CANADIAN INSTITUTE FOR ENVIRONMENTAL LAW AND POLICY

L'INSTITUT CANADIEN DU DROIT ET DE LA POLITIQUE DE L'ENVIRONNEMENT

Est. 1970

Brief to the Standing Committee on Resources Development Re: Bill 57: *An Act to Improve the Efficiency of the Environmental Approvals Process and Certain Other Matters*

CIELAP Brief 96/11

Prepared by:

Mark S. Winfield, Ph.D.
Director of Research

Canadian Institute for Environmental Law and Policy
October 23, 1996

517 College Street, Suite 400 • Toronto, Ontario • M6G 4A2 • Tel: (416) 923-3529 • Fax: (416) 923-5949
E-mail: cielap@web.net • Home Page: http://www.web.net/cielap

Table of Contents

I. INTRODUCTION 1

II. SPECIFIC COMMENTS RE: BILL 57 1

1. Proposed Addition of sections 175.1(a) and 175(1(b) to the *Environmental Protection Act* (EPA), and sections 76(a) and 76(b) to the *Ontario Water Resources Act* (OWRA). 1

2. The Proposed Bar on Civil Action in Relation to Exemptions Granted from the EPA (s.177.1) and OWRA (s.78) Approvals Process 3

3. The Proposed Designation of Municipalities has Directors for the Purposes of the EPA (s.176(6)(n)(iv)). 4

4. The "Deeming" of Certificates of Approval to Exist Under the EPA (s.176(h2)) and the OWRA (s.75(1)(t). 5

5. Imposition of Fees under the EPA (s 175.1(c)) and OWRA (s.76(c). . . . 6

6. Incorporation of Codes into Regulations (EPA s. 177(4 & 5), OWRA s.77(4&5). 7

7. Dissolution of Environmental Compensation Corporation 7

8. Dissolution of the Ontario Waste Management Corporation 8

III. CONCLUSIONS 11

ENDNOTES 12

Brief to the Standing Committee on Resources Development Re:
Bill 57: *An Act to Improve the Efficiency of the Environmental Approvals Process and Certain Other Matters*

I. INTRODUCTION

The Canadian Institute for Environmental Law and Policy (CIELAP) is pleased to have the opportunity to address the Standing Committee on Resources Development regarding Bill 57, *An Act to Improve the Efficiency of the Environmental Approvals Process and Certain Other Matters.*

The Canadian Institute for Environmental Law and Policy (CIELAP) is deeply concerned by the contents of this Bill, and cannot support it in principle. In the view of the Institute, the Bill proposes some of the most significant amendments to be made to the *Ontario Water Resources Act* (OWRA) and the *Environmental Protection Act* (EPA) since their enactment in 1956[1] and 1971, respectively. In this context, we are disappointed and concerned by the short time period which has been provided for presentations to the Standing Committee regarding this Bill, and the small number of witnesses who will be heard as a result.

Bill 57 requires careful study and consideration by the Standing Committee. The Bill raises a number of very serious legal and constitutional issues. The Bill proposes an extra-ordinary grant of authority to Lieutenant-Governor in Council over matters dealt with by EPA and OWRA. In addition, it would limit the rights of Ontarians to protect their persons and the enjoyment of their property from environmental harm as a result of government negligence, permit Certificates of Approval to be "deemed" to exist under the EPA and OWRA under certain circumstances, and allow municipalities to be designated as "Directors" for the purposes of the EPA. The Bill would also dissolve the Environmental Compensation Corporation and the Ontario Waste Management Corporation.

II. SPECIFIC COMMENTS RE: BILL 57

1. Proposed Addition of sections 175.1(a) and 175(1(b) to the *Environmental Protection Act* (EPA), and sections 76(a) and 76(b) to the *Ontario Water Resources Act* (OWRA).

The proposed section 175.1(a) of the EPA would permit the Lieutenant-Governor in Council to exempt "*any* person, licence holder, insurer, industry, contaminant, source of contaminant, motor vehicle , motor, waste, waste disposal site, waste management system, activity, area, location, matter, substance, sewage

system, product, material, beverage, packaging, container, discharge, spill, pollutant or thing from *any* provision of (the) Act or the regulations and prescribing conditions for the exemptions from (the) Act and the regulations."

