

**SUPREME COURT OF ONTARIO
(Divisional Court)**

BETWEEN:

NSP INVESTMENTS LIMITED

Applicant

-and-

THE JOINT BOARD (ESTABLISHED UNDER SECTION 4 OF THE CONSOLIDATED HEARINGS ACT, 1981, S.O. 1981, c. 20, AS AMENDED), THE REGIONAL MUNICIPALITY OF HALTON, THE CORPORATION OF THE TOWN OF MILTON, THE CORPORATION OF THE CITY OF BURLINGTON, THE WEST BURLINGTON CITIZENS' GROUP, THE MILTON AREA CITIZENS' COALITION, THE HALTON FEDERATION OF AGRICULTURE, WATKIN AND DOREEN MARTIN, WALTER TOMOSKY, THOMAS AND MARY-JEAN MARTIN, MICHAEL AND CYNTHIA REED, AND THE HONOURABLE JAMES BRADLEY, IN HIS CAPACITY AS THE MINISTER OF THE ENVIRONMENT

Respondents

MOTION RECORD

FASKEN & CALVIN
Barristers & Solicitors
P.O. Box 30
Toronto-Dominion Bank Tower
TORONTO, Ontario
M5K 1C1

Eleanore A. Cronk
Leonard J. Griffiths
(416) 366-8381

Solicitors for the Applicant
NSP Investments Limited

**SUPREME COURT OF ONTARIO
(Divisional Court)**

B E T W E E N:

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Applicant

-and-

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Respondents

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**SUPREME COURT OF ONTARIO
(DIVISIONAL COURT)**

BETWEEN:

NSP INVESTMENTS LIMITED

Applicant

-and-

**THE JOINT BOARD (ESTABLISHED UNDER
SECTION 4 OF THE CONSOLIDATED HEARINGS
ACT, 1981, S.O. 1981, c. 20, AS AMENDED), THE
REGIONAL MUNICIPALITY OF HALTON, THE
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WATKIN AND DOREEN MARTIN, WALTER
TOMOSKY, THOMAS AND MARY-JEAN
MARTIN, MICHAEL AND CYNTHIA REED, AND
THE HONOURABLE JAMES BRADLEY, IN HIS
CAPACITY AS THE MINISTER OF THE
ENVIRONMENT**

Respondents

**Application under the Judicial Review
Procedure Act, R.S.O. 1980, c. 224,
Subsections 2(1), 2(3) and 2(4) and
Rule 68 of the Rules of Civil Procedure**

NOTICE OF MOTION

**THE Applicant NSP Investments Limited will make a motion on
Monday the 21st day of August, 1989 at 10:30 in the forenoon, or as soon after that
time as the motion can be heard, at Osgoode Hall, 130 Queen Street West, Toronto,
Ontario.**

- 2 -

THE MOTION IS FOR an order for directions with respect to the content of the Record to be filed by the Joint Board with the Registrar pursuant to section 10 of the *Judicial Review Procedure Act*, R.S.O. 1980, c.224 for the purposes of this Application.

THE GROUNDS FOR THE MOTION ARE that the hearing which gave rise to this Application lasted for 175 days and resulted in 962 exhibits and 194 volumes of transcribed evidence, and it is important that a Record be compiled by the Joint Board which only contains transcripts and exhibits which are necessary for this Application. The Applicant relies on rules 37 and 68.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. The Affidavit of Paul N. Richardson sworn on August 16, 1989 and the exhibits attached thereto.

August 16, 1989

FASKEN & CALVIN
Barristers and Solicitors
P.O. Box 30
Toronto-Dominion Bank Tower
Toronto-Dominion Centre
TORONTO, Ontario
M5K 1C1

Eleanore A. Cronk
Leonard J. Griffiths

(416) 366-8381

Solicitors for the Applicant
NSP Investments Limited

TO: The Joint Board

Office of Consolidated Hearings
2300 Yonge Street
P.O. Box 2382
Suite 1201
TORONTO, Ontario
M4P 1E4

