

CONSOLIDATED HEARINGS BOARD

IN THE MATTER OF Sections 2 and 3 and 6 (3) of the Consolidated Hearings Act, 1981, S.O. 1981, c.20;

— and —

IN THE MATTER OF Section 12(2) of the Environmental Assessment Act, R.S.O. 1980, c.140;

— and —

IN THE MATTER OF Sections 30, 35 and 38 of the Environmental Protection Act, R.S.O. 1980, c.141, as amended;

— and —

IN THE MATTER OF Sections 24 and 61 (2) of the Ontario Water Resources Act, R.S.O. 1980, c.361, as amended;

— and —

IN THE MATTER OF Section 28 (3) of, and Regulation 164 under, the Conservation Authorities Act, R.S.O. 1980, c.85, as amended;

— and —

IN THE MATTER OF Section 40(12) of the Planning Act, S.O. 1983, c.1, as amended; in connection with site plan control of the sanitary landfill site;

— and —

IN THE MATTER OF Section 22(1) of the Planning Act, 1983 in connection with a referral to this Board by the Honourable Bernard Grandmaitre, Minister of Municipal Affairs, on a request by the Regional Municipality of Halton to amend the Official Plan for the Town of Milton to redesignate a parcel of land comprising Part Lots 3 and 4, Concession 2 N.S. in the Town of Milton from "Agriculture" and "Conservation and Hazard Lands" to permit the construction, operation and maintenance of a landfill site, Minister's File No. 4-OP-0208-A01;

— and —

IN THE MATTER OF Section 34(11) of the Planning Act, 1983 in connection with an appeal to this Board by the Regional Municipality of Halton for an order directing an amendment to By-law 61-85 of the Town of Milton to rezone the lands situated at Lot 3 and part of 4, Concession 2 N.S., in the Town of Milton from "Agriculture" to permit a regional sanitary landfill site and ancillary uses;

— and —

IN THE MATTER OF Section 15(1) of the Planning Act, R.S.O. 1980 ch.379 in connection with a referral by the Honourable Claude F. Bennett, Minister of Housing on a request by Tremaine Britannia Citizen's Group for consideration of part of the Official Plan for the Halton Planning Area with respect to Sections 1 to 5 inclusive, 7, 9 and 10 of Part III D3 Solid Waste Management, Minister's File No. PC-0026;

— and —

IN THE MATTER OF Section 64 of the Ontario Municipal Board Act, R.S.O. 1980, c.347 as amended in connection with an application by the Regional Municipality of Halton for an order approving:

- (a) the acquisition of land for the construction, operation and maintenance of a sanitary landfill site to contain 7.96 million cubic metres of waste in the Regional Municipality of Halton and to do so by one of two alternative methods as follows:

- (i) landfilling at the site referred to in Halton's Environmental Assessment as Site F in the City of Burlington;
- (ii) landfilling at the site commonly referred to in Halton's Environmental Assessment as Site D in the Town of Milton

at an estimated cost of \$12,775,000.00, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and

- (b) the issuance of necessary debentures to a maximum of \$12,775,000.00 for a term not to exceed fifteen years;

— and —

THE MATTER OF Section 193(5) and Paragraph 84 of Section 210 of the Municipal Act, R.S.O. 1980, c.302, as amended;

— and —

IN THE MATTER OF Sections 6, 7 and 8 of the Expropriations Act, R.S.O. 1980, c.148;

— and —

THE MATTER OF an undertaking of the Regional Municipality of Halton to provide facilities for the purpose of receiving, dumping and disposing of waste as required by section 137 of the REGIONAL MUNICIPALITY OF HALTON ACT, R.S.O. 1980, c.436, as amended, by acquiring the land for, constructing, operating and maintaining a landfill to contain 7.96 million cubic metres of waste in the Regional Municipality of Halton.

VOLUME: 59

HELD AT: Oakville, Ontario

DATE: November 12, 1987

OFFICIAL REPORTERS

NETHERCUT & COMPANY LTD.

185 RICHMOND ST. W.,

TORONTO, ONT. M5V 1V3

TEL: 593-4802



1	<u>Witnesses</u>	<u>Page No.</u>
2	<u>WATSON</u> , Cameron Neil (resumed)	
3	<u>RINALDO</u> , Joseph L. (resumed)	
4	Re-examination by Mr. Lederer (cont'd)	13604
5	<u>WALKER</u> , Peter Robert	
6	Examination in chief by Mr. Lederer	13651
7		
8		
9		
10		

E X H I B I T S

11	<u>No.</u>	<u>Description</u>	<u>Page No.</u>
12	H-315	Document entitled "Estimated Cost of Western Stubs for Properties 9, 10, 11 and 12 - Site D"	13607
13	H-316	Chart 1, dated October, 1987	13660
14	H-317	Report entitled "Comparison of Phase 2, Stage 2C"	13723
15	H-87	Official Plan for Halton Planning Area - Regional Municipality of Halton	13727
16	H-318	Group of letters re solid waste management	13737
17	H-319	Parkway Belt West Plan, dated July, 1978	13747
18	H-6A	Letter from Region of Halton to the Minister, dated February 28, 1986	13756
19	H-6B	Letter from City of Burlington to the Minister, received May 1, 1986, with attachments	13756
20			
21			
22			
23			
24			
25			



Kethercut & Co. Ltd.

Toronto, Ontario

E X H I B I T S

(ii)

<u>1</u>	<u>No.</u>	<u>Description</u>	<u>Page No.</u>
2	H-6C	Letter from the Regional Municipality of Halton to the Minister, dated May 26, 1986, with attachments	13757
3			
4			
5	H-320	Regulation 482/73	13762
6	H-321	Regulation 263/79	13762
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			



THE CONSOLIDATED HEARINGS BOARD

1 IN THE MATTER OF Sections 2 and 3 and 6(3) of the
2 Consolidated Hearings Act, 1981, S.O. 1981, c. 20;

- and -

3 IN THE MATTER OF Sections 12(2) of the Environmental
4 Assessment Act, R.S.O. 1980, c.140;

- and -

5 IN THE MATTER OF Sections 30, 35 and 38 of the
6 Environmental Protection Act, R.S.O. 1980, c.141, as
7 amended;

- and -

8 IN THE MATTER OF Sections 24 and 61(2) of the Ontario
9 Water Resources Act, R.S.O. 1980, c.361, as amended;

- and -

10 IN THE MATTER OF Section 28(3) of, and Regulation 164
11 under, the Conservation Authorities Act, R.S.O. 1980,
12 c.85, as amended;

- and -

13 IN THE MATTER OF Section 40(12) of the Planning Act,
14 S.O. 1983, c.1, as amended; in connection with site
15 plan control of the sanitary landfill site;

- and -

16 IN THE MATTER OF Section 22(1) of the Planning Act,
17 1983 in connection with a referral to this Board by the
18 Honourable Bernard Grandmaitre, Minister of Municipal
19 Affairs, on a request by the Regional Municipality of
20 Halton to amend the Official Plan for the Town of
21 Milton to redesignate a parcel of land comprising Part
22 Lots 3 and 4, Concession 2 N.S. in the Town of Milton
23 from "Agriculture" and "Conservation and Hazard Lands"
24 to permit the construction, operation and maintenance
25 of a landfill site, Minister's File No. 24-OP-0208-A01;

- and -

IN THE MATTER OF Section 34(11) of the Planning Act,
1983 in connection with an appeal to this Board by the
Regional Municipality of Halton for an order directing
an amendment to By-law 61-85 of the Town of Milton to
rezone the lands situated at Lot 3 and part of Lot 4,
Concession 2 N.S., in the Town of Milton from
"Agriculture" to permit a regional sanitary landfill
site and ancillary uses;

- and -

IN THE MATTER OF Section 15(1) of the Planning Act,
R.S.O. 1980 ch.379 in connection with a referral by the
Honourable Claude F. Bennett, Minister of Housing on a
request by Tremaine Britannia Citizen's Group for
consideration of part of the Official Plan for the
Halton planning Area with respect to Sections 1 to 5
inclusive, 7, 9 and 10 of Part III D3 Solid Waste
Management, Minister's File No. OPC-0026;



- and -

IN THE MATTER OF Section 64 of the Ontario Municipal Board Act, R.S.O. 1980, c.347, as amended in connection with an application by the Regional Municipality of Halton for an order approving:

(a) The acquisition of land for the construction, operation and maintenance of a sanitary landfill site to contain 7.96 million cubic metres of waste in the Regional Municipality of Halton and to do so by one of two alternative methods as follows:

(i) landfilling at the site referred to in Halton's Environmental Assessment as Site F in the City of Burlington;

(ii) landfilling at the site commonly referred to in Halton's Environmental Assessment as Site D in the Town of Milton.

at an estimated cost of \$12,775,000.00 and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and

(b) the issuance of necessary debentures to a maximum of \$12,775,000.00 for a term not to exceed fifteen years;

- and -

IN THE MATTER OF Section 193(5) and Paragraph 84 of Section 210 of the Municipal Act, R.S.O. 1980, c.302, as amended;

- and -

IN THE MATTER OF Sections 6, 7 and 8 of the Expropriations Act, R.S.O. 1980, c.148;

- and -

IN THE MATTER OF an undertaking of the Regional Municipality of Halton to provide facilities for the purpose of receiving, dumping and disposing of waste as required by section 137 of the REGIONAL MUNICIPALITY OF HALTON ACT, R.S.O. 1980, c.436, as amended, by acquiring the land for, constructing, operating and maintaining a landfill to contain 7.96 million cubic metres of waste in the Regional Municipality of Halton.

BEFORE: H. H. Lancaster, Q.C. - Chairman

Dr. D.J. Kingham - Member



Nethercut & Co. Ltd.

Toronto, Ontario

Hearing conducted at The Oakville
Granary Commercial Centre, 105 Robinson
Street, Oakville, Ontario, on
Thursday, November 12, 1987

VOLUME 59

APPEARANCES:

T.R. Lederer and H.D. Hodgson	for the Regional Municipality of Halton (Proponent)
J.R. Tidball	for the Ministry of the Environment
T. Vigod J.F. Castrilli	for the West Burlington Citizens Group
D. Estrin, F.E. Leitch and H. Dahme	for the Corporation of the Town of Milton
S.R. Garrod and A. Nurvo	for the Milton Area Citizens Coalition and several affected Milton area landowners
R.B. Tuer, Q.C. E.A. Cronk and F. Perrier	for National Sewer Pipe Limited
L.F. Longo	for Azova Investments Limited
M.J. McQuaid, Q.C. and C.J. Tzekas	for the City of Burlington
C. Mansfield	for the Ministry of Natural Resources
P. Renaud	for Cumis Limited



Nethercut & Co. Ltd.

Toronto, Ontario

APPEARANCES (Cont'd):

1	C. Stevenson	for Framgard Holdings,
2	P. Hancock	Fosseri Investments
3		Limited, Seriphos
4		Investments Limited and
5		Topic Investments
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

* * * * *

Nethercut & Co. Ltd.
Official Reporters
185 Richmond St. W.
Toronto, Ontario
M5V 1V3

Per: C. F. Nethercut, C.V.R.



1 --- Upon commencing at 9:30 a.m.

2 MR. LANCASTER: Good morning. Please be
3 seated.

4 CAMERON NEIL WATSON, (resumed):

5 JOSEPH L. RINALDO, (resumed):

6 MR. LANCASTER: Your examination,
7 Mr. Lederer.

8 MR. LEDERER: Thank you, thank you for
9 the concession. I will try and not be too long.

10 RE-EXAMINATION BY MR. LEDERER, (continued):

11 Q. Mr. Watson, can you turn, sir, to
12 Exhibit -- I don't know if it is necessary ...

13 MR. WATSON: A. Mr. Chairman, at some
14 point I was going to very briefly clarify what I had
15 said yesterday. There is a little clarification I would
16 like to say about the valuation of stub ends of proper-
17 ties 9, 10, 11 and 12. I estimated for the Board it
18 would cost between 60 and 70 per cent of the full value
19 of those parcels if the stub ends were acquired as part
20 of a partial taking. I had mentioned verbally various
21 figures for different components, and I had included an
22 allowance for equivalent reinstatement which, of course,
23 would only apply if there was a relocation from the
24 parcel and it is quite possible in these instances there
25 would not be a relocation because there is only a



1 residence on one of the parcels and the other is vacant
2 land and I didn't want to leave the impression that that
3 ten per cent for equivalent reinstatement would necessarily
4 apply. I have set out the five components of the costs
5 the Region would incur as I see them. There is the
6 cost of the land itself, the stub end, the stub end
7 representing slightly under ten per cent of the total
8 area and, as I mentioned, the cost would be somewhat in
9 extent of a pro rata attribution, so I am showing an
10 allowance of ten to 15 per cent for the land itself,
11 the acreage itself. Then there is the matter of personal
12 and business damage that may be applicable, a disturbance
13 allowance, reimbursables incurred by the owners for legal,
14 surveys and so on and I have shown an estimate of about
15 ten per cent with a plus in that it is quite possible
16 in some cases that could be exceeded. For the third
17 item I have shown injurious affection for the construc-
18 tion or the use and I have shown 20 to 30 per cent as
19 being an amount that to my mind clearly could obtain
20 in terms of the reduction of the market value of the
21 property with the landfill in place. I had made the
22 point that under the Expropriations Act with the partial
23 taking, the very fact of taking any of the land then
24 makes the Region liable for a different set of require-
25 ments as far as injurious affection is concerned under



1 both the construction or the use.