The proposed section 175(b) of the EPA would permit the Lieutenant-Governor in Council to make regulations "prohibiting, regulating or controlling (including prescribing conditions for the prohibition, regulation or control) the making, use, sale, display, advertising, transfer, transportation, operation, maintenance, storage, recycling, disposal or discharge, or manner thereof, of any contaminant, source of contaminant, motor vehicle , motor, waste, waste disposal site, waste management system, activity, area, location, matter, substance, sewage system, product, material, beverage, packaging, container, discharge, spill, pollutant or thing."

The proposed section 76(a) of the OWRA would permit the Lieutenant-Governor in Council to make regulations exempting "*any* person, operator, licence holder, permit holder, licence, permit, activity, ares, location, substances, material, water works, water service, sewage works, sewage service, well, discharge or thing from *any* provision of (the) Act or the regulations and prescribing conditions for the exemptions from (the) Act and the regulations."

The proposed section 76(b) would permit the Lieutenant-Governor in Council to make regulations "prohibiting, regulating or controlling (including prescribing conditions for the prohibition, regulation or control)" of virtually all matters related to sewer and water services and works, the use of water "from any source of supply," and the location, spacing, use, cleaning, testing, disinfecting and decontaminating of wells and the materials and methods used in the construction and maintenance of wells.

These provisions would permit the Lieutenant-Governor in Council to exempt virtually any one or thing from the requirements of the EPA and the OWRA, and to make regulations prohibiting or controlling virtually any activity falling under the Acts. In effect, these provisions would allow the replacement of the Acts with whatever the cabinet chooses to put in place. The proposal raises serious issues related to appropriate delegation of authority by the Legislature to the cabinet.

In particular, the government's proposal contradicts the serious concerns raised and recommendations made by committees of the federal Parliament and of the provincial Legislature over the past fifteen years regarding the use of blanket enabling legislation. parliamentary and legislative committees have consistently recommended that Parliament and the Legislature seek to give policy direction through their legislation, rather than simply authorizing the executive to act on a given subject.[2]

These provisions are particularly troubling in light of the lack of clarity regarding how the authority which is sought through these proposed amendments to the EPA

and OWRA is to be used. It must be assumed that the government intends to use this authority to implement the proposals made in the July 1996 document entitled Responsive Environmental Protection. This may include the establishment of "standardized" (permit-by-rule) systems for some types of approvals, and complete exemptions for others. However, many of the proposals contained in the Responsive Environmental Protection document were so vague and imprecise that it was impossible to comment on them meaningfully.[3]

It is premature, in CIELAP's view, to be seeking legislative authority to implement proposals which have yet to be fully developed, and on which there has yet to be any meaningful public consultation or debate. Furthermore, the authority sought through Bill 57 would not, in any way, be limited to the implementation of the proposals contained in Responsive Environmental Protection. Rather, the provisions of Bill 57 would, in effect, provide the cabinet with *carte blanche* authority to replace the provisions of the EPA and OWRA Acts with whatever it wishes to put in place. This raises serious concerns regarding uncertainty in the decision-making process, and the fairness of what processes and decisions eventually emerge.

Furthermore, the proposed power to grant exemptions to "any person, licence holder, insurer, industry, etc." from the requirements of the EPA and the OWRA appears to revive the power of dispensation, declared illegal by (British) Parliament's 1689 *Bill of Rights*.[4] It would also permit the cabinet, for example, to exempt proponents from current statutory requirements under the EPA for public hearings prior to the approval, alteration, expansion or extension of a landfill serving more than 1,500 people or sites for the disposal of hazardous and liquid industrial wastes.[5]

The government was heavily criticized for replacing decision-making processes established by statute with blanket enabling provisions for the establishment of regulations by the Lieutenant-Governor in Council through the Bill 26 amendments to the *Public Lands Act*, *Lakes and Rivers Improvements Act*, and *Forest Fires Prevention Act*.[6] The Bill 26 amendments to these Acts only applied to specific provisions of the Acts. The amendments proposed in Bill 57 would apply to virtually the entire contents of the EPA and OWRA.