- AND TO: The Regional Municipality of Halton
c/o T. R. Lederer and N. D. Hodgson
Messrs. Osler, Hoskin & Harcourt
Barristers and Solicitors
P.O. Box 50
First Canadian Place
TORONTO, Ontario
M5X 1B8
- AND TO: The Corporation of the City of Burlington
c/o M. J. McQuaid, Q.C.
Messrs. Weir & Foulds
Barristers and Solicitors
Suite 1600
Exchange Tower
Box 480
2 First Canadian Place
TORONTO, Ontario
M5X 1J5
- AND TO: The Corporation of the Town of Milton
c/o F. E. Leitch
Messrs. O'Connor, Leitch, Hays,
Gangbar & Sheridan
Barristers and Solicitors
300 Hopedale Mall
Third Line & Rebecca Street
OAKVILLE, Ontario
L6L 5G8
- AND TO: The West Burlington Citizens' Group
c/o Toby Vigod
Canadian Environmental Law Association
243 Queen Street West
4th floor
TORONTO, Ontario
M5V 1Z4
- AND TO: The Milton Area Citizens' Coalition,

The Halton Federation of Agriculture,
Watkin and Doreen Martin,
Walter Tomosky,
Thomas and Mary-Jean Martin,
Michael and Cynthia Reed,
c/o S. Garrod
Barrister and Solicitor
337 Woolwich Street
GUELPH, Ontario
N1H 3W4

AND TO: The Honourable James Bradley,
In His Capacity as the
Minister of the Environment
c/o Ms Bonnie J. Wein
Director of Legal Services
Ministry of the Environment
11th floor
135 St. Clair Avenue West
TORONTO, Ontario
M4V 1P5

AND FURTHER, TO:

The Attorney General of Ontario
c/o Thomas Marshall, Q.C.
Director
Crown Law Office - Civil
8th floor
720 Bay Street
TORONTO, Ontario
M5G 2K1

AND FURTHER, TO:

Azova Investments Limited
c/o Robert Fishlock
Messrs. Blake, Cassels & Graydon
Barristers and Solicitors
Box 25
Commerce Court West
TORONTO, Ontario
M5L 1A9

- 5 -

AND FURTHER, TO:

The Honourable Lyn McLeod
Minister of Natural Resources
c/o Ms. C.E. Mansfield
Room 6420, Whitney Block
Queen's Park
TORONTO, Ontario
M7A 1W3

AND FURTHER, TO:

Cumis Limited
P.O. Box 5065
151 North Service Road
BURLINGTON, Ontario
L7R 4C2

AND FURTHER, TO:

The Halton Region Conservation Authority
c/o J. H. Olah
Messrs. Beard, Winter
Barristers and Solicitors
9th floor
150 King Street West
TORONTO, Ontario
M5H 2K4

NSP INVESTMENTS LIMITED

- and -

THE JOINT BOARD
(UNDER THE *CONSOLIDATED HEARINGS ACT*)

Applicant

Respondent

Court File No. 661/89

SUPREME COURT OF ONTARIO
(Divisional Court)

Proceedings commenced at Toronto

NOTICE OF MOTION

FASKEN & CALVIN
Barristers & Solicitors
P.O. Box 30
Toronto Dominion Bank Tower
Toronto-Dominion Centre
Toronto, Ontario
M5K 1C1

Eleanore A. Cronk
Leonard J. Griffiths

(416) 366-8381

Solicitors for the Applicant

6

**SUPREME COURT OF ONTARIO
(DIVISIONAL COURT)**

B E T W E E N:

NSP INVESTMENTS LIMITED

Applicant

-and-

THE JOINT BOARD (ESTABLISHED UNDER SECTION 4 OF THE CONSOLIDATED HEARINGS ACT, 1981, S.O. 1981, c. 20, AS AMENDED), THE REGIONAL MUNICIPALITY OF HALTON, THE CORPORATION OF THE TOWN OF MILTON, THE CORPORATION OF THE CITY OF BURLINGTON, THE WEST BURLINGTON CITIZENS' GROUP, THE MILTON AREA CITIZENS' COALITION, THE HALTON FEDERATION OF AGRICULTURE, WATKIN AND DOREEN MARTIN, WALTER TOMOSKY, THOMAS AND MARY-JEAN MARTIN, MICHAEL AND CYNTHIA REED, AND THE HONOURABLE JAMES BRADLEY, IN HIS CAPACITY AS THE MINISTER OF THE ENVIRONMENT