2 Briefly going back to the St. Pierre
3 decision, the court said that in finding that injurious
4 affection did not apply in this case they said:

5 "The use of the highway will constitute
6 a disruptive element, it is probably true,
7 but that is a field of damage which may
8 not be considered and the claim is limited
9 to loss occasioned by the construction."

10 That is the case for the off-site properties, but we now
11 have a situation where the partial taking, where it is
12 the construction or the use and, as I say, that makes
13 injurious affection much more possible and a probable
14 situation and I have shown 20 to 30 per cent.

15 Then there is the matter of regional costs
16 which is legal costs, expert witnesses, expropriation
17 proceedings and various disbursements, and I have shown
18 ten to 20 per cent plus and I think Mr. Rinaldo in his
19 experience has experienced the plus.

20 MR. RINALDO: A. If I can add to that, I
21 have seen situations where we have paid as much for
22 these two areas as we have for the land itself in many
23 cases. In my 22 years of experience, I can assure you
24 that those costs, depending upon the length of time we
25 have to go through on expropriation, but those costs are



1 very significant when we go through them.

2 MR. WATSON: Finally there is equivalent
3 reinstatement and I have shown that as zero where it
4 does not apply, and it may not apply in some or all of
5 the parcels, but it could conceivably apply if the
6 resident of parcel 11 were obliged to relocate and
7 there was some allocation. Adding those up, you get
8 between 50 and 85 per cent and so my 60 to 70 per cent
9 is in the mid-range and still reasonable, but I have a
10 bit more broader range and I wanted to explain how that
11 was done.

12 The other thing I wanted to do relative
13 to my qualifications for real estate economics, and I'm
14 sorry my answer was unclear, but we did this three or
15 four weeks ago. We did this before the hearing but by
16 the end of yesterday I wasn't just too sure of the
17 timing. I have been carrying this around for three
18 weeks.

19 DR. KINGHAM: You didn't know what day it
20 was?

21 MR. WATSON: We didn't know what day it
22 was.

23 MR. LANCASTER: It may be of some use to
24 the Board and we'll mark it H-315, the flip chart.

25 --- EXHIBIT NO. H-315: Document entitled "Estimated
Cost of Western Stubs for
Properties 9, 10, 11 and 12 -
Site D"



1 MR. LANCASTER: We often don't think of
2 it in those terms, but it is true.

3 MR. LEDERER: Thank you.

4 Q. Mr. Watson, I would like to look
5 at an aspect of off-site property loss and if I am
6 correct, sir, that is in the calculations found in
7 Exhibit 293, pages 9 and 10; is that correct?

8 MR. WATSON: A. Yes, it is.

9 Q. Again to remind the Board to where
10 this comes up, in Exhibits 277 and 278 you have lettered
11 the lands which may be affected subject to questions
12 asked by people such as Ms Cronk, et cetera?

13 A. Yes.

14 Q. Can you tell me looking at the
15 impact or this particular impact at Site F, and at the
16 risk of asking a question to which we all now know the
17 answer; is there presently an operating landfill in the
18 area of Site F?

19 A. Yes, immediately to the west.

20 Q. Can you tell me, sir, is there an
21 operating landfill in the area of Site D?

22 A. No.

23 Q. When you come to look at these
24 declines in property value, are you able to compare the
25 effect between the two locations? Is there some way of



1 distinguishing between them?

2 A. Well, the effect I am suggesting
3 would be much more pronounced in and around Site D,
4 given the nature of the land use there and the absence
5 of that type of activity, whereas at Site F we have a
6 former landfill to the east and an existing and soon to
7 be former landfill to the west and other related
8 activities such as quarries and so on that differentiate
9 the potential impact of landfills.

10 Q. In your opinion, sir, has there
11 been a decline in the value of the properties surrounding
12 Site F as a result of the present landfill?

13 A. Yes, there undoubtedly has been.

14 Q. When you examine decline in
15 Exhibit H-293, page 10, is any of that decline, or any
16 decline mentioned on page 10, already been considered or
17 has it already taken place?

18 A. Yes. The decline on page 10 is
19 really an absence of an increase. In other words,
20 creating this landfill would not in my view further
21 reduce property values. It simply would retard or slow
22 the rate at which property values would otherwise have
23 recovered in the absence of an operating landfill.

24 Q. Is that the case at Site D?

25 A. No. At Site D we are talking



1 about a reduction of values from where they are now.
2 So, those are two different types of impacts clearly.

3 Q. All right. Can we leave that for
4 the moment and can we turn to Exhibit H-44 and to the
5 issue of haul costs? If I may just remind you of what
6 we have looked at, at Tables 5 and 7, and Mr. McQuaid
7 referred you to these tables, but there is an indication
8 on each of them as to haul costs, one for Site F and
9 one for Site D. Looking at Site D you agreed with
10 Mr. McQuaid that the haul costs for that site were
11 \$21 million and at Site F on Table 7, \$22 million, and
12 do you recall him asking you those questions?

13 A. Yes.

14 Q. Can we go to Exhibit 290 and to
15 the letter which is part of that exhibit and could you
16 tell us where the haul costs are shown for the two sites
17 in that letter?

18 A. We have two letters.

19 Q. The second letter.

20 A. The last two pages of that exhibit?

21 Q. Yes.

22 A. We have \$9.1 million in the case
23 of Site D and \$9.2 million in the case of Site F.

24 Q. At the risk of asking a question
25 to which we know the answer, what level of study were



1 you dealing with in H-44?

2 A. We were dealing with six sites and
3 we were at a much broader overview level of study than
4 we were in the landfill technical and succeeding work.

5 Q. What level of study, to make it
6 clear, is represented on Exhibit 290?

7 A. Exhibit 290 deals with the more
8 recent, more detailed, more accurate work.

9 Q. Apart from that, can you indicate
10 to us any reasons for the difference in these figures?

11 A. Well, Exhibit H-290 is referring
12 to the municipal portion alone of the haul costs, whereas
13 H-44, Table 5 and Table 7, is talking about the total
14 and the municipal portion is approximately 45 per cent
15 of the total making an adjustment for the small haulers.

16 Q. Still dealing with haul, can we
17 turn to Exhibit H-10, Figure 3 on page 90 and this has
18 been exhibited separately as H-289 which is the map.
19 You might also get out Exhibit H-276.

20 A. I have H-276, but I don't have the
21 map which you referred to.

22 MR. LANCASTER: That is the map with the
23 centroids on them.

24 MR. LEDERER: Q. The one I want you to
25 look at it page 90. I would like Mr. Watson to have



1 Exhibit H-289 so he has the correct document. Now, can
2 you tell me, these zones shown on Exhibit 289 or Figure
3 3 of H-10, the same exhibit, but are those the zones
4 which are reflected in the work shown on page 2A-1 of
5 Exhibit 276?

6 A. Page 2A-1 refers to the work we
7 did at Stage 2A and Exhibit 289 is excerpted from our
8 2A -- our portion of the 2A report and they are the same.

9 Q. What study phase or what level of
10 study are we dealing with in this work at those pages?

11 A. In 2A we were dealing with the
12 entire Region and we hadn't eliminated any areas other
13 than possibly some of the urban areas, but we had not
14 gotten down to any candidate areas or sites or site
15 areas, we were dealing with it very broadly.

16 Q. Sir, as the team moved on from the
17 2A level, was the work with respect to zones, haulage
18 zones, updated?

19 A. Yes.

20 Q. Can you indicate to us where we
21 can find that updated work?

22 A. It was updated at each successive
23 phase and it was updated at Stage 2B and updated in Stage
24 2C. The 2C updates were used in the later stages as
25 far as the zones were concerned.



1 Q. Can you indicate to us what zones
2 are being used in the landfill technical phase and where
3 you find those?

4 A. Yes, in H-33 the ten zones used
5 are shown as Exhibit 1 preceding page 12.

6 Q. Are you able to generally compare
7 for the Board, please, the zones which were used at the
8 landfill technical stage to the zones used at the Stage
9 2A?

10 A. Well, generally they are different.
11 At the 2A there were 30 zones in total and at the land-
12 fill technical there were ten; they are different zones.

13 Q. Are you able to distinguish between
14 the type of destination and the type of point of
15 origination which was used?

16 A. Yes. As far as point of origin,
17 that is to say the origin of the waste in the landfill
18 technical, we had ten points of origin, namely the ten
19 zones, whereas in the earlier stage we had four
20 points of origin being the area municipalities and the
21 then calculated waste centroids. As far as the points
22 of destination are concerned, in the landfill technical
23 study, we have very specific 200 to 300-acre parcels
24 with specific entry points and specific accesses from
25 highways and very specific routes that were evolved after



1 consideration of social impact along the route and a
2 variety of considerations and the latest information
3 on roadworks, highway works, whereas in the earlier 2A
4 phase we were travelling to fairly large zones and we
5 were travelling to a central point within those quite
6 large zones of -- well, I guess thousands of acres per
7 zone.

8 Q. Mr. Watson, can we leave haulage
9 and haulage zones and could you turn to page 2B-1 of
10 Exhibit 276, and you also might get out Exhibit H-11.
11 Mr. McQuaid asked you some questions regarding the column
12 marked "Tipping Fee Revenue Reduction" and do you
13 recall those questions being asked?

14 A. Yes.

15 Q. When he did so he referred you to
16 page of Exhibit H-11 and to page 12 -- I'm sorry ,
17 Table 12, which you will find some pages after page 115.

18 A. Yes.

19 Q. Do you recall Mr. McQuaid pointing
20 out the 11 cent tipping fee revenue reduction on page 12?

21 A. Yes.

22 Q. I believe he asked you this, but is
23 that the same 11 cents on page 2B-1 under the column
24 "Tipping Fee Revenue Reduction"?

25 A. Yes.



1 Q. Mr. McQuaid asked you some
2 questions with respect to that and you indicated it was
3 accounted for by dislocation after the closing of one of
4 two sites which then existed in the Halton area. Do
5 you recall that?

6 A. Yes.

7 Q. What I'm interested in is does that
8 sense of dislocation continue indefinitely into the
9 future?

10 A. Well, if you move from a system
11 where you have two sites to a system where you have one
12 site, you have lost something relative to convenience.
13 There are of course degrees in terms of how centrally
14 located that one site is, but no matter how centrally
15 located it is you have lost some element of convenience
16 and proximity, and therefore that loss will continue to
17 prevail, or all or part of it will continue to prevail
18 in a single site system, yes.

19 Q. Did you consider this 11 cent
20 reduction throughout the remainder of the study or some
21 other form of tipping fee reduction throughout the
22 remainder of the study?

23 A. We found it so small and hypothe-
24 tical as not to be worth continuing further.

25 Q. I think you said in answer to



Nethercut & Co. Ltd.

Toronto, Ontario

13616

Watson, Rinaldo,
re-ex (Lederer)

1 Mr. McQuaid that you saw this matter differently in
2 retrospect than you did and what did you mean by that?

3 A. Well, I think we have touched on
4 part of the point . I mean, at the time we were
5 influenced by the fact that at this time, and this was
6 done in 1984, and we were I believe in the midst of
7 trying to understand why the waste per capita had
8 declined as it had, the amount of waste in 1983.
9 This was published in 1984, so the work was done in
10 late 1983. We had just completed some work that endea-
11 voured to understand and explain why the Region had gone
12 through such a major decline in waste production between
13 1982 and 1983, and factors such as this were on our mind
14 and came to the fore. But, in retrospect, as I say, I
15 don't think it is a significant factor. It involves a
16 very small amount of waste, and I think a certain amount of this
17 is ongoing and it's part and parcel really of the
18 system and whether you have a transfer station at
19 Georgetown or don't have a transfer station at Georgetown,
20 two sites or one site, what sort of waste recovery
21 options are being established in Peel and in Hamilton-
22 Wentworth. There are a whole host of things that is
23 drawing waste in and out of the Region and this is just
24 one small factor.

25 Q. All right. Now, I would like to



1 refer you to H-15, another matter raised by Mr. McQuaid,
2 and page 28 of that exhibit. The numbers are at the
3 bottom of the page, those are the numbers we are using.
4 Do you recall Mr. McQuaid reviewed with you that the site
5 was designed for \$4.28 million tonnes?

6 A. Four point two 0 eight.

7 Q. Yes.

8 A. Yes.

9 Q. For cash flow purposes, you valued
10 it at 3.206 million tonnes, and do you recall that question?

11 A. Yes.

12 Q. What does the 3.206 million tonnes
13 represent?

14 A. Well, the title is shown as waste
15 direct landfill and it is the amount exclusive of
16 residue generated by the EFW and exclusive of the
17 contingencies for additional waste and EFW shutdown.