Recommendation:

1) *The proposed sections 175.1(a) and 175(1(b) to the (EPA), and sections 76(a) and 76(b) to the OWRA should be deleted from Bill 57.*

2. The Proposed Bar on Civil Action in Relation to Exemptions Granted from the EPA (s.177.1) and OWRA (s.78) Approvals Process

Under these proposed amendments to the EPA and the OWRA, no action could

be taken by a member of the public against the Crown for damages to their persons or their property arising as result of exemptions granted, through regulations, to requirements to obtain Certificates of Approval. CIELAP is surprised at these provisions of Bill 57. The government has placed a heavy emphasis on the protection of private property rights, particularly through the enactment of Bill 20, *The Land Use Planning and Protection Act*. It is now proposing amendments to the OWRA and the EPA which would have the effect of removing the common-law rights to Ontario residents to protect their persons and the enjoyment of their property from negligence or incompetence on the part of the provincial government.

Furthermore, in proposing these provisions, the government is effectively admitting to the likelihood of damage occurring to persons or their property as a result of the exemptions from the environmental approvals process which it is proposing to provide to proponents. Under such circumstances, it is essential for reasons of both fairness and accountability that members of the public not be stripped of their common-law rights. Individual members of the public should not have to bear the environmental and other costs of the government's mistakes.

Recommendation:

2) *The proposed bar on civil action in relation to exemptions granted from the EPA (s.177.1) and OWRA (s.78) approvals process should be deleted from Bill 57.*

3. The Proposed Designation of Municipalities has Directors for the Purposes of the EPA (s.176(6)(n)(iv)).

Under these proposals, municipalities could be designated as "Directors" for purposes of the Act. Responsive Environmental Protection suggests that this authority will be used to permit municipalities to grant approvals related to odour, noise and dust under the EPA. However, the potential scope of delegation provided by Bill 57 is not limited to these subjects in any way.

There are serious concerns regarding the capacity of municipalities to carry out the duties of Directors for the purposes of the Act, particularly in the context of the government's reductions in funding to municipalities in general. The proposal also raises the possibility of conflict of interest where a municipality is the proponent or sponsor of an undertaking requiring approval under the Act.

No provision appears to have been made to establish the qualifications or capacity of municipalities to act as Directors before such authority is granted to them, or to transfer resources to them so that they can carry out such duties. The proposed amendments to the EPA also make no requirements that municipalities report to the province or the public regarding any approvals which they might grant, or to provide

the public access to information in relation to such approvals. This raises serious questions of accountability for decision-making to both the Legislature and the public.

Recommendation:

3) *The proposal to permit the designation of municipalities has Directors for the purposes of the EPA (s.176(6)(n)(iv)) should be deleted from Bill 57.*

4) *In the alternative, the designation of municipalities as Directors for the purposes of the EPA should be limited to specific topics, and be accompanied by requirements that annual reports be made by the Ministry of Environment and Energy to the Legislature regarding any decisions made or actions taken by municipalities acting as Directors.*

4. The "Deeming" of Certificates of Approval to Exist Under the EPA (s.176(h2)) and the OWRA (s.75(1)(t).

These proposed amendments would permit the cabinet to "deem" a Certificate of Approval to exist for the purposes of the EPA and the OWRA. Presumably, the government intends to use this "deeming" power in conjunction with the as yet undefined "standardized approval" system proposed in Responsive Environmental Protection. However, the Bill 57 provisions are in no way limited to such applications. The Bill would permit the "deeming" of a Certificate of Approval to exist under any circumstances what so ever. This must raise serious questions about the potential for arbitrary and unfair decision-making processes.

Furthermore, serious problems have been identified with the legal and policy implications of "deeming" Certificates of Approval to exist under "permit by rule" systems. It must be remembered that the granting of a Certificate of Approval provides "statutory authorization" to the proponent. This provides an effective bar against common law actions directed at the proponent by occupiers and owners of neighbouring or downstream lands which may be harmed by the proponent's operations covered by the authorization.[7] These common law rights of the owners and occupiers of lands potentially affected by industrial and other activities should not be removed unless there is adequate provincial oversight of the approval and operation of facilities to ensure that they do not cause damage to the environment, property or human life.