Respondents

**Application under the Judicial Review
Procedure Act, R.S.O. 1980, c. 224,
Subsections 2(1), 2(3) and 2(4) and
Rule 68 of the Rules of Civil Procedure**

**AFFIDAVIT OF PAUL N. RICHARDSON
Sworn on August 16, 1989**

**I, PAUL N. RICHARDSON, of the City of Toronto in the
Municipality of Metropolitan Toronto, MAKE OATH AND SAY:**

1. I am a student-at-law with Messrs. Fasken & Calvin, solicitors for the Applicant NSP Investments Limited, and as such have knowledge of the matters to which deposition is hereinafter made.
2. Attached and marked hereto as Exhibit "A" to this Affidavit is a copy of a letter from Fasken & Calvin to the Hearings Registrar of the Office of Consolidated Hearings and to Mr. Thomas Marshall, Director of the Crown Law Office - Civil, dated June 30, 1989 which letter indicated that an effort would be made to obtain an agreement among counsel with respect to the transcripts and exhibits to be included in the Record for the purposes of this Application.
3. Attached and marked hereto as Exhibit "B" to this Affidavit is a copy of a letter also dated June 30, 1989 from Fasken & Calvin to Osler, Hoskin and Harcourt, solicitors for the Region of Halton, and to all parties listed on the attached distribution list, requesting that all parties indicate which transcripts and exhibits they wished to be included in the Record to be compiled by the Joint Board.
4. Attached and marked hereto as Exhibit "C" to this Affidavit is a copy of a letter dated July 17th, 1989 from Fasken & Calvin to Osler, Hoskin & Harcourt and all of the parties named on the attached distribution list, which expressly indicated that an appointment had been obtained for a motion returnable on August 21, 1989 to obtain an order for directions settling the content of the Record to be used on this Application, and which again requested that all parties indicate which transcripts and exhibits they wished to be included in the Record.

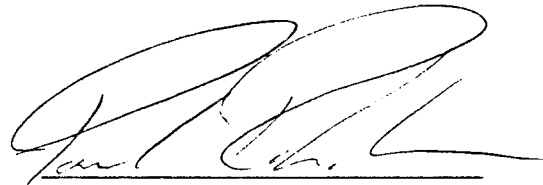
5. Attached as Exhibit "D" to this Affidavit is a copy of a letter dated August 1, 1989 from Fasken & Calvin to Messrs, Osler, Hoskin & Harcourt and all the parties listed on the attached distribution list, to which was attached a list of exhibits and transcripts proposed by NSP Investments Limited for inclusion in the Record. Comments from all other parties regarding composition of the Record were again requested.
6. As at the date hereof, the only comments received by Fasken & Calvin regarding specific materials to be included in the Record are those of Thomas Marshall, Counsel for the Joint Board, Messrs. Weir & Foulds, Counsel for the City of Burlington, Charlein Mansfield, Counsel for the Ministry of Natural Resources, Stephen Garrod, Counsel for the Milton Area Citizens' Coalition et al and Frederick Leitch, Counsel for the Town of Milton. The additions to the list of exhibits and transcripts proposed to comprise the Record, suggested by Mr. Marshall, Messrs Weir & Foulds, Ms. Mansfield, Mr. Garrod and Mr. Leitch have been incorporated in the list of exhibits and transcripts proposed by NSP Investments Limited for composition of the Record. The revised list of exhibits and transcripts proposed by NSP Investments Limited to constitute the Record is attached hereto as Exhibit "E".
7. I am informed by L.J. Griffiths of Fasken & Calvin (one of the Counsel who represented NSP Investments Limited at the Hearing) and do verily believe that the Hearing giving rise to this Application began in May, 1987 and lasted for 175 days and that, during the course of the

Hearing, approximately 962 exhibits were received in evidence by the Joint Board.

