

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

February 23, 1988

The Honourable David Peterson
Legislative Building
Room 281
Queen's Park
Toronto, Ontario
M7A 1A1

Dear Mr. Peterson:

Re: Halton Landfill Intervenor Funding

We represent the West Burlington Citizens Group (WBCG), a ratepayers group which is presently appearing before the Joint Board dealing with the issue of the Region of Halton's proposed 20 year landfill.

Enclosed please find copies of correspondence dating from October 1987, which set out the background of our request for additional intervenor funding. We are requesting the very modest sum of \$15,000, which we believe is the minimum needed to enable the WBCG to continue to participate in the hearing. As of February 19, 1988, the Board has already sat over 90 days and it appears that the hearing will not be completed until sometime during the summer of this year. It would be fair to say that no one anticipated that the hearing would go on for this amount of time. Our clients continue to try to raise funds through garage sales and other community activities, but they are running out of funds. They are concerned that they may not have enough funds to enable them to call the experts the group has been planning to call in the presentation of its case. In the area of hydrogeology alone, which is the key issue in the hearing, our expert has had to attend many more days of hearing than initially anticipated in order to assist with cross-examination. If we do not receive additional intervenor funds now, we may not be in a position to call him or one of our other expert witnesses. This would make a mockery of public participation in the hearing process, as without technical witnesses, participation becomes virtually meaningless.

Due to the fact that our witness statements must be filed a month in advance of our case being put in, we need an answer regarding

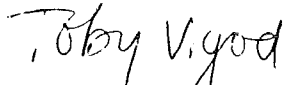
intervenor funding within the next few weeks. We cannot rely on the Board's power to award costs at the end of the hearing to retain experts now. However, clearly any award of costs would be applied to pay back any intervenor funding given by the government.

We would urge your immediate consideration of our request. Your government has consistently been on record supporting and recognizing the important role that the public has to play in environmental hearings. Without adequate funds, this participation becomes meaningless. Our clients have a long history of involvement in waste management issues in the Halton region, and believe that their contribution to the hearing is a valuable one.

Thank you very much for your attention to this matter.

Yours very truly,

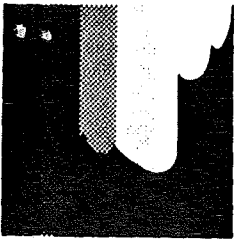
CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Toby Vigod
Counsel

TV:sf
encls.

c.c. The Honourable James Bradley
The Honourable Ian Scott
The Honourable Robert Nixon
Ms. Barbara Sullivan, M.P.P.



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

November 27, 1987

The Honourable James Bradley
Minister of the Environment
Ontario Ministry of the Environment
135 St. Clair Avenue West
15th Floor
Toronto, Ontario

Dear Mr. Bradley:

Re: Halton Landfill Intervenor Funding

On October 26, 1987, we wrote to the Honourable Ian Scott in relation to my client, the West Burlington Citizens' Group's need for additional funding for the Halton landfill hearing. A copy of this letter was sent to the Premier and your office (see attached). On November 20, 1987, we received a reply from Mr. Scott. He refers to the Minister of Energy as the Minister who would consider the request and bring it to Cabinet for consideration (see attached). In the case of intervenor funding for the Halton landfill hearing, it was your office that brought the initial request and in light of Mr. Scott's letter, we would request that you bring forward another request for additional funds at this time. We are also aware that the other citizen's group involved in the landfill hearing have also brought forward a request for additional funds through their counsel, Mr. Stephen Garrod.

We believe a realistic request at this time would be for an additional \$15,000 for each group. To date, both citizens' groups have only received \$15,000 each and in the case of my clients, this money will not be adequate to fund their expert witnesses in a hearing which has already gone on for more than 60 days.

We look forward to hearing from you shortly as to whether additional funds will be forthcoming.

Yours very truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Toby Vigod
Counsel

TV:sf



7039
RECEIVED NOV 20 1987

Office of the
Minister

Bureau
du Ministre

Ministry of
the Attorney
General

Ministère
du Procureur
général

18 King Street East
Toronto, Ontario
M5C 1C5

18 rue King, est
Toronto, Ontario
M5C 1C5

416/965-1664

November 10, 1987

Ms. Toby Vigod
Counsel
Canadian Environmental Law
Association
243 Queen Street West
4th Floor
TORONTO, Ontario
M5V 1Z4

Dear Ms. Vigod:

Thank you for your letter of October 26, 1987, with respect to the intervention of the West Burlington Citizens' Group in a hearing before the Joint Board.