In fact, the provision of such oversight was an essential component of the framework established by the province through the introduction of provincial legislation, beginning with the *Ontario Water Resources Commission Act* in 1956, to provide "statutory authorization" for industrial and municipal activities which may harm the environment.[8] In effect, the province is now proposing to reverse this

arrangement, by both removing provincial oversight of the granting of approvals and, at the same time, limiting the common-law rights of Ontarians to protect their persons and property from harm, through the deeming of those approvals to exist.

In addition, concerns have been expressed regarding the need for compliance monitoring once facilities have been approved under a permit by rule system. This is of particular concern given the staffing reductions being experienced by the Ministry.[9] Furthermore, it has been argued that the lack of a formal Certificate of Approval may make enforcement actions by MoEE difficult.[10] There are also concerns that a standardized approval process will be insensitive to site-specific aspects of undertakings. Finally, it is unclear whether standardized approvals would be subject to the EBR requirements for public notice and comment periods prior to the "deeming" of Certificates of Approval to exist.

Recommendation:

5) The proposal to permit the "deeming" of Certificates of Approval to exist under the EPA (S.176(h2)) and the OWRA (S.75(1)(t) should be deleted from Bill 57.

5. Imposition of Fees under the EPA (s 175.1(c)) and OWRA (s.76(c).

These provisions would permit the Ministry to charge fees for a wide range of activities and services under the EPA and OWRA. In principle, CIELAP supports the Ministry's efforts to establish a cost recovery system for its approvals program. However, the Bill should make provision to the retention of any fees recovered by the Ministry, rather than their assignment to the Consolidated Revenue Fund. This would be consistent with the government's approach under other legislation,[11] and that of other Canadian jurisdictions.[12]

CIELAP is also seriously concerned by the provisions of Bill 57 which would permit the Ministry, and municipalities, or persons acting on behalf of the Ministry who supply "information, services, copies of documents, maps, plans, recordings or drawings" to charge fees for the delivery of these services or materials. This provision raises the possibility that members of the public may be charged fees, over and above those which are already provided for under the *Freedom of Information and Protection of Privacy Act* for access to documents and materials. This could seriously constrain the ability of members of the public to participate in environmental decision-making processes, or to hold the Ministry to account for its actions, by impeding full and timely access to the relevant documentation.

Recommendation:

6) *Bill 57 should be amended to limit the MoEE's ability to charges to situations in which professional services or advice are provided by MoEE staff to persons holding for or applying for Certificates of Approval.*

6. Incorporation of Codes into Regulations (EPA s. 177(4 & 5), OWRA s.77(4&5).

These provisions would permit adoption by reference, in whole or in part, of codes, formulas, standards, protocols and procedures developed by third party organizations, into regulations and to require compliance with such codes.

This proposal raises a number of serious concerns, particularly with respect to processes whereby such codes might be developed by third parties. Participation in these processes is typically limited to members of the affected industries, and they are subject to none of the public accountability mechanisms associated with the developments of policies and standards by governments.

There are also serious concerns regarding the accessibility of such materials to members of the public, once incorporated into regulation. It is often difficult and expensive for members of the public to gain access to documents such as industry codes of practice, and Canadian Standards Association standards.

Recommendation:

7) *Bill 57 should be amended to require that any materials to be incorporated into a regulation be made as available to the public as draft regulatory texts when notice is posted on the EBR registry of proposed regulations, including considerations of accessibility and cost.*

8) *Bill 57 should be amended to require that materials incorporated into regulation should be required to be published in the Ontario Gazette with the regulation, or be made available by the regulatory authority, free of charge, to any person likely to be affected by the regulation.*

7. Dissolution of Environmental Compensation Corporation

Bill 57 would amend the EPA to dissolve the Environmental Compensation Corporation, established by the 1979 "spills Bill,"[13] and transfer its assets to the Crown. The rationale for the dissolution of the Corporation is unclear. The Corporation has a full-time staff of two, and had a total budget of $237,200 for 1994-95.[14]

The Corporation's primary activities have been to adjudicate compensation claims from spill victims, and to exercise subrogation rights and recover any paid-out funds from persons responsible for spills. The Corporation has also played a major role in assisting members of the public in understanding their rights and responsibilities in the context of spills, and assisting them in obtaining compensation settlements from their own insurers or directly from those responsible for spills.