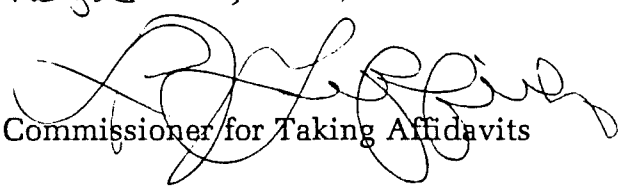
8. I am further informed by L.J. Griffiths of Fasken & Calvin and do verily believe that many of the exhibits introduced before the Joint Board are unrelated to the matters raised in this Application and, moreover, include such items as rock cores, and large-scale physical models of the two proposed landfill sites at issue.

SWORN before me at the City of
Toronto in the Municipality of
Metropolitan Toronto, on
August 16, 1989

)
)
)

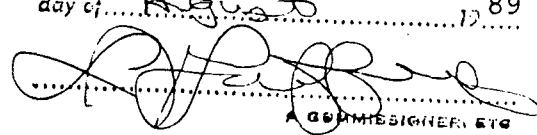


PAUL N. RICHARDSON



Commissioner for Taking Affidavits

L.J. Griffiths

11
This is Exhibit "A"
affidavit of PAUL N. RICHARDSON
sworn before me, this 16th
day of August 1989

A. G. M. B. S. I. G. N. E. R. E. T. C.

E. A. Cronk (865-4365)

June 30, 1989
File No: 68161/936

DELIVERED

Acting Hearings Registrar
Office of Consolidated Hearings
Suite 1201
P.O. Box 2382
2300 Yonge Street
TORONTO, Ontario
M4P 1E4

AND TO:

Mr. Thomas Marshall, Q.C.
Director
Crown Law Office - Civil
Ministry of the Attorney General
720 Bay Street
8th floor
TORONTO, Ontario
M5G 2K1

Dear Sirs:

Re: The Regional Municipality of Halton - Landfill; and
Re: Decision of the Joint Board Dated February 24, 1989

We have been instructed by NSP Investments Limited to seek judicial review of the Decision of the Joint Board in this matter. Enclosed in this regard is a copy of the Notice of Application for Judicial Review which has been issued at the court offices on behalf of NSP Investments Limited.

We also enclose for your records a copy of our covering letter which is being served, together with the Notice, upon the parties to the Hearing.

As appears from our covering letter, it is our view that it is neither necessary nor appropriate for the full Record in this case to be delivered to the Divisional Court. Accordingly, we propose to bring a Motion for Directions before the Court to obtain the Court's approval as to the materials which, in this case, should constitute the Record for the purposes of the judicial review application. In an effort to obtain agreement on this matter and to expedite the procedures involved, we have written to counsel for all parties at the Hearing proposing that they inform us of the transcripts and exhibits which they wish to be included in the Record.

We respectfully request, in the circumstances, that the Joint Board refrain from compiling the Record for delivery to the Divisional Court pending further discussions among counsel for the affected parties and, if necessary, pending the outcome of the Motion for Directions. We have requested replies from all relevant parties by the end of July, 1989. Once we have heard from other counsel we will, of course, immediately inform your offices.

We trust that this procedure will cause no inconvenience to the Joint Board or your offices.

Yours very truly,

FASKEN & CALVIN

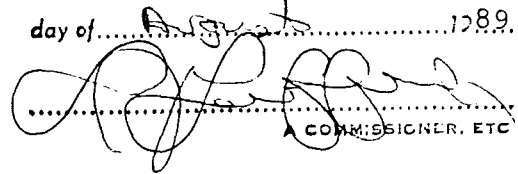
per:


(Ms) E. A. Cronk

EAC:lg
Encl.

b.c.c. R/S. Christensen
✓ L. J. Griffiths

This is Exhibit....."B".....referred to in the
affidavit of....PAUL..N....RICHARDSON
sworn before me, this.....16th.....
day of.....August.....1989.


.....
A COMMISSIONER, ETC

13

E. A. Cronk (865-4365)

June 30, 1989
File No: 68161/936

Mr. Thomas R. Lederer
Messrs. Osler, Hoskin & Harcourt
Barristers & Solicitors
P.O. Box 50
First Canadian Place
TORONTO, Ontario
M5X 1B8

AND TO:

See Attached Distribution List

Dear Sirs:

Re: The Region of Halton - Landfill; and
Re: Judicial Review Application by NSP Investments Limited

We enclose herewith our client's Notice of Application for Judicial Review in this matter and would request that you accept service of same on behalf of your respective clients, or alternatively, inform L. J. Griffiths of our offices that you wish your respective clients to be personally served with the enclosed Notice.