18 Q. What does the 4.208 million tonnes
19 represent?

20 A. That is the upper end of our
21 estimate of the requirement inclusive of the contingen-
22 cies and inclusive of the EFW.

23 Q. As a result of that, what is being
24 proposed with respect to the capacity for which this
25 site is being designed?



Nethercut & Co. Ltd.

Toronto, Ontario

13618

Watson, Rinaldo,
re-ex (Lederer)

1 A. Well, we have a site design to
2 take the upper end, the 4.2 million tonnes.

3 Q. Suppose your prediction is
4 correct and what arrives is 3.206 million tonnes; what
5 impact does the additional capacity have on cash flow?

6 A. Well, 3.206 million tonnes arrives
7 over the 20 years rather than 4.208?

8 Q. That's right.

9 A. Well, first of all the potential
10 lifetime of the site would be extended by one million
11 tonnes which would be one-third approximately and so the
12 site lifetime would be extended by up to six years.

13 Q. Within the 20-year period for which
14 you are planning, what impact on cash flow would arriving
15 at the 3.208 -- I forget the number.

16 A. Three point two 0 six.

17 Q. Three point two 0 six have? What
18 is the base for cash flow?

19 A. The capital costs, to go back to
20 Exhibit H-284, the capital costs are set and they
21 wouldn't change. Obviously on a per-ton tipping fee
22 basis the allocation would increase, but the capital costs
23 would not increase. The operating costs would show some
24 reduction and doubtless not a pro rate reduction as
25 there are some economies in there and they would show



1 some reduction, so the cash flow would diminish to some
2 degree in that area and the haul costs of course would
3 diminish, there would be fewer loads and lesser tonnage,
4 and the off-site property value impact would not be
5 affected to any degree. So, the cash flow would reduce.

6 Q. All right, thank you. Now, can we
7 turn to the matter of liners just for a moment and I
8 don't have the reference but I believe you indicated in
9 your answers to Mr. McQuaid that at the 2C level or at
10 least at one site a liner was being evaluated at a cost
11 of \$20 million, and do you recall saying that?

12 A. I discussed that relative to
13 Stage 2C.

14 Q. Table 1 opposite page 7-2 in
15 Exhibit H-44. What did you say the cost was for a
16 liner at Site F if this Board were to approve such a
17 thing today at this point in your study?

18 A. We had a figure of -- the total
19 liner costs shown by Mr. Hiraishi were \$8.15 million
20 and when we did the present valuing it resulted in a
21 net cost increase of approximately \$5 million.

22 DR. KINGHAM: So we are clear, that is
23 assuming importation of clay rather than using materials
24 on site?

25 MR. WATSON: Yes. Mr. Hiraishi's



1 assumption in H-304 did assume importation.

2 MR. LEDERER: Q. Are you able to account
3 for the difference between the value at the 2C stage for
4 the sites then being discussed and the value now at
5 the landfill technical stage or final stage with respect
6 to Site F?

7 MR. WATSON: A. I think there are several
8 reasons for the difference and I obviously don't have an
9 engineer's understanding of it, but first of all at 2C
10 the estimate was done on a broader, more overall basis.
11 Secondly, it was done for a much larger area and the
12 Site F site is slightly in excess of 200 acres and at 2C
13 we were working with sites, I believe, closer to 400 acres.
14 That is the total site and the landfill area was smaller
15 but it was proportionate.

16 The gradients I think in the case of Site
17 F were more favourable to the construction of a liner
18 than the 2C sites. I think there were a couple of other
19 factors that I have in my notes somewhere, but there were
20 a number of factors.

21 Q. All right. Can we turn to the
22 question of a sewage line and perhaps you could look at
23 either Exhibit 279 or 276 and I think UP-16, if I remember
24 correctly.

25 A. Two eighty-six?



1 Q. Two eighty-six, excuse me.

2 A. UP-16, yes.

3 Q. Again this has been gone over a
4 number of times but you show the potential here at a
5 high cost a saving of \$300,000 and at the low cost a
6 saving of \$2 million if a dedicated sewer line was put
7 in place the terms that were discussed with you by
8 others?

9 A. Yes.

10 Q. Can we turn back to UP-15 and if
11 you apply those savings could you indicate, sir, what
12 impact that has on the difference, the comparability
13 in an economic sense between these two sites?

14 A. Well, the regional costs for Site
15 D would be reduced in the update by somewhere between
16 \$0.3 million and \$2.0 million, as would the total.

17 Q. What impact does that have on your
18 ability to choose between these two sites?

19 A. We had a situation or we have a
20 situation where as far as regional costs are concerned
21 there was an advantage to Site F of between \$1 million
22 and \$3.8 million, and the use of a sewer line with these
23 cost assumptions would reduce that advantage but there
24 would still remain an advantage of \$700,000 to \$1.8
25 million. I might say relative to UP-16 -- I don't think



1 this was touched on in any of the cross-examination-- but
2 from my understanding, Mr. Hiraishi gave us what we have
3 referred to as the high-cost sewer line. He gave it to
4 us as his estimate. We then -- I won't say assisted, but
5 we requested of him a low-cost optimistic scenario and
6 as part of generating that it was we, not Mr. Hiraishi,
7 that eliminated the approval costs and the land acquisition
8 costs in order to make that scenario exactly that,
9 optimistic. So, to my view the \$2.0 million saving is
10 very definitely on the high side and my expectation is
11 that we would be down into the range and the saving
12 would in all likelihood be less than \$2.0 million and
13 possibly significantly less.

14 Q. Can we turn to Exhibit 297 which
15 is one of your flip charts where you showed the organiza-
16 tion of criteria used for comparison? It's on the board.
17 Do you recall Mr. McQuaid asked you in referring to this
18 ordering of criteria whether there was any individual
19 weighting between these criteria and do you recall that?

20 A. Yes.

21 Q. Why didn't you do any weighting?

22 A. Well, as I explained, if you start
23 to put numbers to these and say this is a ten and this
24 is a three (indicating), first of all it is inevitably
25 moving you into areas of arbitrariness. Secondly, I



1 think it methodologically creates problems that need not
2 be there. If you have here under "haul" a difference,
3 as we do, of only \$100,000 or \$200,000 between F and D,
4 I wouldn't want to be in a situation where we had some
5 weight associated with that and that was being factored
6 into the calculation and quite conceivably having more
7 impact on the total than it ought to have. For the
8 sake of \$100,000 we could transfer payment \$100,000
9 from the difference down here and eliminate that al-
10 together from the consideration. It is that type of
11 an analysis or that type of ability to look at specific
12 trade-offs rather than simply wind up with numeric
13 abstractions that I wanted to retain that ability.
14 You lose that ability as soon as you start to say that
15 that's a seven and that's a ten, but on what basis?
16 The relationship between the importance of those things
17 varies with the circumstances and it varies with the
18 degree of difference, it varies with the absolute
19 amounts, it varies with the time of it and so on and
20 you have to look at it and weigh those things.

21 Q. I have a couple of questions for
22 Mr. Rinaldo and I haven't finished with you yet,
23 Mr. Watson. Mr. Rinaldo, Mr. Leitch asked you some
24 questions concerning the impact on the Region if the cost
25 for the Region were up by \$5 million or \$10 million. Do



1 you recall that?

2 MR. RINALDO: A. I do.

3 Q. You said looking at the effects on
4 taxpayers and debt capacity at \$10 million you would
5 want to do a more detailed analysis. Do you recall that?

6 A. That is what I said.

7 Q. What I am curious in knowing is
8 are you able in any way to relate the potential of an
9 extra cost of \$10 million to the tax burden being placed
10 on individual taxpayers by the interim solution which
11 the Region is now entering on?

12 A. From that perspective, the \$10
13 million is cheaper than what we are doing right today. However, as
14 I said, regardless of the interim solution, you must
15 still recognize that we have to look at what the long-
16 term requirements are in terms of the other services
17 that the Region provides and that is why I cautioned
18 the Board that I would want to do a detailed analysis.

19 Q. While we are on the interim solu-
20 tion, where is the waste going under the interim solution?

21 A. Under the interim solution the
22 waste is going to go -- our plan in 1988 is to have
23 110,000 metric tonnes of waste go to Occidental, which is
24 in New York State, 70,000 tonnes goes to Walker Brothers
25 quarries in the Niagara Region and 20,000 tonnes to



1 Steetly which is on Highway 5 in Hamilton, or actually
2 Waterdown, but the Flamborough area.

3 Q. Mr. Rinaldo, looking at Walker
4 Brothers, do you recall some questions were asked as to
5 how money was set aside or what money was set aside for
6 the after-use portion and care and do you recall that?

7 A. Yes.

8 Q. Do you know from whatever contact
9 you have had with Walker Brothers, and if you don't know
10 tell us, but how Walker Brothers accounts for that?

11 A. From our negotiations with Walker
12 Brothers they have told me they provide \$1 per tonne
13 for after-use.

14 Q. If we look at Exhibit 280 and
15 perhaps you could help me with this -- I'm sorry, it's
16 the exhibit which has Mr. Watson's overheads on it and
17 this is an exhibit which demonstrates the tipping fees
18 to the various sites. Do you recall? It's UP-10.

19 A. UP-10? Yes.

20 Q. We have Walker
21 Brothers with a tipping fee of \$22.

22 A. Yes.

23 Q. Do you know if that \$1 is included
24 within the \$22?

25 A. My understanding is that it is.

Q. Could we now return to Mr. Watson?
Mr. Watson, you were asked a number of questions



1 latterly by Ms Cronk as to the number of properties
2 around Site D that may or may not be part of your
3 consideration with respect to property value decline
4 and I think the last number we had was 140, do you
5 recall -- 141?

6 MR. WATSON: A. One hundred and fifteen.

7 Q. I'm sorry, 115. Do you recall
8 that?

9 A. There was 30 ...

10 Q. It's 115, but there is a primary
11 and a secondary and 30 in the primary?

12 A. Yes, 30 in the primary and the
13 secondary had -- I thought it had 80.

14 Q. I thought it was 115, but the record
15 will show us that and we don't need to worry about the
16 specific number.

17 A. I think you are right. Yes, 81
18 residential and 34 other for 115.

19 Q. I'm interested in knowing whether
20 in your opinion all of these people will in fact suffer
21 some property value impact?

22 A. No. I have said a number of times
23 that I believe in the primary area that that is the case
24 and that those properties which abut or virtually abut
25 the site will inevitably have some negative impact on



1 their property values, and I have gone through the MOE
2 review of the different types of difficulties that can
3 be visited within 500 metres and greater distances and
4 from my experience I think that is virtually inevitable.

5 As you move further out into the balance
6 of the area, I am saying that some or possibly many of
7 those properties will have some degree of property
8 value impact. Obviously it will lessen and I wouldn't
9 expect it to be major in many cases, and in some cases
10 it may be small enough to be negligible.

11 DR. KINGHAM: Can we be absolutely clear?
12 You are referring to H-277 and you have included as the
13 30 properties all the lettered properties on H-277 and
14 you would include, for example, lettered property F?

15 MR. WATSON: I would.

16 DR. KINGHAM: That property would be how
17 far from the area to be landfilled? From the area to
18 be landfilled at its closest point. The area to be
19 landfilled, because there is a 100-metre buffer.

20 MR. WATSON: Yes. One hundred metres
21 would take us to here, just inside of there (indicating),
22 and so that's 26 centimetres which is 1,300 metres and
23 that property or the holding is here obviously, but we
24 did include that farm property.

25 DR. KINGHAM: I wanted to understand



1 because it is across Highway 25 on -- is that Britannia
2 Road?

3 MR. WATSON: Yes. No question-- if we had
4 to go property by property, there is no question that
5 these properties here would experience a much different
6 situation.

7 DR. KINGHAM: I wanted to understand what
8 you said because you said all of those 30 lettered
9 properties would sustain some damage?

10 MR. WATSON: Yes, because I think in part
11 F and E are inextricably linked together and I think that
12 is one reason why F is shown. We can't show the farmland
13 without the headquarters, the farmhouse, but I agree that
14 at 1,300 metres and at that location it is getting
15 certainly to the outer limits of the primary zone, if not
16 moving slightly into the secondary zone, but I put it in
17 the primary zone and I am satisfied with that because
18 of the existence of the E property and the fact that it is
19 much closer to the landfill area.

20 MR. LEDERER: Q. Mr. Watson, of those
21 properties, can we look at the ones hypothetically that
22 actually do suffer property value decline? Can you
23 tell me, would you expect all of those to make claims
24 from the Region?

25 MR. WATSON: A. I don't know how they



1 would proceed in terms of individual claims or as we
2 discussed consolidated claims. I don't know whether
3 each and every one would make a claim. There certainly
4 would be a considerable amount of activity of that nature
5 in that area I would expect.

