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THE REGIONAL MUNICIPALITY OF HALTON

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RECEIVED MAR 14 1984

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

Dear Mr. Walker:

Re: Comments on your latest Halton E.A.A. Report, Phase 2,
Stage 2B, Draft Report, Selection of Candidate Sites

The following are my written comments on your "Candidate Sites" report.

I appreciate the immensity and sensitivity of your task, as I know you do.

I should point out that I limit my comments to a number of general issues and the N.S.P. site. I am sure you will be getting other submissions with respect to the other five sites identified in the Draft Report and other potential sites which might still be included in your final report.

I have tried to organize my comments and questions following your page outline in your major report.

P.1 The second paragraph confirms that Pits and Quarries continue to be treated separately and differently than the other candidate areas and sites. You say that, "the selection of the candidate areas was based on an evaluation of environmental factors which stressed the importance of areas hydrogeologically suitable for landfilling, the avoidance of designated Environmentally Sensitive Areas, and built-up Urban Areas". It is clear that, if you had considered pits and quarries in the same way as all other areas, no pits and quarries would have been included as Candidate Areas in Phase 2, Stage 2A, let alone surviving as Candidate sites in Stage 2B.

This fundamental contradiction in your evaluation factors and selection process, as well as this potentiality for unfairness and prejudicial treatment was drawn to your attention and that of Regional Council on a number of occasions. You will remember my own comments. The City of Burlington response passed by City Council on November 28, 1983 expressed its concern for the credibility of the process. Similar concerns were expressed by the Solid Waste Management, Committee of the West Burlington Citizens' Group and by other individual residents. Unfortunately, the concerns were not heeded. The potentiality for unfairness and prejudicial treatment has been made a reality in the final candidate sites recommended in the final chapter of this report - namely the conclusion of the NSP and adjacent lands. You further state in your second paragraph that "social, economic, and cultural factors" were given a "lower priority" in the general overview analysis. I have never seen an acceptable rationale for this lower priority treatment. Surely, this has the effect of influencing the process.

On page 1 you list 7 characteristics which you indicate that areas with these characteristics "were specifically avoided for siting a landfill site". At least three of those characteristics are matters of concern in the NSP lands. These lands are on a slope above an urban area. Indian Creek is, in this area, a major watercourse. Hydrogeological studies have indicated that the fractured shale in this area makes for moderately fast transport of groundwater. None of these considerations have had any apparent impact on your deliberations, undoubtedly because Pits and Quarries were treated separately and differently.

P.2

In the fourth paragraph you give the only rationale for treating pits and quarries separately and differently. The stated rationale is "to off-set the potential impact on good agricultural lands". You say nothing about this treatment contradicting your own and Council approved evaluation factors or other environmental considerations. The statement that "pits and quarries candidate areas may present rather unique

operational characteristics for sanitary landfilling which must be considered on their own merits" is nonsensical. It is opening the door to subjectivity. Every site, regardless of whether the site is a pit or quarry, has "unique operational characteristics". The final sentence which says "However, in most respects, the pits or quarries are to be evaluated on an equal basis" must be part of the public relations exercise to cover up the previous contradictions. But, this is not a public relations report!

P.3 I have already noted that you rejected much of the input received in making the final evaluation factors.

P.5 The last sentence in paragraph 2 stretches the truth. The Regional decision was to select the option of making a major expansion to the existing Burlington landfill site and to apply for approval through the due process, including hearings. There have been no approvals! Your references to this proposed expansion assume that this will happen. This Report is too important to be based on assumption!

P.6 You speak of the Region's "intention to accomodate Phases A and B only of the Interim Waste Plan". Its not clear what you base that statement on. I can only surmise that it is inference from some of the Regional Reports. In reality, the Region has applied for all four phases. Intentions and inferences should be irrelevant for your purposes! You then go on to say that you have an assumption that permanent landfill site(s) would be in place by April 1985. Again, this is an assumption! Previous consultants had similar assumptions with respect to the previous site F in the previous process! These consultants are now doing "interim plans".

P. 9 to 10 Again, under hydrologic constraints pits and quarries are treated differently.

P.24 The first candidate area listed under Pits and Quarries appears to have been expanded from the previous reports. Now it is National Sewer Pipe and Adjacent Lands. There is no explanation for

this expansion. It only confirms the fears of area residents that the whole area from Forestvale to Old Waterdown Road could become on big dump!