As you will observe, NSP Investments Limited will be relying, for the purposes of the Judicial Review Application, on the Record to be filed with the Court by the Joint Board pursuant to Section 10 of the Judicial Review Procedure Act. It is our view, however, given the voluminous nature of the Record in this case, that it is neither necessary nor appropriate for the full Record to be delivered to the Divisional Court. Accordingly, we propose to bring a Motion for Directions before the Court during the month of August, 1989 (or early September, depending on the availability of a court date) to seek the approval of the Court to the materials which should constitute the Record in this case. For this purpose, we propose that counsel

representing those parties who intend to participate in the argument of the Judicial Review Application should attempt to agree upon those materials which appropriately should form part of the Record. If this is possible, it may be that the Motion may proceed on consent. We would therefore be grateful to hear from you in writing by the end of July, 1989 as to those transcripts and exhibits which you wish to form part of the Record. We will delay bringing the suggested Motion until August to permit all parties to consider this matter and their position regarding appropriate materials to be included in the Record.

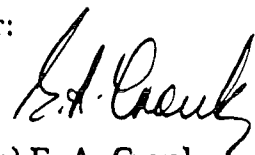
In light of this proposal, we have today written to the Office of Consolidated Hearings and to Tom Marshall, Counsel for the Joint Board, proposing that the Joint Board defer any preparation of the Record for delivery to the Court pending the outcome of discussions among counsel and the proposed Motion. We enclose in this regard a copy of our letter to the Office of Consolidated Hearings and to Tom Marshall.

We would be grateful to hear from you as soon as possible. During the writer's absence from the offices during the month of July, 1989, please feel free to contact L. J. Griffiths to discuss the proposed Record materials.

Yours very truly,

FASKEN & CALVIN

per:



(Ms) E. A. Cronk

EAC:lg
Encl.

b.c.c. ✓ L. J. Griffiths

DISTRIBUTION LIST

15

The Joint Board
Office of Consolidated Hearings
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Suite 1201
TORONTO, Ontario
M4P 1E4

The Corporation of the City of Burlington
c/o M. J. McQuaid, Q.C.
Messrs. Weir & Foulds
Barristers and Solicitors
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2 First Canadian Place
TORONTO, Ontario
M5X 1J5

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Gangbar & Sheridan
Barristers and Solicitors
300 Hopedale Mall
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The West Burlington Citizens' Group
c/o Toby Vigod
Canadian Environmental Law Association
243 Queen Street West
4th floor
TORONTO, Ontario
M5V 1Z4

16

The Milton Area Citizens' Coalition,
The Halton Federation of Agriculture,
Watkin and Doreen Martin,
Walter Tomosky,
Thomas and Mary-Jean Martin,
Michael and Cynthia Reed,
c/o S. Garrod
Barrister and Solicitor
337 Woolwich Street
GUELPH, Ontario
N1H 3W4

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In His Capacity as the
Minister of the Environment
c/o Ms Bonnie J. Wein
Director of Legal Services
Ministry of the Environment
11th floor
135 St. Clair Avenue West
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Box 25
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TORONTO, Ontario
M5L 1A9

The Honourable Vincent Kerrio
Minister of Natural Resources
c/o C. Mansfield
Barrister and Solicitor
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TORONTO, Ontario
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151 North Service Road
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The Halton Region Conservation Authority
c/o J. H. Olah
Messrs. Beard, Winter
Barristers and Solicitors
9th floor
150 King Street West
TORONTO, Ontario
M5H 2K4

18

This is Exhibit....."C".....referred to in the
affidavit of....PAUL N. RICHARSON"
sworn before me, this.....
day of.....August.....1989


A COMMISSIONER, ETC

July 17, 1989
File No: 68161/936

Mr. Thomas R. Lederer
Messrs. Osler, Hoskin & Harcourt
Barristers & Solicitors
P.O. Box 50
First Canadian Place
Toronto, Ontario 1B8

AND TO:

See Attached Distribution List

Dear Colleagues:

Re: The Region of Halton - Landfill and
Re: Judicial Review Application by NSP Investments Limited

Further to our letter of June 30, 1989, please be advised that we have now reserved an appointment for a motion returnable August 21, 1989 to seek the approval of the Court with respect to the materials which should constitute the Record in this case.

