



Ontario
Executive Council

Order in Council

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that

WHEREAS in order to determine whether an approval should be given with respect to an undertaking, it is often necessary to investigate problems related to contaminants and pollution, which may be associated or anticipated with respect to such undertaking to ensure that any adverse effects which may arise therefrom are prevented or ameliorated; and

WHEREAS in carrying out such investigation, it is useful to have the views and evidence which persons, other than the proponents, may bring to bear on the matter; and

WHEREAS such views and evidence may be presented pursuant to a hearing held by a board in connection with an approval of an undertaking under legislation; and

WHEREAS persons, other than proponents, often demonstrate an interest in presenting views and evidence for such purposes at hearings and the Ministry of Environment has determined that views and evidence so presented would be useful in such investigations; and

WHEREAS it has been established that the quality of such investigations and the evidence presented can be greatly enhanced by the availability of funds to assist participants with their expenses,

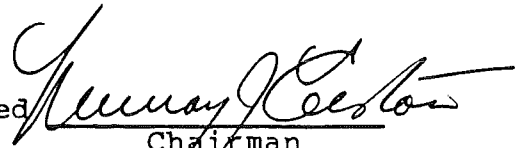
THEREFORE, the Environmental Assessment Board be authorized to provide funding up to a total of \$30,000 in connection with the environmental hearing with respect to the landfill site proposed by the Regional Municipality of Halton to be divided among eligible citizens' group intervenors;

AND THEREFORE the Environmental Assessment Board is authorized to distribute the funds in accordance with the funding conditions set out in Appendix A hereto.

Recommended


Minister of the
Environment

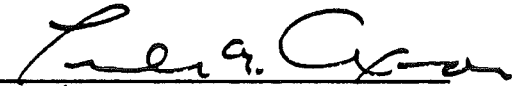
Concurred


Chairman

Approved

and Ordered February 5, 1987

Date


Lieutenant Governor

APPENDIX A
INTERVENOR FUNDING CONDITIONS
FOR THE
PROPOSED HALTON LANDFILL SITE CONSOLIDATED HEARING
BEFORE THE JOINT BOARD

Environmental Assessment Board Responsibilities

Applications to and administration of the funding conditions including the procedures to be followed and decisions taken are at the discretion of the Environmental Assessment Board which may act through such members or staff as are designated by the Chairman.

Funding Eligibility Conditions

1. (1) Access to funding is contingent on the applicant, in the judgment of the Board, making all diligent efforts to raise funds through other means.

(2) Payments to a group being funded for the hearing shall not exceed the sum of 60% of the group's approved disbursements (except legal fees) and, subject to section 3, 100% of legal fees.
2. Disbursements for judicial proceedings related to or arising out of hearings or for any proceeding pursuant to federal legislation are not eligible for funding.
3. Legal fees eligible for inclusion as disbursements by a group being funded will be calculated on the basis of the legal aid tariff as if counsel was retained pursuant to the Legal Aid Act.
4. Eligible disbursements by a group being funded include legal counsel, expert witness fees, typing, printing,

photocopying and transcripts which are incurred specifically for the purpose of the hearing; eligible disbursements do not include administrative expenses, salaries or overhead expenses of a group.

5. An applicant for public funding shall undertake, in writing, to seek costs and shall apply any amount received towards repayment of the Crown.
6. Funds provided are intended to supplement and not duplicate funds or services provided by public or private sources.

Funding Criteria

7. In deciding whether to grant funding, the Funding Panel shall consider:
 - (a) Whether there is a clear ascertainable interest to be represented and a specific purpose for the assistance;
 - (b) Whether a separate and adequate representation of a particular interest would assist and substantially contribute to the hearing;
 - (c) Whether there is a need, and whether the group has tried to raise funds through other means;
 - (d) Whether there is demonstrated a delineated purpose for the expenditure of funds;
 - (e) Whether there has been a coordinated effort to bring a number of interests within one representative group;

- (f) Whether the particular group has established a record of concern and a demonstrated commitment in a responsible way to that concern;
- (g) Whether the group has in place the appropriate mechanisms to ensure accountability to the government and the community, i.e.;
 - (i) a financial plan to support the specific purpose and needs of the group intervention for which funding is being requested;
 - (ii) the identification of key individuals responsible for:
 - 1. monitoring progress to the overall plan;
 - 2. fund raising;
 - 3. liaising with and keeping the group membership informed;
 - 4. keeping proper records to control the receipt and disbursement of monies; and
 - 5. providing appropriate program and financial reports to the funding bodies;
- (h) Whether the group or its members have a commercial financial interest in the outcome of the hearings; and
- (i) Such other criteria as the Board, in its discretion, deems appropriate.