The compensation payments made by the Corporation have largely been in relation to clean-up costs incurred by persons who have acted to contain or clean-up spills. This is an important role, since it ensures that innocent persons who take steps to contain or clean-up spills are not left bearing the costs of such action. These payments have been an important tool for facilitating prompt spill clean-ups, as persons undertaking such work are reimbursed relatively quickly by the Corporation, which, in turn, pursues the person responsible for the spill.[15]

The Corporation has played a similar role ensuring that spill victims are compensated quickly, and then pursuing the persons responsible for the spill. Presumably, under the proposed amendments, victims of spills, or innocent individuals who take action to contain or clean-up spills would have to initiate their own action against the responsible party in order to obtain compensation. This is likely to be a costly and time-consuming undertaking. Furthermore, if the responsible party is bankrupt, or has no assets, its seems unlikely that such innocent parties will receive any compensation.

Recommendation:

9) The Provisions of Bill 57 dissolving the Environmental Compensation Corporation should be deleted from the Bill.

8. Dissolution of the Ontario Waste Management Corporation

Bill 57 would repeal the *Ontario Waste Management Corporation Act* and dissolve the OWMC. CIELAP has no objections to these provisions *per se*, however, the Institute remains concerned about the continuing problem of hazardous waste generation and disposal in Ontario.

The management of hazardous industrial wastes became a major environmental issue in the province of Ontario in the late 1970's. At that time, evidence emerged of widespread on and off-site disposal practices which posed serious threats to human health and safety and to the environment. These concerns were reinforced by reports of toxic contamination at the Love Canal site in New York State during the spring of 1977.[16]

The growing concern within the Legislature and among the public led the government of Ontario to announce the creation of the Ontario Waste Management Corporation (OWMC) to construct a comprehensive hazardous waste treatment and disposal facility for the province in December 1980.[17] However, the exemption of the OWMC from the requirements of the *Environmental Assessment Act* prompted widespread criticism and concern.[18] In November 1981, the OWMC rejected the site originally chosen for its facility in South Cayuga on technical grounds. The Corporation then embarked on a province-wide search for a more suitable location for its treatment and disposal plant.

In the meantime, in June 1983 the provincial government released a "Blueprint for Waste Management in Ontario," which emphasized hazardous waste reduction, reuse and recycling. However, despite the appearance of the "Blueprint," no new regulatory requirements related to hazardous waste treatment and disposal were established prior to the end of Progressive Conservative government in May 1985.

In July 1985, the new government of Premier David Peterson revoked the OWMC's exemption from the *Environmental Assessment Act*. In addition, a hazardous waste generator registration system was established, and the "waybilling" system for tracking movements of hazardous wastes, first set up in 1976, was expanded to include all shipments of hazardous wastes within the province.[19]

In November 1994 the Joint Board of the Environmental Assessment Board and the Ontario Municipal Board hearing the OWMC case released its decision regarding the Corporation's proposed hazardous waste treatment and disposal facility.[20] The Board rejected the OWMC's proposal, largely on grounds related to the choice of a secure landfill as a final disposal option for treated chloride wastes. The OWMC subsequently appealed the Board's decision to the provincial cabinet. The cabinet rejected the appeal in February 1995.

During the later stages of the OWMC environmental assessment, representatives of the hazardous waste management industry argued that the problem of hazardous waste treatment and disposal was "solved," and that the OWMC's facility, or further regulatory action by government, were unnecessary.[21] However, several other sources, including the Joint Board's OWMC decision, indicate that significant problems related to hazardous waste management in the province still exist.

