



Canadian Environmental Law Association
L'Association canadienne du droit de l'environnement

243 Queen Street W., 4th Floor, Toronto, Ontario M5V 1Z4, telephone (416) 977-2410

March 12, 1986

The Honourable Bernard Grandmaitre
Minister of Municipal Affairs
777 Bay Street, 17th Floor
Toronto, Ontario
M5G 2E5

Dear Mr. Grandmaitre,

Re: Region of Halton Proposed Landfill Site

Further to our letter of March 5, 1986, we are requesting, on behalf of our clients the West Burlington Citizens Group, that you reject the Region of Halton's request that you deem the proposed landfill site (Site F) to be in conformity with the Parkway Belt West Plan for the following reasons:

1. Section 3.13 of the Parkway Belt West Plan sets out Objectives Primarily to the Goal of Linked Open Space Framework. It provides for preservation of prominent natural features such as river valleys and the Niagara Escarpment, and the protection of other features such as wooded areas, watercourses and other points of interest. It is our submission that the development of a landfill site at Site F conflicts with these objectives.
 - (a) The development of a landfill site at Site F will obstruct the view of the Niagara Escarpment. The prominence of the Niagara Escarpment is achieved through its being highly visible. Any development which reduces the visibility of the Niagara Escarpment will not preserve its prominence.
 - (b) The Biophysical Assessment undertaken by Bird and Hale Ltd. for the Region of Halton for the purposes of the upcoming environmental assessment found Site F to have:

"...the largest area of wooded lands, the largest number of biological community types, and the largest number of 'rare' and 'significant' plant species of any of the candidate landfill sites. There are various areas of forest areas and regenerating scrub and marsh communities..." (p. 3-13, Draft Technical Report No. 2, June, 1985).

In addition, according to Bird and Hale, Site F has the potential to meet criteria 5 and 6 of Halton's Environ-

mentally Sensitive Areas and perhaps meets criteria 1, 3 and 4 (p. 3-17). Criterion 1 pertains to "distinctive and unusual landforms," and refers to the erosional features of ridges and ravines which expose the Queenston shale. Criterion 3 pertains to the community of unusually high quality upland hardwood tree stands in the undisturbed areas of the site. Criterion 4 pertains to habitat with limited representation or a small remnant of particular habitats which have virtually disappeared. The more moderate climate found at Site F, because of its position between the Niagara Escarpment and Lake Ontario, permits more southerly species to persist in the Halton region. The upland hardwood stands and the rare plant species that occur on Site F may fulfill this criterion. Criterion 5 pertains to the unusually high diversity of biological community due to a variety of geomorphological features. A range of physical conditions ranging from low-land and wetlands to minor slopes with residual, clay soil to droughty ridge tops. A broad range of biological community types exist over a short distance as a result of the area's micro climate. Criterion 6 pertains to habitat for rare or endangered species. According to Bird and Hale, three provincially rare plants are found at Site F. Therefore, even according to the Region's consultants Site F would appear to conflict with the above-stated objective of the Parkway Belt West Plan.

2. Section 6.2.3(v) of the Parkway Belt West Plan provides that location and design of buildings and structures so be visually compatible with the existing natural landscape, maintaining to the maximum possible degree an uninterrupted sight line between Highway 403 and the Niagara Escarpment. A visual assessment study undertaken by Landplan Collaborative Ltd. for the Region of Halton found that it would be difficult to mitigate views from Burlington due to the prominent location of the landfill near the escarpment (p. 9-3 of Draft Technical Report No. 10, June, 1985).
3. Site F will not meet the criteria established under section 5.5.1(b) which is referenced in section 5.5.1(e) which deals with public uses. Specifically, Site F will not meet section 5.5.1(b)(ii) which permits a development on the condition that major natural features such as streams, valleys, tree stands, hedgerows and orchards are preserved. A landfill site on Site F will fail to preserve natural features, referred to above, namely a forested area, rare provincial vegetation, one permanent stream and it will impair the view of the Niagara Escarpment.

Furthermore, the general design parameters considered by the Region for Site F will not provide mitigation measures for the adverse impacts produced by the landfill:

- the 100 metre buffer area to establish visual and sound separation will not be provided as the Region has stated in

its letter to you dated February 28, 1986. Instead, as reported by the Region's consultants, buffers between Burlington and Bayview landfills would be eliminated and the buffer to the Hydro right-of-way would be reduced to 5 metres. The reduced buffer zones are required to meet the desired capacity for landfilling.

- landscaping of the buffer area will not minimize visual impacts as the Region proposes. The Region's own consultants found that it would be difficult to mitigate views from Burlington due to the prominent location of the landfill near the escarpment.

4. Site F conflicts with the Goal of the Parkway Belt West Plan outlined in section 2.3 - Land Reserve for Future Flexibility because it does not provide a land reserve for future linear facilities. The development of Site F reduces future flexibility for the possible expansion of Highway 403, future rapid transit lines and future expansion of the Mount Hope Transmission Line, or another linear facility whose nature, demand or land needs were not set out specifically at the date of approval of the Plan as required by sections 3.7 and 3.8 - Objectives Related Primarily to the Goal of Land Reserve for Future Flexibility.

In conclusion, for the above-noted reasons we would urge that you reject the request of the Region of Halton for a declaration under section 9(2) of the Ontario Planning and Development Act. We believe that an amendment is required in order to establish and operate a landfill at Site F. We would note that the hearing pursuant to the Parkway Belt Planning and Development Act could be heard in conjunction with the environmental assessment according to the provisions of the Consolidated Hearings Act, thus avoiding a multiplicity of hearings.

Thank you very much for considering the matters raised herein. We look forward to your response.

Yours very truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Toby Vigod
Toby Vigod
Counsel

/lg

cc: Z. Weing, Senior Planner