We are presently compiling the list of materials which we intend to submit as part of the Record, and propose to circulate a draft list in the first week of August. We would be grateful to hear from you at your earliest convenience as to those transcripts and exhibits which you wish to

form part of the Record. Indeed, it may be possible for the Motion to proceed on consent.

Yours very truly,

FASKEN & CALVIN

Leonard J. Griffiths

LJG:pl

DISTRIBUTION LIST

The Joint Board
Office of Consolidated Hearings
2300 Yonge Street
P.O. Box 2382
Suite 1201
TORONTO, Ontario
M4P 1E4

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c/o M. J. McQuaid, Q.C.
Messrs. Weir & Foulds
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The Milton Area Citizens' Coalition,
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Thomas and Mary-Jean Martin,
Michael and Cynthia Reed,
c/o S. Garrod
Barrister and Solicitor
337 Woolwich Street
GUELPH, Ontario
N1H 3W4

The Honourable James Bradley,
In His Capacity as the
Minister of the Environment
c/o Ms Bonnie J. Wein
Director of Legal Services
Ministry of the Environment
11th floor
135 St. Clair Avenue West
TORONTO, Ontario
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The Attorney General of Ontario
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The Honourable Vincent Kerrio
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PLEASE REPLY TO OUR TORONTO OFFICE

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23

E. A. Cronk (865-4365)

Counsel: R.J. Watson, O.C.

August 1, 1989
File No: 68161/926

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Mr. Thomas R. Lederer
Messrs. Osler, Hoskin & Harcourt
Barristers & Solicitors
P.O. Box 50
First Canadian Place
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AND TO:

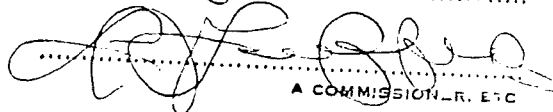
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Dear Sirs:

Re: REGION OF HALTON - LANDFILL; and
Re: JUDICIAL REVIEW APPLICATION
BY NSP INVESTMENTS LIMITED

Further to our letter of June 30, 1989, we enclose herewith a copy of the list of Exhibits and Transcripts which we propose should form the Record for the purposes of our client's judicial review application. We are in receipt of a letter dated July 28, 1989 from Thomas Lederer on behalf of the Region of Halton which deals in part with the composition of the Record. Apart from Mr. Lederer's letter, we have not received comments from any other party concerning the proposed contents of the Record. We take no objection to the inclusion of any Exhibits or Transcripts, in addition

This is Exhibit "D" referred to in the
affidavit of PAUL N. RICHARDSON
sworn before me, this 16th
day of August, 1989.


A COMMISSIONER, ETC

to those referred to in the attached list, as may be requested by any respondent who intends to participate in the argument of the judicial review application. We would therefore be grateful to hear from each of you as soon as possible as to any proposed additions to the items referred to in the enclosed list.

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As you are aware from our letter dated July 17, 1989, we have reserved an appointment returnable August 21, 1989 to seek the approval of the Court regarding the composition of the Record. Accordingly, if we are unable to agree prior thereto as to its appropriate composition, we will proceed with the suggested motion for directions. In this regard, we would be grateful to hear from you by the end of next week, failing which we will prepare and deliver our Notice of Motion.

Mr. Lederer suggested in his letter of July 28th that a meeting of all counsel be arranged for the week of August 13, 1989 to discuss composition of the Record. Unfortunately, the writer will be absent from Toronto on another matter for the period August 14 to August 17, inclusive. We suggest therefore that if the composition of the Record cannot be settled prior to August 15, we will proceed to serve our Notice of Motion, returnable August 21st. If other parties feel a meeting would be useful prior to the return date of the Motion, we suggest Friday, August 18th at our offices at 10:00 a.m. We would be grateful if you would inform the writer's secretary as to your interest and availability in attending such a meeting.