Ontario continues to generate between four and five million tonnes of liquid industrial and hazardous wastes (as defined by the Ministry of Environment and Energy) each year.[22] Furthermore, in its decision, the Joint Board accepted an estimate that hazardous waste generation in the province would grow by 3% per year.[23] In addition, Ministry of Environment and Energy hazardous waste generator registry data appears to indicate an upwards trend in the amounts of wastes being shipped off-site

for treatment and disposal.[24] This includes wastes sent to landfill, incineration, sewage treatment plants, processing stations and reclaimers, sprayed on dirt roads, and exported to other jurisdictions. The export of wastes to other jurisdictions for treatment and disposal, in particular, appears to have increased significantly since 1986.[25]

In addition, 1993 data from the Canadian National Pollutants Release Inventory (NPRI) and 1992 data from the United States Toxic Release Inventory (TRI), indicate that transfers of NPRI and TRI substances off-site to municipal sewage treatment plants, energy recovery, and treatment and disposal are comparable to facility releases to the air, water, land and injection wells.[26] The 1993 NPRI data also indicated that 115,000 tonnes of NPRI substances were shipped off-site for recycling, reuse or recovery, accounting for approximately 25% of all releases and transfers reported in Canada.[27]

Wastes shipped off-site for disposal in landfills, incinerators and sewage treatment plants are especially problematic. These disposal practices are associated with major environmental impacts, such as surface and ground water contamination, toxic stack emissions, the generation of bottom and fly ash which is categorized as hazardous waste, the creation of contaminated sewage sludges, and the discharge of improperly treated hazardous wastes from sewage treatment plants into lakes and rivers. Wastes disposed on-site through incineration or landfill may also have significant long-term environmental effects.

The question of the province's approach to the management of hazardous wastes which are not directly discharged to air or water has not been the subject of a detailed independent review and assessment since CIELAP's work on the issue in the late 1980's.[28] It is apparent from the OWMC environmental assessment, NPRI and Ministry of Environment and Energy data that significant environmental problems continue to exist in this area, and that they may, in fact, be growing. The need for further attention to be given the to province's oversight of hazardous waste management was reinforced by the Provincial Auditor's report of October 15, 1996.[29]

Given these considerations, it seems an appropriate time for a thorough review and assessment of the current situation in Ontario with respect to hazardous waste management. Such a review should seek to provide a detailed overview of the current practices and trends in on and off-site hazardous waste management, review the adequacy of the existing regulatory and policy framework, and assess Ontario's situation in comparison to similar jurisdictions, particularly in the Great Lakes region.

ENDNOTES

1.The *Ontario Water Resources Act* was first enacted in 1956 as the *Ontario Water Resources Commission Act*. The Act was renamed through the *Government Reorganization Act* of 1972.

2.See, for example: House of Commons and Senate Standing Joint Committee on Regulations and Other Statutory Instruments Fourth Report (Ottawa: House of Commons, 1980); Standing Committee on Finance Regulations and Competitiveness (Ottawa: House of Commons, 1993); and Standing Committee on Regulations and Private Bills, Second Report (Toronto: Legislative Assembly of Ontario, 1988).

3.See general, M.Winfield and G.Jenish, Comments on Responsive Environmental Protection (Toronto: Canadian Institute for Environmental Law and Policy, October 1996).

4.See the power of executive dispensation see Secretariat, Report on Bill C-62 (Ottawa: Standing Joint Committee for the Scrutiny of Regulations, February 1995).

5.*Environmental Protection Act*, R.S.O., 1990, Section 30.

6.See M.Winfield and G.Jenish, Brief to the Standing Committee on General Government Regarding Bill 26 *The Savings and Restructuring Act*, 1995 (Toronto: Canadian Institute for Environmental Law and Policy, 1995). See also R.Vipond, "Mike Harris: Imperial Premier," The Globe and Mail, December 11, 1995.

7.On the issue of statutory authorization, see D.P. Emond, "Environmental Law and Policy: A Retrospective Examination of the Canadian Experience," in I. Bernier and A. Lajoie, Consumer Protection, Environmental Law and Corporate Power (Toronto: University of Toronto Press, 1985), pp. 116-117.

8.See D.Estrin and J.Swaigen, Environment on Trial: A Handbook of Ontario Environmental Law (Toronto: Canadian Environmental Law Research Foundation, 1978), pp.150-152.