6 Q. Of those claims, would you expect
7 them to all be successful?

8 MS CRONK: That is entirely speculative
9 and I don't think that's a proper question.

10 MR. LEDERER: The proposition raised by
11 Ms Cronk is that we will have to look at this as though
12 there were 141 properties all of whom claim and all of
13 whom are successful in their claims.

14 MS CRONK: I didn't put that to the
15 witness and I don't think the merits of success or
16 failure -- it requires a legal analysis which this witness
17 is not in a position to give as he is not qualified to
18 give it and I object.

19 MR. LEDERER: With great respect, if I
20 can finish.

21 But in assessing how to deal with
22 this in a planning context and how to evaluate what the
23 proper real estate contingency should be, whether the
24 \$300,000 was a reasonable figure, there is a question as
25 to how the witness approaches the possibility of actual



1 payments being made. Surely that becomes relevant. I
2 agree there can be no legal judgment as to who will
3 succeed and who won't succeed.

4 MR. LANCASTER: You have to make certain
5 assumptions.

6 MR. LEDERER: That is right and I am
7 interested in the assumptions but perhaps I phrased the
8 question badly and perhaps I should ask Mr. Watson.

9 Q. Did you make any assumptions as
10 to how many people would claim and how many people would
11 be successful? I am not looking for specific numbers,
12 but did you make any assumptions?

13 MR. WATSON: A. Yes. Clearly with the
14 allowance that is there, the \$300,000 for the dual
15 purpose in item 6 of that exhibit, 288, I clearly was
16 assuming that there would not be a large measure of
17 success. I think the criterion would appear to be
18 that the construction of the public works in close
19 proximity to the lands so changed their situation as to
20 greatly reduce, if not eliminate, their value for the
21 uses to which they had been put prior to the construction
22 and therefore would be classed as nuisances. I don't
23 believe we have that type of situation and I think that
24 the St. Pierre decision is quite clear on that matter
25 even for a non-award.



1 Q. Can we turn to the matter of liners
2 and liner costs and to Exhibits H-304 and H-312? Do
3 you have those in front of you, sir?

4 A. I have 304.

5 Q. H-312 is Mr. Hiraishi's memo.

6 A. Yes.

7 Q. Ms Cronk asked you a series of
8 questions concerning these exhibits and in particular
9 she took you to page 3 of H-304 and page 2 of H-312 and
10 to the listing on those pages of design changes that
11 would have to be made and suggested to you that they
12 were largely the same. Do you recall that series of
13 questions?

14 A. Yes.

15 Q. What I would like to do is look
16 at the explanations at particularly Exhibit H-312 as to
17 the change that a liner would necessitate and I would
18 like to ask you, and bear with me, but I would like to
19 compare this to the explanation on page 3 of H-304.
20 Looking at the first paragraph of page H-312, the last
21 sentence:

22 "There are major differences that will
23 need to be addressed."

24 Do you see that?

25 A. Yes.



1 Q. Do you find anything like that in
2 Exhibit H-304? Take your time.

3 A. No. In that case he simply says
4 "If the requirements for a liner were known prior to our
5 work, our design would not have been as shown and some
6 of the more significant changes may have included ..."

7 Q. Look at the second paragraph in
8 H-312 and perhaps I had better read it:

9 "At Site F, we can conceptualize a
10 liner that will capture a portion of the
11 5% of the leachate that is expected to
12 bypass the collection system and there-
13 fore relate the additional leachates
14 collected to the costs of the liner. At
15 Site D, however, such a comparison would
16 not be possible."

17 Do you understand Mr. Hiraishi to be saying anything
18 about that comparison at Site F?

19 A. Yes. He is indicated what would
20 likely occur at Site F, but he is saying that at Site D
21 he is unclear.

22 Q. Look at the third paragraph on
23 Exhibit H-312, the last sentence:

24 "A liner in effect contravenes the basic
25 underlying philosophy used to develop the



1 design and operations concept."

2 Do you find any indication of that type of change on
3 Exhibit 304, the liner costs as set out, and again take
4 your time?

5 A. It is essentially the same, I think,
6 as the reference to:

7 "There are major differences that will
8 need to be addressed."

9 And what he says in H-304 is that there are significant
10 changes and here they are, but he does not speak quite
11 as vehemently about the contravention of underlying
12 philosophy.

13 Q. Can we look now at the fourth para-
14 graph on the first page of Exhibit H-312 and the second
15 sentence:

16 "In addition, hydrogeologic assessment will
17 need to be made in terms of the effective-
18 ness of a liner and the impact on
19 surrounding water users."

20 Do you see that?

21 A. On H-312?

22 Q. Yes, the second sentence of the
23 last paragraph.

24 A. I see that.

25 Q. Is there any suggestion that such



1 a hydrogeologic assessment would have to be undertaken
2 to place a liner at Site F, looking at H-304?

3 A. No.

4 Q. Looking at the last sentence of
5 that same paragraph on H-312:

6 "Moreover, we have not established all the
7 potential impacts arising from the instal-
8 lation of a liner at Site D from a
9 hydrogeologic and design and operations
10 perspective. In short, we anticipate that
11 a liner requirement will entirely alter
12 the design and operations from that given
13 in our previous submissions."

14 Can you indicate is there anything that demonstrates
15 that magnitude of change looking at H-304?

16 A. No. Once again he is much milder
17 and simply says "Our design would not have been as shown"
18 and he gives the changes in H-304.

19 Q. Are you able to distinguish between,
20 based on these paragraphs, the design changes to be made
21 at Site D and Site F respectively if a liner is put in
22 place?

23 MR. LEITCH: I have a lot of trouble with
24 this. I have listened to it quite patiently and it seems
25 to me it is inappropriate from a number of points of view.



1 First of all, what my friend is doing is using a witness
2 who has professional expertise in the field of economics
3 to discuss engineering matters. It is perfectly all right
4 for my friend to argue his case from the documents that
5 have found their way into evidence, but to argue it
6 through his economist at this point in time in my sub-
7 mission is totally inappropriate. I don't think this
8 witness should answer that question.

9 MR. LEDERER: I am asking the question no
10 differently from the one Ms Cronk asked but I am just
11 pointing out other paragraphs in the letter to what
12 she referred to.

13 MR. LEITCH: I don't think what Ms Cronk
14 was doing was correct.

15 MR. LEDERER: You didn't object then
16 because your position was different, but with
17 Ms Cronk having done it you can't stop it, it having gone
18 this far.

19 MS CRONK: To put the full triumvirate
20 on their feet, all I did was illustrate that in both
21 situations Mr. Hiraishi indicated that design changes
22 would be necessary. I did not invite the witness to
23 speak to the quality of the changes or the nature of
24 the changes, the engineering implications of the changes,
25 their magnitude or whether they were diminimus, and we are



1 getting into quite a different area and I didn't object
2 but in point of fact I don't think it proper to go to
3 this extent in re-examination. I talked numbers, expense.

4 MR. LEDERER: I am prepared to withdraw
5 the question.

6 MR. LANCASTER: It is a difficult one but,
7 all right.

8 MR. LEDERER: Q. Well, Mr. -- I was
9 about to call you Mr. McQuaid. I don't know what to
10 make of that. Can we turn to Exhibit H-293 and pages
11 9 and 10? In looking at page 9 Ms Cronk asked you some
12 questions about the range and more particularly the
13 value of \$2,150,000 and do you recall that question?

14 MR. WATSON: A. Yes.

15 Q. And she suggested if you went to
16 the higher range for Site D then that would have to
17 consider that as the property value decline?

18 A. Yes.

19 Q. To be consistent, if you were going
20 to do that would you have to make a change in your assess-
21 ment at Site F as well?

22 A. Yes, and I think I mentioned that.
23 If you go to the top end of the range you obviously have
24 to do so in both cases.

25 Q. Just to put it on the record so we



1 are all in one place, what is the top end of the range
2 of Site D and what is the top end of the range for Site
3 F?

4 A. For Site F it's \$2,150,000.

5 Q. For F?

6 A. Site D; \$2,150,000 and rounded to
7 \$2.2 million and for Site F it is \$600,000.

8 Q. I would like to turn to something
9 different. Can you indicate, and this is probably self-
10 evident, but are there lands that will have to be
11 purchased at both of these sites?

12 A. Yes.

13 Q. Are there legal costs associated
14 with those purchases?

15 A. Yes.

16 Q. Did you consider those legal costs
17 in the work you undertook as part of your study?

18 A. In the landfill technical report
19 we did not specifically include monies, legal monies
20 for the purchase of either site.

21 Q. Can you indicate why not?

22 A. I made the assumption that those
23 costs would be absorbed in-house and, in effect, they
24 would be equivalent. That's why not.

25 Q. Mr. Rinaldo, does the Region have



1 a Legal Department, sir?

2 MR. RINALDO: A. Yes, it does.

3 Q. Would you indicate to the Board
4 the nature of the work it does?

5 A. It provides all the legal services
6 for the Region of Halton and at times we do utilize
7 outside legal services also and it is responsible for
8 that area.

9 Q. Does it ever get involved in
10 acquiring property?

11 A. On a regular basis.

12 Q. Mr. Watson, in the end, as I under-
13 stood it, and I stand to be corrected if I didn't
14 understand it correctly, but Ms Cronk said that around
15 Site D and looking at the assumption we go outside there is
16 an extra cost of \$450,000 for legal costs for the
17 purchase of land. Do you recall that?

18 MR. WATSON: A. She mentioned various
19 figures and I think she was around a half a million
20 dollars.

21 Q. If you were looking at the purchase
22 of land at Site F, would there be legal costs associated
23 with that?

24 A. Yes.

25 Q. Are you able to compare the



1 magnitude of those costs in any way with the costs
2 related to the acquisition of Site D?

3 A. I would expect that in all likeli-
4 hood the Site F costs would be lower. You have fewer
5 owners to deal with and you have the possibility with
6 the major owner of some sort of negotiated arrangement
7 I would assume but, in any event, you certainly have
8 fewer owners.

9 Q. Looking at the higher end which
10 I think you said was around half a million at Site D,
11 does the swing of a half a million dollars give you any
12 concern about the affordability or any impact on your
13 comparison of these sites?

14 A. We could go back to UP-15 and the
15 half a million dollars would be considered in the same
16 context we considered the difference in the sewerage of
17 Site D, that it would simply work within the differences
18 we had of several million dollars and it would not change
19 anything to any degree.

20 Q. Now, can we go to Exhibit H-279
21 and the final series of questions put to you by Ms Cronk?
22 You might also get out Appendix K of H-14. Now, first
23 of all looking at H-279 or UP-15, do you have that?

24 A. Yes.

25 Q. Looking at the matter of regional



1 costs, if I could repeat to you my understanding of
2 these figures rather than have you re-doing the mathema-
3 tics for what would be the second or third time; at the
4 Schedule K or landfill technical phase the advantage in
5 regional costs was to Site F in the amount of \$1.8 million?

6 A. Yes.

7 Q. I'm sorry, I said that incorrectly.
8 With respect to overall costs?

9 A. Overall.

10 Q. The difference at the landfill
11 technical level would have been \$1.8 million?

12 A. In favour of Site F.

13 Q. In favour of Site F. At the update
14 stage, again the overall costs was a range of from \$1.3
15 million to \$4.1 million?

16 A. Yes.

17 Q. Now, Ms Cronk asked you some
18 questions about that looking at K1 and suggested to you
19 and I think you ultimately agreed on the word "enhance-
20 ment", there would be an enhancement of the difference
21 and do you recall that, looking at the overall costs?

22 A. There would be an enhancement of
23 the difference, yes.

24 Q. What I'm interested in is this,
25 supposing we looked at the low end of the difference, the



1 \$1.3 million; in that circumstance will there be an
2 enhancement of the preference for Site F over Site D?

3 MS CRONK: I'm sorry, but we had this.
4 This is not a question that properly arises from cross-
5 examination in the sense of something not covered. I
6 dealt very clearly with Mr. Watson about the low and high
7 end of the ranges and he was very careful when he thought
8 I was taking too far the extent on one side to deal with
9 the other, and in each case on the regional costs and
10 on the overall costs we looked at the low, we looked at
11 the high and this is not in my view an appropriate area
12 to be gone over yet again as we have had the numbers
13 three times. There was no unfairness because I put
14 both ends of the ranges to him and in my view it is
15 not appropriate at all for Mr. Lederer to be going over
16 the same thing.

17 MR. LANCASTER: You did use the word
18 "enhanced"?

19 MS CRONK: I did, but I did it in the
20 context of putting to him the entire range and we had a
21 discussion about the low and high and I thought we had
22 an agreement as to what his view was.

23 MR. LEDERER: I must say that that's not
24 my recollection of the way the question about enhancement
25 was put, but I can leave the numbers.



1 Q. Now, Mr. Watson, before you answer
2 give Ms Cronk a chance to object if she wants. Will
3 there necessarily be an enhancement of that distinction
4 in the overall costs?

5 MR. WATSON: A. If what?

6 Q. Looking at these potential
7 differences, \$4.1 to \$3.0 million, will there necessarily be an
8 enhancement over what existed at the time of the landfill
9 technical study?