It is preferable, of course, that every effort be made to settle the composition of the Record as soon as possible. We welcome any suggestions you might have in this regard in writing or by telephone prior to August 15th, failing which perhaps the matter can be agreed upon at a meeting on August 18th and the Court informed of the position of all parties on the return of the Motion on August 21st.

With respect to certain of the other matters raised in Mr. Lederer's letter of July 28th, we agree that the within judicial review application should be heard as quickly as possible and that efforts should be made in an expeditious fashion to settle the composition of the Record to be used on the return of the application. It was for this purpose that we invited your comments regarding the Record prior to the end of July.

Inasmuch as we understand that Mr. Lederer and Mr. McQuaid are scheduled to be absent from their respective offices during the first two

weeks of August, we have forwarded a copy of this letter to Mr. Hodgson, on behalf of the Region, and to Mr. Tsekas, on behalf of the City of Burlington.

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Yours very truly,

FASKEN & CALVIN

per:

E.A. Cronk

(Ms) E. A. Cronk

EAC:lg
Encls.

b.c.c. Mr. R. S. Christensen
✓ Leonard J. Griffiths

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The Milton Area Citizens' Coalition
The Halton Federation of Agriculture
Watkin and Doreen Martin
Walter Tomosky
Thomas and Mary-Jean Martin
Michael and Cynthia Reed
c/o S. Garrod
Barrister and Solicitor
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The Honourable James Bradley,
In His Capacity as the
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Director of Legal Services
Ministry of the Environment
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c/o Thomas Marshall, Q.C.
Director
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The Honourable Vincent Kerrio
Minister of Natural Resources
c/o C. Mansfield
Barrister and Solicitor
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Cumis Limited
P.O. Box 5065
151 North Service Road
BURLINGTON, Ontario
L7R 4C2

The Halton Region Conservation Authority
c/o J. H. Olah
Messrs. Beard, Winter
Barristers and Solicitors
9th floor
150 King Street West
TORONTO, Ontario
M5H 2K4

affidavit of...Paul N. Richardson
Sworn before me, this...16th...29
day of...August...1989...
A COMMISSIONER FOR TAKING AFFIDAVITS

**LIST OF EXHIBITS AND TRANSCRIPTS
PROPOSED BY NSP INVESTMENTS LIMITED
FOR INCLUSION IN RECORD PURSUANT TO
SECTION 10 OF THE JUDICIAL REVIEW PROCEDURE ACT**

<u>(1) EXHIBIT NO.</u>	<u>TITLE</u>
H10	Stage 2A: Final Report, General Overview Analysis (October, 1983)
H14	Comparative Analysis of Alternative Sites for Sanitary Landfilling in the Regional Municipality of Halton, Site D and Site F (January, 1987)
H39	Site D: Trow Hydrogeological Report (September, 1986)
H39A	Site D: Appendices to Trow Hydrogeological Report (September, 1986)
H40	Site F: Trow Hydrogeological Report (September, 1986)
H40A	Site F: Appendices to Trow Hydrogeological Report (September, 1986)
H41	Site D: Design and Operations Report (Sept. 1986)
H42	Site F: Design and Operations Report, Part 1, (Sept. 1986)
H42A	Site F: Design and Operations Report, Part 2 (Sept. 1986)
H42B	Addendum to the Site F Design and Operations Report (May, 1987)
H57	Stage 2A: Final Evaluation Factors, General Overview Analysis (August, 1983)
H86	Feenstra: Evaluation of Groundwater Contaminant Migration at the Candidate Sites
H86A	Witness Statement - Stan Feenstra