9.See M.Winfield and G.Jenish, The Common Sense Revolution and Ontario's Environment: A First Year Report (Toronto: Canadian Institute for Environmental Law and Policy, June 1996).

10.For a general critique of the use of permit by rule systems in waste management see M.Winfield et.al., Looking Back and Look Ahead: Municipal Solid Waste Management in Ontario from the 1983 Blueprint to 50% Diversion in 2000: Conference Background Paper (Toronto: Canadian Institute for Environmental Law and Policy, December 1992), pp.16-17.

11.See, for example, Bill 36, the *Natural Resources Statute Law Amendment Act* amendments to the *Provincial Parks Act* and the Bill 26 amendments to the *Game and Fish Act*.

12.See, for example, the *Environmental Protection and Enhancement Act*, section 28(2).

13.On the History of the "Spills Bill," see M.Winfield, The Ultimate Horizontal Issue: Environmental Politics and Policy in Ontario and Alberta 1971-1992 (Toronto: Ph.D. Thesis, Department of Political Science, University of Toronto, 1992), Chapters III & IV.

14.Environmental Compensation Corporation, Annual Report 1994-95.

15.See R.Lindgren, Submission by the Canadian Environmental Law Association to the Ministry of Environment and Energy Regarding the Environmental Approvals Improvement Act (Bill 57) (Toronto: Canadian Environmental Law Association, July 1996).

16.For a detailed discussion of these events see, for example, J.Jackson, Chemical Nightmare: The Unnecessary Legacy of Toxic Wastes (Toronto: Between the Lines, 1982). See also M.S. Winfield, The Ultimate Horizontal Issue: Environmental Politics and Policy in Ontario and Alberta 1971-1992 (Toronto: Ph.D. Thesis, Department of Political Science, University of Toronto, 1992), esp. Ch.III.

17.Ibid.

18.See, for example, "Protection of Ontario Environmental Assessment Board dumped in South Cayuga Case," (editorial) The Globe and Mail December 8, 1980.

19.For an overview of these events, see, P.Pickfield and D. Macdonald, From Pollution Prevention to Hazardous Waste Reduction: Towards A Comprehensive Hazardous Waste Management Strategy for Ontario (Toronto: Canadian Institute for Environmental Law and Policy, March 1989).

20.The Joint Board, "Ontario Waste Management Corporation Application: Reasons for Decision and Decision," November 23, 1994.

21.See, for example, Szudy, "A reply from the private sector," and G.Crittenden, "Labouring 13 years to produce a white elephant," The Globe and Mail, January 14, 1994.

22.Total registered quantities:

1986:	3,336,106
1987:	4,734,119
1988:	5,563,724

1989: 5,589,018
1990: 4,222,757
1991: 4,817,844

23.Joint Board, "Ontario Waste Management Corporation Application: Reasons for Decision and Decision," pp. 3-51 - 3-52.

24.Registered off-site quantities:
1988: 2,786,938
1989: 2,855,005
1990: 3,200,277
1991: 3,287,971.

25.Joint Board, "OWMC Application: Reasons for Decision and Decision," p.3-7.

26.Industrial Releases within the Great Lakes Basin: An Evaluation of NPRI and TRI Data (Toronto: Environment Canada, Environmental Protection Service, Ontario Region, November 1995), Tables 3 and 6. (Total releases, top ten sectors: 158,210.61 tonnes/Total Transfers, top ten sectors, 133,971.52 tonnes)

27.Personal communication, John Jackson, Ontario Toxic Waste Research Coalition, June 1996.

28.See Ontario Hazardous Waste Policy: A Provincial Forum/Proceedings and Discussion Paper (Toronto: Canadian Environmental Law Research Foundation, March 1987); Ontario Hazardous Waste Management Forum: Proceedings and Background Papers (Toronto: Canadian Environmental Law Research Foundation, October 1987); and D.Macdonald and P.Pickfield, From Pollution Prevention to Hazardous Waste Reduction: Towards a Comprehensive Hazardous Waste Strategy for Ontario (Toronto: Canadian Institute for Environmental Law and Policy, March 1989).

29.Office of the Provincial Auditor, 1996 Annual Report (Toronto: Queen's Printer for Ontario, 1996), pp. 119-121.