10 A. Oh, we are going from the landfill
11 technical study and incorporating the results of the
12 update?

13 Q. Yes.

14 A. You are saying have we in incor-
15 porating the update, have we improved upon the advantage
16 that Site F had?

17 Q. That's right.

18 A. Are you talking about relative to
19 overall costs?

20 Q. Yes.

21 A. Or are we talking about the factors
22 on H-297?

23 Q. For the moment we are just looking
24 at overall costs.

25 A. We have gone from a Site F advantage



1 overall of \$1.8 million to a Site F advantage of \$1.3 to
2 \$4.1 million, so at the lower end it is not an advantage
3 and at the higher end it is a more significant advantage
4 of \$2.3 million increase and that is a modest enhancement.

5 Q. Can we look at regional costs and
6 can you tell me is there necessarily going to be an
7 enhancement there?

8 A. Well, on Schedule K we have gone
9 from the situation where Site F had an advantage of
10 \$600,000 to the update where the advantage is ranging
11 from \$1 million to \$3.8 million and that clearly is an
12 enhancement, yes.

13 Q. You agreed with Ms Cronk that
14 regional upfront costs are a wash, but could we look at
15 affordability and could we turn first of all to criterion
16 4 on page K3 and you also may want to have Exhibit H-280.
17 Could you review for us, please, how it is one arrives
18 at the calculation we find in the third column, 11%
19 Increase (Site F vs. Site D)?"

20 A. It is a matter of dividing the
21 higher number for 1988, the \$36, and dividing that by the
22 lower number of \$32.80 and you get 109.8 per cent, so the
23 increase is 9.8 per cent.

24 Q. Can we look at Exhibit H-280 at
25 pages 7 and 8 and then 9 and 10?



1 A. Yes.

2 Q. Can we start with the high, 9 and
3 10, and could you very quickly do the same calculation
4 for us with these figures for the years 1988 to 1991?

5 A. Seven point two in favour of F
6 in 1988, and I did this yesterday; 9.8 in favour of F
7 in 1989 and 6.7 in favour of F in 1990.

8 Q. Just a moment, Mr. Watson. To
9 make this entirely clear and to make it comparable, what
10 I want you to do is precisely the same exercise that was
11 done on K3 and I would like you to consistently divide
12 D into F to get the same relationship. Is that what
13 you are doing?

14 A. Yes. Starting in 1988 I have 7.2,
15 9.8, 6.7, 7.5.

16 Q. Could we go to page 10 and do the
17 same for 1992 through 1995?

18 A. Two point nine, 9.1, 8.7, 9.2 and
19 7.3.

20 DR. KINGHAM: When you said "in favour
21 of", what did you mean?

22 MR. WATSON: I meant -- okay. F is higher
23 and D is lower in all of these cases. Therefore...

24 DR. KINGHAM: Therefore F is more
25 expensive by the percentages you have given us?



1 MR. WATSON: Yes. Yes. Therefore, if
2 you increase D's costs by the percentages I have given
3 you, you will then get F's cost which is what you have
4 just said.

5 MR. LEDERER: Q. 1996 is different, just
6 to be clear?

7 MR. WATSON: A. It's different?

8 Q. Which was higher in 1996?

9 A. F continues to be.

10 Q. I'm sorry, excuse me. I'm sorry.
11 Can we do exactly the same calculations for pages 7 and
12 8, the low end?

13 A. Just to be sure, in these cases we
14 have F as being higher -- then it changes.

15 Q. I think we can agree that it is
16 either equal or F is higher except for 1992 when D
17 is higher.

18 A. We get 3.8 in 1988, 1.8 in 1989,
19 and essentially there is no difference in 1990. It's
20 no difference in 1990. In 1991 it's 0.8 per cent. Now,
21 in 1992 F is -- I'm sorry -- 3.5 per cent lower than D
22 and then for the balance of the period F is back to
23 being higher than D, and in 1993 the percentage is 2.4
24 and in 1994 it's 2.4, 2.9 and 2.4 in 1996.

25 Q. All right, sir, with those



1 calculations in place and comparing them to what you see
2 on your chart on page K3, can you indicate whether or not
3 or what your strength of preference and analysis under
4 criterion 4 is today?

5 A. All right. Perhaps if I could
6 just take a moment to put these ranges on to page K3 so
7 I can see them together. All right, looking at K3 the
8 difference in favour of D in 1988 has diminished and
9 instead of being 9.8 it is 3.8 and 7.2. In 1989 we
10 have a similar situation and a difference of 15.3 for D and
11 it's now 1.8 to 9.80. In 1990 it was 8.5 and it's now
12 ranging from no difference to 6.7. In 1991 it was 7.2
13 and it's ranging from 0.8 to slightly more, 0.75. In
14 1992 it was 6.8 and it's now 3.5 advantage to F to 2.9.
15 In 1993 it was 13.3 and it's now 2.4 to 9.1 and in 1994
16 it was 12.4 and it's now 2.4 to 0.87. In 1995 it was 13.3 and
17 it's now 2.9 to 9.2 and then we have figures for 1996
18 which are 2.4 to 7.3 and the trend we had -- I can leave
19 it at that. There is clearly the position that F has
20 improved quite perceptively relative to D. D is still
21 to be favoured in this category, but by a much lesser
22 margin.

23 Q. What is your strength of preference?

24 A. The strength of preference for D
25 in this? In this criterion it has reduced and it's a



1 preference to D but it is a reduced preference.

2 Q. I believe you looked at, and again
3 I stand to be corrected, but area municipal costs with
4 Ms Cronk and that was the same and you also looked at
5 criterion 7 which was private sector haul costs and
6 that was the same?

7 A. It was almost identical. We are
8 talking about differences of \$100,000 and \$100,000 in
9 that particular category, which is at the bottom of my
10 rank, and it is an amount spread over a 20-year period
11 and so, yes, I am calling that a negligible difference,
12 a very, very small difference in favour of D but
13 negligible.

14 Q. What about criterion 6, municipal
15 haul costs?

16 A. Municipal haul costs and private
17 haul costs will be identical situations because they
18 are both derived from the same numbers. We are simply
19 taking the total haul costs and dividing those amongst
20 municipal haul and commercial haul and small haul on a
21 percentage split basis and so the differences are the
22 same.

23 Q. I should have been more specific.
24 I am interested in criterion 6, distribution of municipi-
25 pal haul costs.



1 A. Oh, yes. Well, that remains as
2 shown in the letter we looked at earlier, Exhibit No. --
3 this was the letter to Mr. Rinaldo, 290, the last two
4 pages of H-290 and, for that factor this represents
5 the update, the December 23rd memo, and it shows that
6 for Site D you have quite a balanced distribution and
7 looking at the bottom of the second-last page of the
8 exhibit and comparing the percentage of cost on the
9 left, for example for Halton Hills it's 17, to the per-
10 centage of landfill waste volume for Halton Hills being
11 12. You have a relatively equal balance in that situation.
12 Going to Site F you have or don't have that situation and
13 for Burlington you have 17 per cent of the cost for 42
14 per cent of the waste and for Halton Hills you have
15 29 per cent of the cost for 12 per cent of the waste
16 and Oakville is relatively close and Milton is not far
17 off. So, D is to be favoured or continues to be favoured
18 in criterion 4C but, as I say, the reason 4C was at the
19 bottom of the list was that that was the situation where
20 that is problematic within the Region and that can
21 easily be remedied by transfer payments and to my mind
22 that is why you have a regional municipality with
23 jurisdiction over area municipalities, to deal with
24 that very type of disparity. If they want to equate
25 that type of burden, then that is easily done, but D



1 does it without any such adjustment and therefore it is
2 favoured.

3 Q. What is your strength of preference
4 looking at the chart on K1 with respect to that criterion
5 today?

6 A. The strength of preference for
7 criterion 6?

8 Q. Yes.

9 A. It is as shown, there is still a
10 major difference between D and F, but the importance of
11 the criterion is as I have discussed, that is to say
12 not very important.

13 Q. Can we look at criterion 8, poten-
14 tial property value impact and could I ask you is the
15 value of the loss of property, the absolute value, the
16 only constituent of that criterion?

17 A. Yes, the loss or the absence of
18 gain, yes.

19 Q. Can you indicate what your strength
20 of preference is for that criterion at this time?

21 A. For 8 we had a major preference
22 for F and we continue to have a major preference for F
23 because, as I have mentioned, because of the number of
24 properties that are likely to be affected and the compari-
25 son of that number.



1 Q. Now, sir, having looked at all of
2 these criteria and looked at possible amendments to
3 each and every one of them, can you tell me what is
4 your conclusion today as to the comparative -- as to
5 comparing these two sites with respect to costing
6 analysis?

7 A. Well, I think on day one I had
8 indicated that I felt that the conclusion on K1 that
9 overall the sites are quite evenly matched in economic
10 terms and a clear preference does not exist, I indicated
11 that the degree of difference between the sites, which
12 I regarded as being limited when you considered all the
13 economic factors in K1, I indicated that that difference
14 I felt had narrowed even further and I know that the
15 Board at the time in the discussion that ensued as to
16 which legal counsel should go first and whether we were
17 recommending F or D, and I know when you look at K1 and
18 you look at it and see that D is the preferred site in
19 five cases and we see F only in three cases and, on
20 the face of it you would say that D is preferred. I
21 guess what K1 doesn't give you is the sense of the
22 importance of the criteria which I have shown here.

23 Q. When you say "here", for the
24 record you are talking about H-297?

25 A. I'm sorry, H-297, and which I am



1 considering now and which we considered not as explicitly
2 then but we certainly considered it during the updating.
3 I am saying that I believe the difference between the
4 two sites has narrowed even further and we have or I
5 have reaffirmed that conclusion we made in the bottom
6 sentence of K1.

7 MR. LEDERER: Thank you. Thank you,
8 Mr. Chairman, those are all my questions.

9 MR. LANCASTER: Thank you. Thank you,
10 Mr. Watson and Mr. Rinaldo. The Board will adjourn
11 for about 20 minutes because I assume you will require
12 some time.

13 MR. LEDERER: Yes, we will.

14 MR. LANCASTER: Will 20 minutes be enough?

15 MR. LEDERER: If not, we will advise the
16 Board.

17 --- Recess

18 MR. LANCASTER: Be seated, please.

19 MR. LEDERER: This should be a man who
20 needs absolutely no introduction by now, but in case he
21 does I am now going to call Peter Walker.

22 PETER ROBERT WALKER, (sworn):

23 EXAMINATION IN CHIEF BY MR. LEDERER:

24 MR. LEDERER: While he is getting ready,
25 with respect to the exhibits that Mr. Walker will be



1 referring to -- perhaps I should address the matter in
2 this way. Mr. Walker, as I think the Board is aware
3 and everyone else, comes here in two capacities, as a
4 land use planner who has over the course of the study
5 process undertaken an analysis with respect to land use
6 planning and also as a person who over a substantial
7 period of time was responsible for the co-ordination of
8 the project. What we propose to do is really treat him
9 as two witnesses and I will take him through his land
10 use planning evidence first and complete that in much
11 the same form you have heard from the other individual
12 consultants and then, in a sense, to go back and start
13 all over again with respect to his participation in
14 the process.

15 With respect to exhibits that will be
16 referred to or may be referred to, to state it more
17 fairly, in reference to land use planning, it will be H-7,
18 H-8, if that is the curriculum vitae ...

19 DR. KINGHAM: H-8B?

20 MR. LEDERER: H-8B and H-7 which I think
21 is the CV's, H-10 or possibly 57, H-11, H-53, H-58,
22 H-13 and of course H-14.

23 There will be other exhibits undoubtedly
24 referred to, but when we get to the process part we
25 haven't considered how to deal with that because there



1 are so many related exhibits and it may be that
2 Mr. Walker may have to give you the number to documents
3 he is referring to and I hope in many cases there won't
4 be a need to look at the documents, but that may not
5 indeed turn out to be the case.

6 Also as a preliminary matter, if I could
7 just remind the Board that I have indicated several times
8 in the past that Mr. Walker will be unavailable on
9 November 19 and November 23rd. We had hoped at one time
10 that his evidence would be finished by then, but that
11 clearly will not be the case now. We canvassed with
12 Mr. Tidball the possibility of having one of the Ministry
13 witnesses here on that day but that turns out not to be
14 possible and Mr. Leitch kindly raised the possibility
15 of calling one of his witnesses, but unfortunately it
16 turns out that gentleman will be in Alaska or some such
17 place on those days.

18 MR. LANCASTER: Perhaps we could join him
19 up there.

20 MR. LEDERER: I am certainly for that.
21 That being the case, there doesn't appear to be anything
22 we can do with those two days. We have no more witnesses
23 and, generally speaking, it would be quite inappropriate
24 to expect anyone else to call evidence prior to the
25 completion of the Region's case. It's nice that two



1 people have attempted to do so, but apparently it will
2 not work out.