I certainly appreciate the difficulty which your client is facing. As you note in your letter, I am currently discussing with my Cabinet colleagues the development of a mechanism for the provision of intervenor funding. It is with great regret that I must advise you that my Ministry is not able to be of any financial assistance to your client in this matter. As you know, the provision of any additional money for intervenors by the Ministry of Energy is a matter for that Ministry and for Cabinet to consider. However, should the Minister of Energy bring a request for additional funds before Cabinet, I would be pleased to consider the matter further at that time.

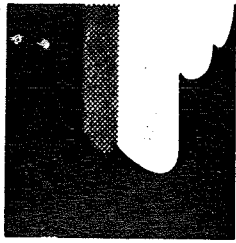
Thank you for taking the time to write me on this matter.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Ian Scott".

IAN SCOTT
Attorney General

cc: The Hon. David Peterson



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

October 26, 1987

The Honourable Ian G. Scott
Attorney General
18 King Street East
18th Floor
Toronto, Ontario
M5C 1C5

Dear Sir:

Re: Intervenor Funding, Halton Landfill Hearing

We represent the West Burlington Citizens Group (WBCG), a ratepayers association consisting of approximately 600 members living in the West Burlington area. The WBCG has been actively involved in waste disposal issues since the early 1980's. The group is presently appearing before a Joint Board dealing with the issue of the Region of Halton's proposed 20 year landfill. Our clients are opposing the establishment of a landfill at "Site F" in the City of Burlington for a number of environmental reasons.

Since as early as April 1986, when the WBCG made submissions in response to the Ministry of Environment's Review of the Environmental Assessment document, our clients have requested intervenor funding in what was even then anticipated to be a lengthy technical hearing. In February, 1987 we appeared before a funding panel of the Environmental Assessment Board and received a commitment from the panel for \$15,000.00 to assist the WBCG at the hearing. The Milton ratepayers who are also appearing as intervenors received the other \$15,000 available. It is our understanding that the ad hoc practice has been to make available \$30,000 for intervenors to appear at each joint Board hearing. In this case, we have the unique situation of a proponent applying for approval of one of two alternative sites which it says are both acceptable for landfilling. This has created a situation where two municipalities and two ratepayers groups are involved in opposing the creation of a landfill in their respective municipalities. However, in terms of funding, instead of \$30,000 being allocated for each intervenor group, there was only a total of \$30,000 available, which was ultimately divided evenly between the two groups.

Our clients have spent considerable time and effort towards raising funds for this hearing. They have raised over \$25,000 from the community through a series of fund raising events, including dances and garage sales. As well, they have received \$12,500 from the City of Burlington to assist them in their case. However, in light of the length of the hearing and the technical nature of the evidence, these funds are quickly becoming depleted. Specifically, the hearing commenced on May 5, 1987 and ran until June 26, 1987 when we adjourned due to the unfortunate fact that the Board Chairman had a heart attack. We resumed sitting on September 14th and it is now estimated that the hearing will not be completed until June 1988. The hearing sits 4 days a week. Our clients who decided early on that hydrogeology was the major issue of concern and who have retained an expert in that field have had him present to hear most of the Region's evidence on that issue. The Region's hydrogeologist was on the stand for over 20 days, a much longer period of time than was expected. As well, the Region then decided to call a hydrogeochemist on related matters, which again entailed our expert being present. We have found that our expert's presence is extremely important, both in terms of preparing cross-examination and in terms of hearing new information which has been elicited during the cross-examinations. Our problem is that after the Region closes its case, Milton will be filing and calling its own hydrogeological evidence which our expert has to review and should be in attendance for. At this point in time, we are facing a dilemma as to further commitments to our expert in this regard. In order for our clients to be properly represented they need expert assistance to deal with the highly technical evidence being dealt with in this hearing.

While we believe we have already made a contribution to this hearing and while we will be asking the Board to order costs to our clients at the end of this hearing, we have no guarantee that such an order will be made.

We are therefore asking that you reconsider the amount of intervenor funding granted in this case and urge your Cabinet colleagues to authorize an additional sum for intervenors. We believe the length of the hearing and the unique nature of the Region's application warrant a reconsideration at this time. This government has recognized the importance of citizen participation in environmental decision-making in this province and the fact that limited resources create a barrier to full and effective citizen participation. We understand that work on a intervenor funding policy is underway by the government. However, our situation requires immediate attention as we must plan for our expert's role in the next few months of hearing.

We would therefore appreciate your urgent consideration of this matter. In order to make further commitments to our experts we need to know as soon as possible whether additional funds will be forthcoming.

Thank you for your consideration of our request. We look forward to hearing from you shortly.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Toby Vigod

Toby Vigod
Counsel

TV/sf

c.c. The Hon. David Peterson ✓
The Hon. J. Bradley