- P.26 You say that "a common characteristic of the pit or quarry candidate areas for landfilling is the potential use of damaged land". You should be aware that the NSP lands are mainly damaged by motorcycles and off street all terrain vehicles which NSP has allowed to roam over their lands. The main damage of these lands is not from past mining operations.
- P.29 Again, in paragraph 4, pits and quarries are treated separately and differently.
- P.30 Your proposed 1/2 mile study area is simply too small. It appears to be an arbitrary figure. The experience at the existing Burlington landfill site is that effects of the site are directly felt and known by residents in an area of 1 to 2 miles from the site.
- P.32 to Again, pits and quarries are treated separately,
35 differently, and in more detail.
- P.35 and Under hydrologic constraints, potential for
Appendix adverse impacts on water resources, the evaluation
B should be high impact. Your comments and
 assumptions and sources of information in the
 appendix indicate that you have not considered the
 large body of information available on the
 hydrology and hydrogeology of this area. My own
 report C-11/83, 1983, 10, 21, "Leachate Monitoring
 Programs and Leachate Concerns, Burlington
 Sanitary Landfill Site" is a summary of real
 concerns and unanswered questions. Subsequent to
 this report, staff reports to Council on this
 subject and the revised monitoring program by
 Gartner Lee have confirmed that I had legitimate
 concerns that require answers. Only now is a
 program being put in place to get the answers.
 The research by Dr. Cherry in the area poses some
 real questions.

Dr. Cherry indicates that the shale in the area is a "moderately active environment for contaminant transport". In his 1980 report, Dr. Cherry states

that "it is necessary to assume leaching will occur for hundreds of years under a relatively high flow". Referring to indentified leachate in his 1980 report, Dr. Cherry says, "these zones are migrating towards an urban section of Burlington and in future years they may cause gradual changes in the quality of streamflow in Burlington."

You make the point that there are no downgradient water users. But, you do not indicate that the NSP site is on the side of a hill, in fractured shale, with valleys and streams. Below the hill is a major urban area of fine residences and businesses. Beyond that is Burlington Bay and Lake Ontario. The possibility of groundwater contamination and leachate springs in the back yards of the residential area of Aldershot exists in the long run. This possibility will be accentuated by the greater concentration of garbage on the side of hill above the residential area. Nothing has been said about the effect on the Bay and Lake via the sewers. We know that the present leachate from the existing Burlington site is breaking the Region's own Sewer by-law. We do not know the full range of toxic chemicals and heavy metals in the leachate in the sewage system and whether the sewage treatment plant is even touching these chemicals or heavy metals.

In the face of the mounds of available evidence and even greater mounds of unanswered questions and fears it is incredible that you say the impact is low to moderate. So much for "Public Health and Safety" which is the title of your chapter!

Under "Quantity of contaminated water produced based on mining plan" your figures are questionable. Using your own figures in the Appendix the Bayview average annual seepage rate would be 288,000 L/day. Yet your figure of 100,000 L/day for the NSP site is much smaller even though the area is larger with more waste.

Under availability of cover material you are using mined shale as an on site source of covered material. This completely contradicts your previous statement that the NSP site is a mined or damaged site that requires rehabilitation.

Your statement that 100% of the landfill requirement can be currently accommodated at the NSP and adjacent property is both questionable and highly inflammatory. You do not indicate in this section how you arrived at the 100% conclusion. I note that in Table 7 you estimate a capacity of 4,350,000 tons for NSP and adjacent lands. I further note that the current NSP application for a private landfill site has a capacity of only 1,760,000 tons. This is a downward revised figure from the original application which took into account City of Burlington concerns and certain unique vegetation in the area. Previously, I mentioned the fear among area residents of a severe overload of garbage in this general area. Your figures need a serious re-evaluation! They are frightening!

Under "potential for leachate egress based on the principal of hydraulic containment" you simply say that the "hydraulic containment could be achieved". You do not give a source of information! My research has indicated that there are serious differences of opinion among the professionals on this question. Given this debate, that hydrogeology is as much an art as a science, and the general characteristics of the area, surely, the approximate 12,000 residents below the site should be given the benefit of the doubt! And so should all the people who drink from Lake Ontario water!

In your consideration of "leachate treatment constraints" you apparently only considered the availability of a pipe. You have not apparently examined the full leachate constraint issue. I have previously referred to this issue.

Therefore, I respectfully submit that you need to do a complete re-evaluation and re-ranking of P & Q 1, National Sewer Pipe and Adjacent Property.

P.36

Your description of the NSP lands should not assume that the now completed Bayview site which adjoins NSP lands was a so called "sanitary" landfill site. Your description does not indicate the proximity to the fine residential areas of Aldershot and Forestvale/Tyandaga.