3 MR. LANCASTER: You said the 19th and
4 the 23rd, a Thursday and a Monday?

5 MR. LEDERER: A Thursday and a Monday,
6 sir.

7 Q. Sir, if we could begin with
8 Exhibit 7, tab 16, Mr. Walker, have you a copy of your
9 CV in front of you?

10 A. Yes.

11 Q. Perhaps we could wait for everyone
12 else to get a copy out. I see in reviewing this document
13 you obtained a Bachelor of Arts (Honour) Degree in 1966
14 from the University of Toronto in Geography?

15 A. Yes.

16 Q. And a Master of Science from the
17 University of Toronto in Urban and Regional Planning at
18 the University of Toronto in 1969?

19 A. Yes.

20 Q. You have listed on page 1 of your
21 CV a series of professional affiliations?

22 A. Yes. Since this CV was published
23 I resigned from the Institute of Noise Control Engineering.

24 Q. I notice you have held offices with
25 some of these professional organizations and were



1 Chairman of the Ontario Professional Planners Institute,
2 Discipline Committee?

3 A. Yes, and still am.

4 Q. You are a member of the Chapter --
5 Membership Committee of the Canadian Institute of
Planners?

6 A. Yes.

7 Q. Mr. Walker, as I understand it you
8 are now and have been for some time the President of
9 Walker, Wright, Young Associates Limited, Planning
10 Consultants?

11 A. Correct.

12 Q. You summarize your work in the
13 bottom paragraph on that page, but your professional
14 experience ranges from consultant to municipal, county,
15 provincial and federal governments, policy planning for
16 urban, rural, regional and county areas, consulting on
17 commercial, residential, industrial and institutional
18 projects and consulting on development, redevelopment,
19 revitalization and rehabilitation projects, consulting
20 on environmental and lease arbitration matters. Does
21 that summarize the kind of work you have been doing?

22 A. Yes.

23 Q. On the succeeding pages of this
24 document you have listed projects with which you have
25 been involved and I wonder if you might pick one or two



1 and review with us the nature of your responsibilities.
2 I am interested in an example in relation to land use
3 planning and an example in which you had a co-ordinating
4 function.

5 A. This list is intended, and it's
6 not in any particular order but as you can see it is
7 intended to highlight certain types of work and one in
8 which -- I just have to find it, but the Town of Pickering,
9 the town centre study was a consortium of about ten
10 consultant firms organized to prepare for the town a
11 new urban centre, if you will, which is currently just
12 being finished off. So, wherever you find ...

13 DR. KINGHAM: The middle of the second
14 page.

15 THE WITNESS: Thank you. I heard you were
16 a fast reader. You are far faster than I am. We are
17 still on retainer to the town for the implementation of
18 that town centre plan and other consultants come and go
19 on that. In addition to that, I was the chief planner
20 for the Town of Richmond Hill's Official Plan and there
21 were a number of consulting firms involved in that; for
22 the City of St. Catharines on the urban boundary dispute
23 with the Region of Niagara. There were a number of
24 consultant firms involved with that.

25 Much of the work that I do, Mr. Chairman



1 and Dr. Kingham, involves to differing degrees but
2 usually co-ordination of some other discipline to the
3 extent that it is a planning matter that I am involved
4 in. The degree of complexity would require additional
5 disciplines to be involved.

6 MR. LEDERER: I don't propose to spend
7 any more time on Mr. Walker's CV, but I would appreciate
8 it if he could be accepted as an expert here in the area
9 of land use planning and with respect to the co-ordination
10 role.

11 MR. LANCASTER: He is certainly accepted
12 as that.

13 MR. LEDERER: Thank you.

14 Q. If I could take you to Exhibit 8B,
15 this is the second volume of witness statements and tab
16 15. We see at that tab there are really two witness
17 statements and this relates to the two separate functions
18 which Mr. Walker has carried out. Mr. Walker, have you
19 copies of these two statements in front of you?

20 A. Yes, I do.

21 Q. Could you indicate who prepared
22 these two documents?

23 A. These were prepared in my office
24 under my direction and reviewed by me.

25 Q. I understand before we start your



1 substantive evidence that there are some corrections
2 you want to make with respect to these documents and
3 perhaps you could take the Board through those.

4 A. If I might, Mr. Chairman, in the
5 land use planning witness statement on page 2, the first
6 paragraph, the fifth line, the sentence beginning: "The
7 land use..." should actually read "The archaeological..."

8 On page 4, the second paragraph, the first
9 line should read "...immediately adjacent to built-up
10 areas ..." and not "designated Urban" and so it
11 should read "... adjacent to built-up areas..."

12 On page 5, the second full paragraph: "... compatability
13 with existing and future land use ..." and that should
14 read "factor" and not "category". On page 7, the fifth
15 paragraph, the second line, it should be six candidate
16 areas and not seven.

17 Q. Could we go back to the fifth
18 paragraph, the last reference to 2B?

19 A. Yes, that should be 2C.

20 MR. LANCASTER: What was that one?

21 THE WITNESS: The same paragraph, the last
22 item, the word "2B" should be "2C".

23 In the second one, the co-ordination, page
24 5, please. The last paragraph, second line, the word
25 "work" should be "waste".



1 MR. LEDERER: Q. Not to mean that anyone's
2 work has been wasted.

3 A. And on page 8, the second-last para-
4 graph should read "Stage 2B Consolidation Report."
5 On page 12 it is not a correction but you will see in
6 the second paragraph, the very last series of letters
7 or symbols. What we are referring to there is the
8 schedule number for my Chart 1 which is the big board
9 which is broken in half over on the wall and which shows
10 the different cycles. We had listed on that board the
11 volumes as they applied to what we were doing and we
12 will be providing one which lists in the square brackets
13 the exhibit numbers so it will be easier to follow.
14 That symbol will not mean the same thing when we are
15 finished.

16 MR. LEDERER: Mr. Chairman, since
17 Mr. Walker has referred to that perhaps we could distri-
18 bute that now. This is the chart which you have in the
19 back of the second volume of witness statements,
20 Exhibit 7B, and redone to include now the exhibit numbers
21 of the reports which were referred to and I believe in
22 every other way it is the same.

23 THE WITNESS: There are a couple of
24 additions which are of no relevance and I will flag
25 them when I go through the chart for you. There are



1 some additions, but it is just an update to make sure
2 that everything is on there that we knew about. We
3 will return to that, Mr. Chairman.

4 MR. LANCASTER: I just wanted to get a
5 number for this one; H-316.

6 --- EXHIBIT NO. H-316: Chart 1, dated October, 1987

7 MR. LEDERER: I'm finding this whole
8 method of exhibiting difficult, but given this is the
9 replacement of something that's in 7B you might want
10 to associate it with that.

11 MR. LANCASTER: We thought about that,
12 but wouldn't that be a rather complicated number?

13 MR. LEDERER: I think so, considering we
14 have a 7B now.

15 THE WITNESS: What was the number?

16 MR. LANCASTER: H-316.

17 MR. LEDERER: Q. All right. Now,
18 Mr. Walker, what I would like to do is review with you
19 your participation in the study in terms of your role
20 as a land use planner. Perhaps we could start with that.
21 I would like you to begin by just describing generally
22 your role as a land use planner with respect to the
23 Region of Halton's Environmental Assessment.

24 A. Mr. Chairman, we were under that
25 label one of the consulting team that was doing -- we



1 were hired to do the landfill component for the
2 Environmental Assessment of the landfill component, and
3 under that umbrella, if you will, we were responsible for
4 collecting large parts of the land use, and I make the
5 distinction because hydrogeologists would obviously
6 collect their own land use, the biophysical consultant
7 would obviously collect her own land use, but in terms
8 of land use built form we were responsible for collecting
9 that and that was to be used by us for our work and took
10 on different levels of detail depending on where we were
11 in the process. It was also provided to other consul-
12 tants for their work and we as land use planners co-
13 operated with them when advice was required and requested
14 on land use planning matters.

15 So, the distinction is that some of the
16 things I was doing and my firm was doing was the
17 collection of land use and the others were land use
18 planning and the latter takes place more near the end
19 of the process than at the beginning.

20 We were also responsible for reviewing
21 the available documents, the relevant planning documents
22 at the various stages in the process, and there were
23 several stages at which these documents were looked at.

24 We also contributed the land use analysis
25 to the site selection process which was Stage 2 of Phase



1 2 and we provided our assessment from a planning stand-
2 point, a land use planning viewpoint, on the likely
3 impact of the landfilling options as they came forward,
4 both in terms of existing and potential land uses. In
5 other words, the issue of land use compatability as a
6 planner thinks about it in a consortium of this size or
7 a consulting team of this size, that was our responsi-
8 bility.

9 In addition and later on in the process,
10 literally after the 2C reports were out, we were asked
11 to look at the matter of planning approvals. The 2C
12 report has some information in it on that, but there was
13 a specific job task set up for us at the period follow-
14 ing the 2C reports. This was to see what the implications
15 for the actual documentation would be should the Region
16 proceed as it was intended it would proceed with a
17 proposal for landfilling on one or the other of the sites.

18 Now, that latter one was really at the
19 time our assignment, and I will get into it later in more
20 detail, but it was an analysis under the Planning Act,
21 what was required under the Planning Act as that was the
22 major thrust of what we did.

23 Q. Can we turn to Phase 2, Stage 2A
24 and look at the work you did at that level of study?
25 You may wish to have before you Exhibits H-10 and H-57.



1 Can you indicate to the Board, please, what it is you
2 were instructed or retained to do at this level of study
3 in relation to land use analysis?

4 A. Yes. I am sure you have heard
5 this, and forgive me if I seem to repeat it but I will
6 repeat myself in any event periodically and I will
7 repeat what others have said, but this was the first
8 level of screening and we as the land use consultants
9 were therefore involved in this first level of screening.
10 This was 2A after the waste systems and needs had been
11 done. That is when the land use aspects as far as we
12 were concerned really picked up. We were involved in
13 the screening process that followed looking for either
14 a site or sites, and it had not been determined at that
15 point in time what it was going to be. It ought not to
16 have been determined and by the time we got our revised
17 work program all sorted out it was not determined
18 whether it would be one or multi sites.

19 We, like all the other consultants at
20 the time, were dealing with a very wide scope and
21 although this is a process document -- perhaps I could
22 leave this up while I am talking because it graphically
23 explains it and this is H-O.

24 Q. Perhaps I should interject for a
25 moment. This exhibit, as I recall it, was referred to by



1 me only in the context -- or it has become known to my
2 chagrin as my second opening, and it was never really
3 proven and it was not introduced as one of the reports
4 which have been in many people's hands so you may
5 require some formal proof of this. So if you could,
6 without discussing it in detail, perhaps you could
7 indicate where it was prepared.

8 A. In my office under my direction.

9 Q. If my friends will permit me to
10 lead you, is it a depiction or a schematic of the form of
11 study undertaken?

12 A. That is correct. It was not
13 available throughout the process and it was prepared
14 for the Board's purposes.

15 MR. LEDERER: If that is sufficient to
16 have it formally accepted as an exhibit we will come
17 back to what it shows in more detail later.

18 MR. LANCASTER: Certainly.

19 Q. All right, Mr. Walker.

20 A. We were at the top end of the
21 triangle with the other consultants looking at a region-
22 wide context and therefore a very wide geographical scope
23 of work that had to be done. Therefore, it was determined
24 by the team that it was a very general level of informa-
25 tion we were looking for and one thing was made clear,



1 it had to be a common or comparable type of detail at
2 that level. In fact one of the things that had come out
3 during the dotted-in Phase 1, the preparation of the work
4 program, was the information available from earlier
5 times was not a comparable type of documentation and
6 therefore it was stressed very heavily at that time,
7 both by responses from the circulation and by the staff
8 themselves, that whatever happened during the course of
9 the work programs and in the process, that it had to be
10 comparable. So, we were looking at a very general level
11 of detail at that level; macro or region-wide is the
12 terminology I would like to apply.

13 We were charged, if you will, as the land
14 use people on the team, the land use planners on the
15 team, to identify at this level land areas that would
16 be potentially acceptable for sanitary landfill from a
17 land use planning standpoint. Therefore, we entered
18 into the screening process which was going on and which
19 is evidenced by the inverted triangle, and essentially
20 the major thing that came out of that from a land use
21 planning standpoint was that reviewing the documentation
22 which was available, the regional plans and the municipal
23 plans, and there are four municipalities within this
24 Region, but they each had at that time one form or
25 another of an Official Plan, but the regional plan



1 defines urban boundaries and they were taken out of that
2 sort of basic framework to determine where the built-up
3 areas of the existing municipalities were and there
4 was a distinction to be made there in our opinion as
5 land use planners between built up and what was planned,
6 because the built-up represented where the concentrations
7 of people were and the planned would not, at this point
8 in time, represent where the concentration of people were.
9 It would represent where they may go but, at this point
10 in time they were not there.