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E154	Ministry of the Environment Reasonable Use Guideline
M155	OWMC PI-1N 4A Technical Appendix Report
N185	Morrison & Beatty: Phase III Hydro-geologic Investigation, NSP Landfill Site
N186	Excerpt: Morrison & Beatty: Phase II Hydrogeologic Investigation, NSP Landfill Site
N187	Selected Hydrogeological Studies: Site F
B213	Panel: H-39 Drawing 24 with Monitoring Wells Indicated and Numbered
B217	Hydrogeological Study Burlington Landfill Site Continued Use
WB227	Burlington Well Water Data
H299	Letters from P & R re: NSP Landfill Proposal to MOE and Halton Region
H312	Memo to C. N. Watson from J. Hiraishi, dated November 8, 1987
N313	Application by NSP for Landfill (April, 1982)
M437	Site F Report - Geocon
M438	Site D Report - Geocon
M440	Rowe Report - Site F
M442	Rowe Report - Site D
M444	Joint Witness Statement of Charlesworth & Rowe
N470	K. Cartwright: Evaluation of NSP Landfill November, 1982
N475	MOE Interim Guideline on Engineered

Page 3

Facilities at landfills

M495	Recommendations for Site D additional investigations (overhead)
N471	Letter of 23 July, 1985 from Hewetson/Beatty to NSP
N585	Letter dated August 30, 1979 from NSP to City of Burlington
N586	Planning Report by Proctor & Redfern
N586A	Errata to Ex. N586
N587	Appendices to Ex. N586
N596	Letter dated September 17, 1982 (Acres Report)
N611	Extract from Acres Solid Waste Management Study: Interim Report
B617	CRA - Site F Report
B618	CRA - Site D Report
B624	CRA 1987 Monitoring Report - Bayview
B625	GLL 1987 Monitoring Report - Burlington
M707	Petrie M.Sc Project UW, Field Response of a Clay Till in a Layered Aquifer System at Waterloo, Ontario
B724	Peel: Area VI Pumping Test Results: K. Values for Halton Till
N747	Cherry & Lush (October, 1980) Hydro-geologic Suitability of NSP Landfill Site
N748	Letter Report by K. Cartwright regarding NSP Site, Nov. 15, 1982
M789	Chart - "Time for Breakthrough for 15 mg/l for Chlorides Through Unweathered Upper Till - Site D"

Page 4

Bd790	Chart - Schematic of Slug Test
Bd791	Chart
Bd40-10A	Drawing 10 from H-40 (amended)
Bd792	Chart
H40-D21R	Chart: Revised version of Exhibit H40-D21
H793	Affidavit of A. Sobanski re pumping tests
B860	Design and Operations Report, Site D, CRA
B861	Design and Operations Report, Site F, CRA
E928	Witness Statement and Curriculum Vitae of George M. Hughes
H936	Witness Statement for Reply Evidence of Stanley Feenstra
M962	Witness Statement of Mr. Eyles and attachments

(2) Transcripts

Transcripts of all of the evidence of

- (a) Messrs. Sobanski and Beechinor
- (b) Drs. Charlesworth and Rowe
- (c) Mr. J. Hiraishi
- (d) Messrs. Petrie and Crutcher
- (e) Mr. Bowen
- (f) Mr. Feenstra (Both Attendances)
- (g) Volumes 74, 133-135
- (h) The reply evidence given by Dr. Rowe and Mr. Gray on behalf of The Corporation of the Town of Milton
- (i) Transcript of the argument on the motion by The Corporation of the Town of Milton seeking leave to re-open its case and call the evidence of Dr. Eyles
- (j) Arguments by all counsel at the conclusion of the Hearing

Page 5

- (k) Watkin and Doreen Martin, Amelia
Tomosky, Thomas and Mary-Jean Martin,
Michael and Cynthia Reed

(3) Other

An index showing the totality of the evidence with specific indication of the dates when the various cases were called including reply evidence, the date of final submissions by each party and the date when each witness was called.

NSP INVESTMENTS LIMITED

- and -

THE JOINT BOARD
(UNDER THE *CONSOLIDATED HEARINGS ACT*)

Applicant

Respondent

Court File No. 661/89

SUPREME COURT OF ONTARIO
(Divisional Court)

Proceedings commenced at Toronto

AFFIDAVIT OF PAUL N. RICHARDSON
SWORN AUGUST 16, 1989

FASKEN & CALVIN
Barristers & Solicitors
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Toronto-Dominion Centre
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Solicitors for the Applicant

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