



Ontario

Ministry
of the
Environment

Ministère
de
l'Environnement

Toby
RECEIVED JAN 15 1987

135 St. Clair Avenue West
Suite 100
Toronto, Ontario
M4V 1P5

135 ouest, avenue St. Clair
Bureau 100
Toronto (Ontario)
M4V 1P5

323-4542
11th Floor

January 13, 1987

Ms Yvonne Lane
Acting Registrar
Joint Board
5th Floor
1 St. Clair Avenue West
Toronto, Ontario
M4V 1K6

Dear Ms Lane

RE: HALTON LANDFILL HEARING

We have received a copy of Ms Vigod's letter of December 24, 1986 respecting the scheduling of a preliminary hearing or meeting in this matter. We would like to put on record our disagreement with the legal conclusions expressed therein.

Clause 7(1)(a) of the Environmental Assessment Act (the E.A. Act) requires the Minister of the Environment to cause a review of an environmental assessment to be prepared. Clause 7(1)(b) requires that notice of the completion of the review be given and subsection 7(2) allows a thirty day period for written submissions and requirements for a hearing. Since the Minister or the Board must consider any written submissions in deciding whether to accept the environmental assessment, it follows that a hearing cannot be held until after the thirty day period expires.

The government review of the Halton environmental assessment was published in February 1986 and the period for making written submissions ended on April 11, 1986. Numerous submissions and hearing requests were received. In late November 1986 Halton submitted a formal response document to the Minister. Halton was not required to do so pursuant to an order under section 11 of the E.A. Act. The submission was both voluntary and extra-statutory.

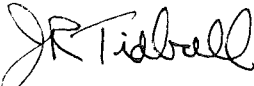
The response document has now been circulated to several government ministries and agencies by the review coordinator. It is his intention to prepare a supplementary review, which will update the review published in February 1986. Such a review is not the review mandated in clause 7(1)(a). No new notice of

completion will be given although the supplementary review will, of course, be a public document. There is no statutory bar to the holding of a preliminary hearing.

In any event, even if there were a problem with scheduling a public hearing, section 3 of O. Reg. 688/81 under the Consolidated Hearings Act allows a preliminary meeting to be held prior to the expiration of a public comment period. That section was drafted specifically to allow for such an event. In fact, at least one such preliminary meeting has been held prior to the expiration of a public comment period.

Beyond any legal questions, we cannot understand how the scheduling of such a preliminary hearing or meeting is prejudicial to any party. In the unlikely event that new members of the public will become interested in the proceedings as a result of the supplementary review, they should have ample opportunity to prepare for the commencement of evidence.

Yours truly



JOHN R. TIDBALL
Counsel
Legal Services Branch

cc: Ms Toby Vigod ✓
Mr. Douglas Hodgson
Mr. Michael McQuaid, Q.C.
Mr. David Estrin
Mr. Stephen Garrod