- P.38 Based on my previous remarks your 5 conclusions should be re-evaluated.
- P.39 Were all the same steps listed here taken also for the pits and quarries candidate sites?
- P.40 The report does not make clear how you arrived at your summary chart.
- P.60 Your description of P & Q 1 confirms my previous comments that the major disturbance in this site is from dirt bikes. You also indicate that the potential of the area for landfilling is reduced by the possible presence of significant plants. You do not elaborate. You apparantly did not take this factor into account when you considered the capacity for this area. See previous comments.
- You also do not mention the nearness of the Regional E.S.A. 4 nor the fact that parts of this site are designated as Hazard Lands in the Regional Official Plan.
- P.75 I previously commented on the unacceptability of only a 1/2 mile study area.
- P.78 Re: Parkway Belt Designation: You did not indicate that all parties concerned have agreed that the NSP site will required an amendment to the Parkway Belt West Act and that the full public committee procedure would have to go ahead.
- P.79 to 80 Does the fact that NSP lands are physically part of the Niagara Escarptment Area have any impact?
- P.93 Your population figures for candidate sub-areas is limited and misleading because you consider such narrow parameters. With respect to the NSP lands my estimate is that at least 15,000 people are reasonably directly affected in the areas of Aldershot and Forestvale/Tyandaga.
- P.101 Your perceived impact for P & Q 1 should be changed to high to be consistent with the manner in which you treated other sites and also to take into account other factors of which you may not be aware.

For a number of sites you indicated visual impacts relative to the Escarpment. You should be aware of similar impacts here. Landfilling has the potential of blocking the view of the escarpment from Highway 403, residential areas of Aldershot, Aldershot Park, Burlington Bay Skyway (soon to be twinned), and Burlington Bay. Burlington Bay is a very favoured sailing and boating body of water. The Burlington Boat and Sailing Club and La Salle Park Marina is home to several hundred boaters. As a cultural/social/recreational facility the Burlington Bay is just as significant as is Rattlesnake Point. One of the most gorgeous views of the escarpment is from a sailing boat on the Bay. The escarpment is one of our unique natural heritage features which should not be obscured. Lady Simcoe, in her diaries years ago, speaks of the view she had when she stayed at the foot of the Burlington Beach (near the present Joseph Brant Hospital) and could see the area then referred to as Flamborough Head. Flamborough Head along with Rattlesnake Point and Mount Nemo is still commemorated on the official City of Burlington crest. It should also be said that the new twinned Skyway will be a more important link to the Niagara Peninsula. In these days of building an interest in tourism and municipal image it is increasingly important that Burlington's Niagara Escarpment is not hidden from view by garbage. I should further add that the Provincial government has designated lands in the area for future public use as part of the Parkway Belt Plan. A large landfill site could obscure the view from this planned future public area. The view from this area of the Aldershot plains, Burlington, and Burlington Bay is spectacular.

I would like to add the following impacts to those you have listed on P.101:

- The horse ring referred to is one of the most significant horse rings in southern Ontario attracting annually several large horse shows and thousands of people.
- The horse ring is part of the Bayview Park which is a city park with one of the best views of the city, lake, and bay. People come to this Park simply to enjoy the view.

- Near Bayview Park a model air place club known as the Burlington R/C Modelers Inc., has operated for many years. Their model air plane activities would possibly be ended with this proposed landfill.

- Cama Woodlands, a Seniors Centre with a nursing home and home for the aged is approximately the same distance from the site as is the referred to treatment centre for emotionally disturbed adolescents. You should note that Cama Woodlands has all the planning approvals for a major expansion for seniors and to build a large church on the property.

- Maplehurst Public School is within approximately one kilometre of the site.

- Kings Court, a popular banquet centre is less than one kilometre from the site.

- The Burlington Childrens' Centre, a private day care centre in the Kerns Road/Forestvale area is nearby.

- The major residential areas of Forestvale/Tyandaga and Aldershot are all nearby. I should add that not only are these high quality residential areas but that Aldershot is an established and historic community.

- A nearby and almost adjoining farm owned by Robert O. Elstone is Woodhill. It features the oldest home standing in Burlington. The house was built by the Hon. Adam Fergusson in 1833. Only last year Mr. Elstone hosted sesquicentennial celebrations to mark the 150th Anniversary of Woodhill. It should be noted in Ontario's Bicentennial year that the Hon. Adam Fergusson was of Ontario's most distinguished citizens. Among his long list of achievements he was Ontario's first Minister of Agriculture, the founder of the Agricultural College and Veterinary College in Guelph. He built his beloved Woodhill and established his farm as a model for agriculture in his day. This house and farm are part of Ontario's and Burlington's heritage.

