

DRAFT

CONTROL ORDER

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

ATTENTION: Ms. Helen MacRae, MPA  
City Clerk

AND TO: National Sewer Pipe Limited  
1650 Lakeshore Road West  
Mississauga, Ontario  
L5J 1J3

ATTENTION: Mr. Ryland J. New

The Report of James S. Dulny, Provincial Officer, made under Section 126 of the Environmental Protection Act (the "Act"), respecting the Bayview Park landfill site (the "site") was filed with the Ministry on . The Report contains findings that contaminants discharged from the site into the natural environment contravene Section 13 of the Act.

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 and surface discharge of contaminated leachate originates from that property. The Corporation of the City of Burlington and National Sewer Pipe Limited are therefore both persons responsible for the discharge of contaminants into the natural environment.

Hand out  
at mtg 5/Nov 5/85

Letter to MPA  
by Nov 19/85  
portion subject to  
adequate amount to access

Therefore, pursuant to the power vested in me by Section 113 of the Environmental Protection Act, I HEREBY ORDER YOU TO DO THE FOLLOWING:

1. Immediately take all necessary steps to stop the discharge of contaminated waters from the site in a manner which will be effective until the implementation of a long-term solution.
2. By February 28, 1986, submit detailed plans to the Director of Central Region (the "Director"), for a collection system designed to capture all contaminated waters discharging from the site to surface waters. The submission shall include an evaluation of the treatability of the contaminated waters and any required applications under section 24 of the Ontario Water Resources Act.
3. Within 90 days of the Director's approval of the detailed plans submitted pursuant to paragraph 2 above and the issuance of any approvals under section 24 of the Ontario Water Resources Act, have the collection system installed and in operation at the site such that the discharge of contaminated waters into the natural environment is permanently stopped.
4. By February 28, 1986, submit detailed plans to the Director for improving the surface drainage and the cover at the site. The plans shall be designed to reduce infiltration and prevent erosion.
5. Within 90 days of the Director's approval of the detailed plans submitted pursuant to paragraph 4 above, implement the approved improvements.
6. By November 30, 1985, submit to the Director a comprehensive monitoring program for methane gas, surface water and groundwater (on-site or off-site) potentially affected by the site. The monitoring program shall be implemented

immediately following the Director's approval of the program.

I have ordered 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. The Creek flows through residential areas and a park facility within the City of Burlington.
2. The problem of leachate discharge 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. To date, neither the City of Burlington nor National Sewer Pipe Limited have taken any action to correct the problem.
3. The reason for paragraph 1 is that action is needed immediately to stop the egress of contaminants from the Bayview site. The requirements of paragraph 1 do not prohibit phased actions (solutions) from being utilized. Such actions might include, as a short term response, excavating and plugging the areas of seepage. This type of solution can be implemented almost immediately. The design of one such acceptable short-term action has already been reviewed and approved by the Ministry.
4. Beyond any short term solution, a long term solution is required for the discharge of leachate from the Bayview site. A landfill facility proposed for the National Sewer Pipe property could include provision for collecting

leachate from Bayview. However, if such a facility is approved, it would not be operational and collecting leachate for several years. Also, 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 in paragraphs 2 and 3.

5. There are areas on the Bayview site where cover is inadequate or has been eroded and is in need of repair. Improvements to the cover would reduce infiltration into the site and therefore reduce the amount of leachate generated. Improvements to surface drainage on the site would prevent erosion of the cover.

Under Section 122 of the Environmental Protection Act, you may, by written notice served upon the Director and the Environmental Appeal Board within fifteen (15) days after service of this Control Order, require a hearing by the Board.

Notice requiring a hearing by the Environmental Appeal Board must be served upon:

The Secretary  
Environmental Appeal Board  
1 St. Clair Avenue West  
Toronto, Ontario  
M4V 1K7

- and -

Mr. G. Mierzynski  
Director  
Central Region  
Ministry of the Environment  
7 Overlea Boulevard  
Toronto, Ontario  
M4H 1A8

DATED at Toronto this  
day of  
, 1985.

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G. MIERZYNSKI  
DIRECTOR