



NOTICE OF INTENTION
TO ISSUE A CONTROL ORDER

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

ATTENTION: MS. HELEN MacRAE, M.P.A.
CITY CLERK

Under the provisions of Section 6 of the Environmental Protection Act, (the "Act"), the Director may issue a control order to a person responsible for a source of contaminant when the report of a provincial officer contains a finding that a contaminant discharged into the natural environment contravenes Section 13 of the Act.

The Report of James S. Dulny, Provincial Officer, filed with the Ministry and served upon you on December 16, 1985, contains findings that contaminants being discharged from the Bayview Park landfill site, (the "site"), into the natural environment contravenes Section 13. A copy of the report is appended hereto.

The site is owned by the Corporation of the City of Burlington and was operated for the purposes of sanitary landfilling until 1972. A portion of the waste landfilled at the site is located on property owned by National Sewer Pipe Limited.

Under the provisions of Section 116 of the Act, I hereby give notice of my intention to order you to do the following:

1. (a) Within 14 days of the issuance of the control order, complete construction of earthen coffer dams in the approximate locations of leachate seeps numbered 1 to 4, which shall be designed to contain leachate discharging to surface waters from the site. The dams shall be constructed in accordance with the instructions of the provincial officer on-site.
- (b) The containment areas created by the dams shall each be properly fenced to a six-foot height to prevent unauthorized access and

shall be adequately signed with warnings and an emergency 24-hour telephone contact.

- (c) Contaminated liquid accumulating behind all dams shall be transported to the Skyway Water Pollution Control Plant as required to ensure no discharge of contaminants to the Indian Creek watershed. A minimum one metre freeboard shall be maintained behind each dam.
2. Within 14 days of the issuance of the control order, submit to the Director of Central Region of the Ministry of the Environment, (the "Director"), an application under Section 24 of the Ontario Water Resources Act with a final detailed design report, drawings and contract specifications for the approval of the leachate collection and transmission works described in a draft report entitled "Detailed Design Report, Leachate Collection System and Surface Drainage Improvements, Bayview Landfill Site, City of Burlington", dated March 1986, (the "Design Report").
 3. Subject to paragraph 4, within 14 days of the issuance of the control order submit to the Director an executed copy of an agreement with National Sewer Pipe Limited to allow access to lands described as Area B and the northern 50 metres of Area C on Plan 1 of the Design Report.
 4. In the event that the executed agreement described in paragraph 3 is not filed in the prescribed time, within a further period of 14 days submit to the Director a modification to the application submitted pursuant to paragraph 2 which locates all leachate collection and transmission works necessary to capture all contaminated liquid discharging from the site to surface waters on lands owned by the Corporation of the City of Burlington.
 5. Within 45 days of the receipt of a certificate of approval, commence construction of the approved leachate collection and transmission works.
 6. Within 100 days of the receipt of a certificate of approval, complete construction and commence operation of the approved leachate collection and transmission works.
 7. Within 30 days of the completion of the construction, submit to the Director copies of as-built drawings of the leachate collection and transmission works.

8. The interim works referred to in paragraph 1 and the leachate collection and transmission works shall be maintained and inspected on a frequent and routine basis.
9. On February 1, 1987, and on each February 1st thereafter, submit to the Director a report of the site monitoring program as approved by the Director.

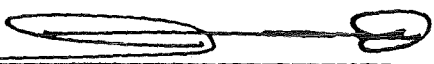
I propose to order you to take the foregoing steps for the following reasons:

1. Contaminated leachate originating at the base of the Bayview Park Landfill on property owned by both the City of Burlington and National Sewer Pipe Limited is being discharged to Indian Creek, which flows through part of the City of Burlington (the former Town of Aldershot) finally discharging to Burlington Bay.
2. The Creek flows through residential areas and a park facility within the City of Burlington. The problem of leachate discharged to Indian Creek was first identified in a survey carried out by Ministry staff in 1979 and 1980. The problem was drawn to the attention of the City of Burlington on numerous occasions and action was promised but never taken. New surveys undertaken in 1983 and 1984 and again in 1985 confirmed the earlier findings.
3. Several of the contaminants identified in the leachate exceed Provincial Water Quality Objectives and may cause damage to plant and animal life as well as posing a potential hazard to human health.
4. In December 1985, the leachate seeps at the site were plugged with clay in an attempt to temporarily stop the discharge of leachate to Indian Creek while a longer term solution was being devised. Recent inspections by both City consultants and Ministry staff confirm that the clay plugs are no longer effective to contain the leachate. The discharge of contaminants is currently occurring at approximately the same rate as in previous years.
5. The specific reason for paragraph 1 is that immediate action is necessary to stop the discharge of contaminants from the site.
6. Beyond any short term solution, a long term solution is needed for the discharge of leachate from the Bayview site. While the location of a regional landfill facility on the National Sewer

Pipe property would undoubtedly include provision for dealing with leachate from Bayview, any such facility is several years away from construction and approval of a facility at that site cannot be taken for granted. It is technically feasible to implement a long term solution of leachate collection in the time frames set out.

Under the provisions of Section 116 of the Act, a control order may not be issued for at least fifteen days. Any submissions should be made to the undersigned by May 27, 1986.

Dated at Toronto this 5th day of May,
1986.



G. Mierzynski, P. Eng.
Director
Central Region