P.103 to 106 This section on "Cultural Environment" appears to be very brief and incomplete. Therefore, it is very difficult to evaluate it. Obviously, cultural factors were not considered to be that important. Please see the comments I have made with respect to the Social Analysis and NSP lands. Many of those comments should be relevant to a cultural analysis as well.

The statement on p. 106 that P & Q 1 is "relatively well protected from the surrounding area by tree cover and existing buffer" needs further explanation.

P.108 What is the particular expertise of Hydrology Consultants Ltd. to provide acreage and capacity figures and later to provide site development costs.

P.109 plus Table 7 & 8 Note previous comments on capacity figures for Q1 (NSP) P & Q sites landfill areas are indicated as N/A and, yet, elsewhere acreages are used. It is not clear why the same site would be rated with a lesser capacity in a dual site situation. Surely the site is the same.

P.115 to Various Costs Charts: Note the comments above. The conclusion must be that if the total waste tonnage figures are not realistic or accurate than the cost figures and comparisons become somewhat questionable.

Without the benefit of detailed working papers one finds it difficult to evaluate the figures in the charts.

The Site Capital Costs chart indicted that Q1 property costs would be in the order of \$1,435,500. Yet the Regional Landfill Alternatives Task Force Report of January, 1982 suggested a price tag of \$3,102,000 for a similar area then called Site A. The same report gave a price of \$984,000 for the then Site F as compared to the figure of \$1,783,500 for your candidate sub-area D4a. How accurate are your figures for Q1?

Why is there such a difference in the capital costs of the 3 quarry sites compared?

The site development costs appear to be significantly higher than estimates in previous reports before Council. For example, the same 1982 Report referred to above estimated approximately \$4,085,000 for the then Site F whereas your figure for your sub-area D4a appears to be \$8,004,000. Does this mean that you are including costs which previously were not included? Is landfill more expensive than previously thought?

Again, without seeing the detailed working papers it is not clear why the costs for the dual site options are varied as they are from the single site options.

Did you consider a methodology to define and qualify social costs for each option?

P.148 In arriving at your conclusion on the advantages of a single site option you did not deal with the concept of community acceptability and that the community finds it much more acceptable to deal only with its own garbage in a landfill situation. You did not deal with the factor of a multi system providing a pressure on the political level to move quicker and with greater determination to alternatives to landfill.

P.149 to 159 Your Conclusion and Selection of Candidate Sites:

It is unclear how you weigh the various categories. It appears open to a great deal of subjectivity in arriving at your final conclusion.

On page 150 you indicated that one of the positive effects of any sub-area is, "the location of a potential landfill site which affords protection to groundwater and surface water". I don't think such a site can be found anywhere.

Your section 14.4 describing your final selection is very brief.

Your summary statement re P & Q 1 is quite unconvincing. One is not clear why it is the most favourable option of the pits and quarries. Your statement in that regard suggests that you felt at

least one pit and quarry should make the final selection and therefore "on balance" for the NSP site. I trust, that given many of the comments above, a re-evaluation is possible. Certainly, I cannot agree with your evaluation of Low and Moderate throughout the various categories.

Appendix C The list of 20 contacts include 10 representing pits and quarries, 5 representing the Region of Halton, 2 representing the Ministry of Natural Resources, 2 representing the Ministry of Environment. There appears to have been a great deal of interest in the pits and quarries. 3 of 20 contacts were with respect of the NSP property. Yet, no representatives of the area residents group, neighbours, City Staff, or local alderman were contacted in spite of a long history of interest in that particular site.

Appendix G Water pollution control plants reference only
Page 2 capacity. No reference is made to the ability to treat a wide range of toxic chemicals or heavy metals.

Appendix H Under proposed amendments to Parkway Belt West Plan you say nothing of the pending application of NSP for an amendment in order to operate a private landfill site. You say nothing of a possible need for an amendment to the Parkway Belt West Plan to accomodate the Interim Landfill Expansion.

Appendix I You do not list Woodhill, the home of Adam Fergusson, dated 1833 and affecting sub-area P & Q 1.

I would be pleased to clarify any of my comments if required. Furthermore, I reserve the right to present further comments based on further research and discussions.

Thank you for the opportunity of responding.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Walter Mulkewich', written in dark ink.

Walter Mulkewich,
Regional Councillor
Burlington Ward 1

WM/lj

c.c. Chairman and Members of Regional Council
Mayor and Members of Burlington City Council
Mr. D.Y. Perlin, C.A.O., Halton
Mr. R. Mohammed, Director of Planning
Mr. R. Moore, Director of Public Works
Mr. M. Boggs, C.A.O., Burlington
Mr. H. Kreplin, West Burlington Citizens' Group
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