murray Elstone, M.L.A., Liberal Environment Critic, Legislative Buildings,
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-Chairman and Members of Halton Regional Council
-Mayor and Members of Burlington City Council
-Dennis Y. Perlin, C.A.O., Regional Municipality of Halton
-Michael Boggs, C.A.O., City of Burlington
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✓ -Ms. Toby Vigod, Canadian Environmental Law Association, 8 York Street,
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-Ms. Dorothy Pocock, Solid Waste Management Committee, West Burlington
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-Mr. Hans Kreplin, Solid Waste Management Committee, West Burlington
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