11 The intention behind this was in league
12 with the social consultants and in league with them
13 specifically but also with the agreement of those other
14 members of the team, but the idea was to identify areas
15 of high density where there would be a lot of people and,
16 by definition, generically and specifically in my opinion
17 the build-up areas of a municipality are where the
18 highest density is. I am not trying to distinguish
19 between single-family subdivisions versus high-rise
20 apartments, but as a generic thing the urban areas are
21 the defined area of higher density.

22 The Official Plans were quite helpful in
23 that, and by discussion with staff and reviewing aerial
24 photos where necessary we were able to define where the
25 existing areas were. Now, all of this, sir, was

1 happening in the context -- I'm sure you have heard this
2 before, but this was all happening in a framework of the
3 2A work program and this is from the 2A report, the
4 evaluation factors, Stage 2A. The work we were doing
5 was under the physical factors, the first category, land
6 use and, within that factor, the land use factor, we had
7 assigned to us and with which we agreed, this as the work
8 we were to undertake to determine the compatibility with
9 existing and planned land use.

Now, there were four elements to that that we were looking for; within or adjacent to existing built-up areas and/or existing hamlets or rural clusters. We had assigned in the work program that that would be an unacceptable impact, so the measure was unacceptable at this point in time. The second one was within or adjacent to planned urban areas or planned rural clusters and the measure would be a high impact, "high" meaning not good relatively speaking to landfilling operations and unacceptable with regard to landfilling operations being nearby. Then, within 1.6 kilometres of the designated area as above, as we found out in the second level, and this would be a moderate impact and then more than 1.6 kilometres of the designated areas as above, and that would be a relatively low impact.

25 MR. GARROD: I wonder if the witness



1 intends to refer to a series of overheads if he could
2 indicate where in the reports we could find this, as it
3 is difficult to follow.

4 MR. LEDERER: That one you will find, I
5 think, at page 19 of H-57 and I believe you will also find
6 it in Exhibit H-10, although I can't give you the page
7 number.

8 THE WITNESS: I will certainly provide
9 those to you. I'm sorry, these were taken from the
10 reports, but I will give you the page numbers.

11 MR. GARROD: If you could as you go along
12 it would be helpful.

13 THE WITNESS: I will certainly try and do
14 that.

15 MR. GARROD: Thank you.

16 DR. KINGHAM: I think the Board has
17 learned from a previous witness that where a figure and
18 page number appears on the overhead it makes our work a
19 lot easier.

20 THE WITNESS: I will definitely do it for
21 you at lunch hour and there may be a few glitches up to
22 that point in time.

23 Now, having done as I described, I canvassed
24 the various planning documents, this is Figure 2 from
25 the Stage 2A overview analysis report and that would be



1 H-10. What is portrayed on this map, on Figure 2, is
2 the area which I am sure shows to you as hatched
3 horizontal lines, but it represents the built-up urban areas
4 and hamlets and existing rural clusters as being un-
5 acceptable, so where the dense, hatched area shows up,
6 that is where we define from the documents we reviewed
7 that the existing built-up area was in place and so it
8 would be in the lower Burlington area, lower Oakville
9 and with small clusters in North Burlington, the Milton
10 urban area, the Acton -- that's not Acton, that is
11 clusters again -- Acton is up on the ceiling and the
12 old Georgetown. This is all now part of Halton Hills,
13 but these are two urban areas within the regional Town
14 of Halton Hills.

15 The lesser hatching represents the
16 planned urban areas, settlement areas and planned rural
17 clusters and that had the high impact, and you will see
18 around the Burlington area there are small pieces of
19 that, one on the west end near the end of the Bay, one
20 south of 403 which is hard to read but it is the area
21 which you are familiar with between 403 and the rail
22 lands; a small, open area at the end of the Skyway,
23 the projection out to the Skyway and this is all the
24 future urban areas of Burlington or the planned urban
25 area they show as the large dots. In Oakville the



1 planned urban area for Oakville up to Dundas Street is
2 shown with the large dots. Around Milton there were a
3 few areas in the south and some planned in the north
4 flanking Highway 401. Georgetown had a large area in
5 the south planned for future urban with one in the east
6 end near Norval which is there and a small area on the
7 west side and Acton has some small areas as well. So
8 between those two categories, those two illustrations
9 on the map, we believe we have picked up most of the
10 planned urban areas including settlements and clusters
11 within the Region of Halton.

12 Now, the next two, if you will, but the
13 next series was the circle in the legend which represented
14 the area within 1.6 kilometres and the area within 1.6
15 kilometres extended which was ranked moderately and we
16 had ascribed -- we had drawn on the map a 1.6-kilometre
17 line which ran for the southern municipalities along
18 the line I am describing on the map. It shows up
19 heavily enough that you can distinguish it, and dotted
20 through a cluster here and then there along just north
21 of the word "Oakville" and dotted through the cluster and
22 out to the edge of the regional boundary. The area
23 south of that represented the area within the 1.6-
24 kilometre distance from the existing and planned urban
25 areas. Similarly around Milton that same type of line



1 was drawn, around the Georgetown urban area and the
2 Acton urban area and also around the various clusters.
3 Extensions were made to show that the main 1.6 kilometres
4 represented the distance from the larger urban areas,
5 but there were clusters just on the edge of that and so
6 there were extensions made to ensure that we were being
7 as fair at this general overview level as possible to
8 identify this distance.

9 MR. LEDERER: Q. Mr. Walker, can you tell
10 me in undertaking this work or having undertaken this
11 work, did you seek any outside input with respect to
12 the impacts identified on this map?

13 A. Yes, we did. The premise of it,
14 Mr. Chairman and Dr. Kingham, was that we were making
15 some fairly important assumptions or presumptions at
16 the very outset of the study, all wrapped around the
17 fact that as a basic premise, if you will, or as a
18 preclusion for further consideration that at the very
19 least the existing urban areas, the existing built-up
20 areas, should not be included in the search for a sanitary
21 landfill site or sites and therefore we did want to have
22 the input to that because this was obviously going to be
23 a fundamental aspect. If we as the land use planners
24 had our way in the team approach, these areas, these
25 existing built-up areas, would be excluded.



1 Now, this ties in with the general
2 philosophy with which I subscribe from a land use plann-
3 ing standpoint that landfill, sanitary landfill, should
4 not be in the highest concentration of population and
5 therefore the existing built-up areas have to be
6 considered to be the highest level of concentration of
7 population and the farther away you could get from that
8 the general premise would be the better off it would be.
9 We were not unmindful, if you will, that there was a
10 body of thought that inside an urban area close to areas
11 where you could treat leachate and where you could
12 engineer using existing infrastructure was the place
13 to be. The basic premise that we were proposing was
14 contrary to that on the basis that we did not believe
15 that that was the best place for it to be. There are,
16 and this was discussed with those people who received
17 our report, it was clear from that and it was also clear
18 from the meetings we had, the public information centres,
19 it was brought to the attention of the people who attended
20 at that time and it was also brought to the attention of
21 the SWM Committee, the Solid Waste Management Committee
22 which was the first political body to receive our
23 reports, that we were doing this and that this would
24 be seen by some to be controversial, but we were making
25 this proposal to them and this recommendation to them.



1 It was one that was accepted. We did it and I also
2 explained to them that we believed from the expertise
3 being provided to us by the engineers on our team, and
4 again at this level, this very general level, there were
5 generic ways of treating leachate, there were generic
6 ways of transporting leachate and there were generic
7 ways of ensuring that sanitary landfills did not
8 adversely impact on lands which were not part of the
9 urban infrastructure, the existing urban infrastructure.

10 Q. I want to be clear about this and
11 I want to be clear about the mechanism you used to obtain
12 this public input. Did you show people your report
13 before it was finalized?

14 A. Yes. As you will hear when I
15 start talking with my other hat, there was the cycle
16 you have been made aware of through the big chart and
17 the one which has just been submitted to you, it was
18 standard or customary, or whatever word you want to use,
19 to have a draft prepared by the consultants and that
20 draft was to be circulated unless there were extra-
21 ordinary circumstances, and there was one time when
22 it wasn't, and submissions were to be received by the
23 Region on the draft report and whether it was to the
24 mailing list which was growing geometrically over the
25 period of the study or whether it was to the meetings



1 or anybody who happened to show up on the doorstep who
2 wanted their name on the mailing list and hadn't heard,
3 but those people were allowed the opportunity to submit
4 their comments. They were submitted to the Region and
5 they were then given to us and we prepared a response
6 and it took different forms and eventually it sorted
7 itself out in a fairly common form, but we did respond
8 on all occasions before the final document was put in
9 place. This was whether it was work programs, evalua-
10 tion factors or the various levels of reports.

11 Q. In this particular case and if my
12 friends and the Board will permit me to lead, but the
13 responses are contained, am I right, in Exhibit H-65
14 which is the submissions report for the Stage 2A study?

15 A. That is correct and -- I'm not as
16 familiar with these things as you are, but I am trying to
17 find the draft work program, the revised work programs
18 and the evaluation factors for Stage 2A and they were
19 circulated as well. H-54 was a document which was the
20 submissions report for the evaluation factors.

21 Q. Okay. Now, can I ask you this;
22 at this level were there any differences in Figure 2,
23 which I understand to be the result of your work at
24 this level, or in the supporting text in the draft 2A
25 report and the final Stage 2A report?



1 A. No, not to my recollection.

2 Q. All right. How was this work
3 incorporated into the actual study and site selection
4 process?

5 A. You will recall that we were part
6 of the physical category of factors, the land use. The
7 various elements were all reporting individually and we
8 did too. This information, if you will, was added to
9 the grist mill and it happened basically in this way.
10 The screening process which was in figurative terms
11 happening like the inverted triangle, was literally
12 undertaken at this point in time. The hydrogeological
13 people, Hydrology Consultants, had done a lot of the
14 mapping that was required and in fact they had gone and
15 picked up mapping for agriculture, recreation and
16 resource lands from the Canada Land Inventory as a
17 specific main source and therefore they handled a lot
18 of the original mapping. Each of these were overlain
19 and Hydrology Consultants recorded on a mapping that
20 was lands suitable for landfilling from a hydrogeologi-
21 cal standpoint. This information was found as Figure
22 6 in the overview analysis report. Figure 7 represented
23 the first application of other than the Hydrology
24 Consultants' work. The biophysical was added to it as
25 they had mapped that information and also the planning,



1 our work was added to the overlay, if you will, and
2 produced, although it is not labelled by the same name,
3 but this map. Now, I have the number here.

4 Q. That is H-98 which is a copy, I
5 believe, of Figure 7 in H-10. I may have the number
6 wrong. While you are looking for that, could we clarify
7 that your input as a land use planner is that work
8 demonstrated by Figure 2 which you showed us a few
9 moments ago?

10 A. That is correct, we brought that
11 material to the table, if you will. This is the map
12 that Hydrology brought, and it has lost a lot in trans-
13 lation, but this is Figure 6 from that report. This is
14 Figure 6 from the report labelled "Areas Hydrogeologi-
15 cally Available for Sanitary Landfilling" and the areas
16 were outlined as such with the hatching.

17 Following that, application-- and this
18 has more than just that on it but I can show you the
19 difference. If you will note in this particular location
20 in the Milton area, just as an example, this part of
21 the land in Milton, once the planning material was
22 applied it came out because that represented a piece of
23 the existing built-up part of Milton.

24 Q. Mr. Walker, I have two questions
25 of clarification and then I think we can move on to 2B.



1 First of all, could you make clear for the Board and you
2 have referred to this earlier in part, but the basis on
3 which you selected proximity to built-up areas as the
4 basic criteria in creating the evaluation factors for
5 your 2A work in land use planning?

6 A. As I have noted, I don't believe
7 from a land use planning standpoint that the sanitary
8 landfill should be within an existing built-up area.
9 So, that is the core of the position and the other
10 impact ratings were based upon proximity, the degree of
11 proximity to the built-up area, and that has a lot to
12 do with the density of population inherent and implicit
13 in a built-up urban area.

14 Q. Quite apart from the work you did
15 in preparing Figure 2, can you indicate to us if you
16 undertook any other work at this level of study?

17 A. Yes. Now, just from the planning
18 standpoint we were looking at the documentation available
19 at that time and sort of socking that away for later use.
20 In addition to that we were responsible at this time for
21 any archaeological information that could be obtained,
22 any heritage information which could be obtained, and
23 that was basically a list of buildings with the heritage
24 groups, and any visual information that could be obtained.
25 This was something at a general level of analysis a



1 planner could do, a land use planner could do.

2 Q. Could you indicate to the Board
3 what your conclusions were with respect to that?

4 A. There was nothing that was really
5 very specific found at that time. There was a little
6 bit of information found, but it was not something that
7 would contribute to removal of areas for potential land-
8 fill. There were some areas found within urban areas,
9 but in my opinion that was already excluded.

10 Q. With respect to that part of your
11 work, did you seek any outside input with regard to
12 your conclusions?

13 A. Yes. All this information was
14 again-- what we were going to do was the results were
15 all done in draft form for submission from those who
16 were receiving it and then a final report.

