

CANADIAN INSTITUTE FOR ENVIRONMENTAL LAW AND POLICY

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

Est. 1970

June 27, 2000

CIELAP Shelf:

Canadian Institute for Environmental Law and Policy;
Winfield, Mark S.; Mitchell, Anne

Comments on EBR Registry Posting RA00E0013

RN 27346

Ariane Heisey,
Project Officer
Environmental Assessment and Approvals Branch
Ontario Ministry of the Environment
Suite 12A
2 st. Clair Ave. W.
Toronto, Ontario
M4V 1L5

Re: EBR Registry Posting RA00E0013

Dear Ms. Heisey,

I am writing to you regarding the proposed regulation designating the proposed Bennett Environmental Inc. Hazardous Waste Treatment facility in Kirkland Lake, Ontario, for review under the Environmental Assessment Act.

Consistent with the Institute's February 1998 recommendations presented in *Hazardous Waste Management in Ontario: A Report and Recommendations*, and the Institute's December 1999 Request for Review under section 61 the *Environmental Bill of Rights* (99EBR005.R), we recommend that the proposed undertaking be designated for review under the *Environmental Assessment Act*, and that the terms of reference for the review include the following elements

- i) A description of the purpose of the undertaking;
- ii) a description of and a statement of the rationale for;
 - a) the undertaking, including the market for the services which it will offer;
 - b) the alternative methods of carrying out the undertaking of destroying or disposing of hazardous, PCB or other 'subject' wastes; and
 - c) alternatives to the undertaking for the destruction or disposal of hazardous, PCB or other 'subject' wastes.
- iii) an evaluation of the advantages and disadvantages to the environment of the undertaking, the alternative methods of carrying out the undertaking,

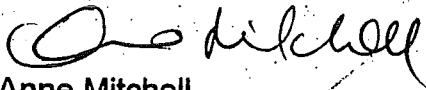


and the alternatives to the undertaking.

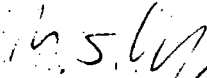
We further recommend that the proposed undertaking be subject to a public hearing before the Environmental Assessment Board regarding these matters, prior to its approval, and that intervenor funding be provided to *bona fide* public interest intervenors in the process.

Please feel free to contact Dr. Winfield should you have any questions regarding our comments in this regard.

Yours sincerely,



Anne Mitchell
Executive Director



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