17 Q. Did that change your conclusions?

18 A. No.

19 Q. Did that work in any way play a
20 role in the screening undertaken at the 2A level of
21 study?

22 A. No.

23 Q. With that then, sir, could we move
24 to Phase 2, Stage 2B again with respect to your work as
25 a land use planner? Could I ask when you will want to



1 rise for lunch?

2 MR. LANCASTER: Any time between 12:30 and
3 a quarter to 1:00, at your convenience.

4 MR. LEDERER: Thank you, sir. I might
5 just say that again generally the exhibits I think that
6 might be referred to at this point are H-11, perhaps
7 H-3 and H-58.

8 Q. Were you retained to do work as
9 a land use planner at this level of study, Mr. Walker?

10 A. Yes.

11 Q. Could you indicate to us what it
12 is you were retained to do?

13 A. Well, we were now at the 2B level,
14 right at this level, this solid line, and we were moving
15 down the inverted triangle so we were now at a lesser
16 geographical area and we didn't have the whole Region
17 to look at as a consulting team, and we were able to
18 concentrate more on a greater level of detail. We now
19 had candidate areas which had come out of the Stage 2A
20 overview analysis and they are reflected on your Exhibit
21 H-98 which I put up on the board here. This represented
22 Figure 7 from the 2A report which I made note of before.

23 Now, sir, this also included as this had
24 gone down from the whole Region to 45 candidate areas
25 grouped in seven districts and seven pits and quarries



1 for further investigation. Stage 2A had responded to
2 a series of comments, some criticisms from the earlier
3 submissions about the utilization of the agricultural
4 land, the rural land, but specifically the agricultural
5 land and, as a result of that, by the time we reached
6 the end of 2A there was a response to that concern by
7 the review in 2A of the pits and quarries, the seven
8 remaining for further analysis. That is just as a
9 background to what I did, but that is what we were
10 looking at at the beginning of 2B. From a land use
11 planning standpoint, we undertook evaluations with
12 three factors, if I can just find them...

13 MR. LEDERER: I might say while Mr. Walker
14 is searching for this I think what he is looking for you
15 will find on page 13 of Exhibit H-11.

16 THE WITNESS: I will get organized one
17 day. We were looking at three factors for each of the
18 candidate areas, each of these purple areas plus seven
19 pits and quarries, and we were looking at existing land
20 use compatibility, the concentration of land use and
21 future land use compatibility. These were intended to
22 address the objective of minimizing potential impacts
23 on the existing land uses within the candidate areas
24 and along the haulage routes. Now, haulage routes
25 obviously at this level, although this was a slightly



1 more detailed level of analysis, would not be very detailed in
2 their definition, but there was an attempt, or there
3 would be an attempt by the transportation consultant
4 to define haulage routes. In addition, these three
5 factors of existing land use, compatibility, concentra-
6 tion of land use and future land use compatibility were
7 also intended to address the objective of avoiding
8 potential land use conflicts in areas designated for
9 future development or for preservation in either the
10 provincial, regional or local plans. All of that level
11 of governmental planning was present in Halton Region
12 so it was a valid exercise at that point in time.

13 We were at this point in time grouped
14 under the social environmental objectives. Oh, I see I
15 had it on the machine and that's why I couldn't find it.

16 MR. LEDERER: Q. Pages 17 and 18 of H-11.
17 Mr. Walker, could you review with us how you or what you
18 used in evaluating or carrying out your evaluation at
19 this level of study?

20 A. As I said, we were under the social
21 environment category of factors and we had two objectives
22 under that total category and the first was to minimize
23 potential impacts on existing land uses within the
24 candidate areas and along the haulage routes. The
25 second was to avoid potential land use conflict scenarios



1 in areas designated for future development or preserva-
2 tion in the three levels of plans. The factors we were
3 looking for were C.I., being the land use factor, but
4 existing land use compatibility and we were looking for
5 sub-factors, number, type and location of the land uses,
6 the potential impact of landfilling on the existing land
7 uses. A second factor was concentration of land use and
8 we were looking to the degree of concentration and
9 distribution of land uses as above from the field recon-
10 naissance and, finally, the third factor was future land
11 use compatibility, this is future land use compatibility,
12 and permitted uses and policies and approved provincial,
13 regional and municipal plans and approved subdivisions.
14 This was in support of the social environmental objec-
15 tives of minimizing existing population that was
16 potentially impacted, again this issue of higher density
17 that I mentioned earlier, minimizing the potential
18 impacts of landfilling operations on the existing
19 population and minimizing the special populations that
20 could be potentially impacted by landfilling. This is
21 material you have heard from Dr. Schiff and we were in
22 support of that with the factors which are here.

23 Q. What information did you use or
24 apply to these factors?

25 A. Importantly in this we were to go



1 and do field investigations of a greater detailed level
2 than we had done before. We had land use surveys
3 therefore on site and in the candidate areas and within
4 0.8 of a kilometre or half a mile from each of the
5 candidate areas. We had used 1.6 kilometres prior to
6 that in Stage 2A and that was an attempt to get a mile
7 away from the urban areas and to get an idea of what was
8 in those particular areas. We did not collect a lot of
9 information on that and we never did use the 1.6 kilo-
10 metre distance again, but Stage 2B set the principle of
11 the half mile which was to follow through from there on
12 in. From a land use planning standpoint the half mile
13 was intended to give us an area within which we could
14 get out into and look back into the candidate areas to
15 get an idea of the context, if you will, the land use,
16 the planning, the operational context of those candidate
17 areas. We did site visits and by "site" I mean these
18 sites, the candidate area sites we were doing a more
19 detailed level of analysis on in those areas, and used
20 aerial photos again and also where there was any
21 perceived glitches we used, or we were discussing with
22 the municipal planning staff on the premise that they
23 know their municipality extremely well and we were the
24 outsiders, if you will, trying to learn but not having
25 as much in-depth knowledge as they do.



1 DR. KINGHAM: I wonder if I could stop
2 you briefly at that point and you can help us with a
3 language problem which even left Mr. Lederer wordless
4 in his second opening, however briefly. On Phase 2,
5 Stage 2B, selection of candidate sites, what you are
6 talking about now, but 45 candidate areas are reduced
7 resulting in 48?

8 THE WITNESS: Yes, sir. What was being
9 looked at -- these were in seven districts and so there
10 were 45 pieces, if you will, in district D and all the
11 pieces you see in here and one out here and a couple
12 down at the south end and on the south side of Milton,
13 this was extremely complicated and had a number of
14 pieces. The narrowing down, if you will, to the candi-
15 date areas, or the candidate sub-areas which I haven't
16 quite got to yet in any event; but what could happen is
17 this one single blob could be split into two if it
18 survived the screening process and it would become two
19 candidate sub-areas where there was only one before.
20 So the numbers happened to be too coincidentally close
21 together and they mean different things and relate to
22 some of the pieces of these 45 areas.

23 DR. KINGHAM: The candidate areas you are
24 telling us consisted of many pieces which added up to
25 much more than 45 and you reduced it to 48 sub-areas



1 being 48 of the original unknown number of pieces
2 originally?

3 THE WITNESS: Yes, that is correct. We
4 did know the number of pieces, but the candidate areas
5 -- district D, for instance, represented eight candidate
6 areas in the sense that it had survived the screening
7 process and there were eight pieces of district D which
8 were classed as part of the 45 candidate areas. So, we
9 did know the number but, as I say, these two numbers
10 unfortunately are so close together that it looks like
11 they relate one to the other but the second number
12 relates to pieces of what were in the earlier areas.

13 DR. KINGHAM: Thank you.

14 MR. LEDERER: Q. I think you have gone
15 through the factors and you told us the information you
16 had gathered and perhaps you could take us through the
17 exercise and tell us what you did do.

18 A. The approach for 2B for the planning
19 was to gather data on the existing uses and the proposals
20 that were in place and evaluate that data which we had
21 obtained. It wasn't one of the major elements in 2B,
22 because some of this material we had had before and we
23 were trying to update it, but the idea was to continue
24 to collect a more detailed level of information and
25 consistent with what others were trying to do at that



1 stage, and to use it to come to a conclusion on the
2 applicable impact levels. These impact levels from
3 our standpoint and from the others as well would be used
4 to select the candidate sites. In order to do that it
5 was very simple, we got a lot of mapping, mapping at a
6 scale of 1:10,000, and using aerial photography enlarge-
7 ments, and in other words we had taken these areas and
8 we had gone to a greater level of detail. The mapping
9 was used as a basis for field surveys and so it wasn't
10 an unco-ordinated field survey. This was done in late
11 November or early December before the snow had fallen
12 but the vegetation was relatively sparse, as you can
13 imagine, it would be very similar to what we have now
14 and therefore it was a good time for field work and then
15 we rechecked the field work from the aerial photos.

16 Q. Could you perhaps take one or two
17 of the candidate sites and give us some idea of the kind
18 of features that you took into account?

19 A. Yes, I can. This is Map 6 from
20 the final 2B report, but it indicates some of the infor-
21 mation which we had placed on it. Now, this also
22 includes the biophysical information that was being
23 collected and it was combined onto the two maps. You
24 can see from the legend that we were collecting informa-
25 tion on the rural residential and farm residential



1 clusters, and we did not define individual buildings.
2 For instance in this cluster on Highway 25, there would
3 be a number of houses in there and it did not represent
4 one house. There was retail commercial by symbol and
5 agricultural commercial, industrial, hospital, churches,
6 schools, elements which would be useful in determining
7 the land use impact; cemeteries, special institutions,
8 community halls, recreation, airports, the Bruce Trail
9 was schematically marked on the map, public utilities,
10 hydro corridors and the study area boundaries. These
11 were -- the large hatching was in fact the boundary of
12 the study area around the D area, as an example, and this
13 is Map 6 which represents most of the D areas. There
14 was a study area boundary drawn around that and that is
15 also shown on the map and that is around the whole
16 conglomeration of sub-areas, if you will, at this point
17 in time.

18 In addition to that, the candidate sub-
19 areas as they ultimately fell out were outlined as well.
20 This didn't happen until later and this is part of the
21 recording mechanism. In addition, on the maps from the
22 biophysical information we had the woodlots, the MNR
23 rating low-land hardwood, high productivity and
24 upland hardwood, high productivity and the streams,
25 both perennial and intermittent, the buffer area



1 determined from the stream, 500 metres, and that was a
2 conceptual thing and this is a conceptual thing, but it
3 represents the fact there was a stream in this location
4 and a conceptual buffer intended to be taken into account.

5 If you are familiar in sort of urban
6 terms, this would be called an urban design and to show
7 constraint mapping, if you will. Now, not constraints
8 as some of them are benefits, but we tried to put it
9 together as much as possible and we went right down to
10 gas pipelines and oil pipelines as well.

11 Q. Have you another example?

12 A. Yes. This is the one for the
13 other site, Site F. This is Map 11 from the same report
14 and it shows a slightly smaller list of things because
15 there was not the necessity to use it, but again the
16 rural residential and farm residential clusters,
17 industrial and recreational, Bruce Trail, public utili-
18 ties, hydro, the study area boundary was defined, the
19 candidate sub-areas, and it is shown with the same hard
20 line the other map had on it, the unrated woodlots and
21 then intermittent streams were shown on that.

22 Q. Mr. Walker, can you indicate to
23 the Board the nature of your conclusions having completed
24 this work?

25 A. Well, I should probably mention



1 that I mentioned earlier that impact levels had been
2 assigned, low, medium and high. These were applied
3 to each of those evaluation factors which I mentioned
4 earlier. I have lost it now. We applied the low,
5 medium and high impact levels to each of the information
6 that we found and we used these from a land use planning
7 standpoint and we evaluated the information in terms of
8 the relative significance to constraints to landfill.

9 Now, this is -- I could take you to the
10 page but it's not necessary, I guess. What happened,
11 Mr. Chairman, is that the end of this, having assigned
12 a high, medium and low to the various elements, the land
13 use planning element provided one overall rating for
14 land use compatibility to the rest of the consulting
15 team for each of the sites that we were talking about.
16 Now, by this time, and you have probably heard this
17 before, but early on in the 2B process we had taken the
18 candidate areas and we had applied, if you will, a mini-
19 screening process to it at the very outset to try and
20 wean out areas that were too small, areas that had other
21 constraints in them and that is why the information like
22 the roadways and the hydro lines became important,
23 because we actually took these and reduced them to what
24 we called the candidate sub-areas. It was on the basis
25 of the candidate sub-areas that the information was being



1 collected by all of the consultants at this time and it
2 was on the basis of the candidate sub-areas that the
3 information was being reported. It was a help, if you
4 will, to avoid having to collect information for sites
5 or areas that would be ruled out because of other
6 constraints over which we had no control. For instance,
7 major new highways. It was felt that although the
8 environmental assessment process is pretty broad, when
9 it comes up to challenging a Highway 407 right-of-way
10 it might be a tad difficult and that sort of thing if
11 it cuts through a candidate area was used to take
12 the candidate sub-area and divide it up. As a rule of
13 thumb, and based on the input from the engineers,
14 generic input at this point in time, anything below 100
15 acres in size was taken out, the thought being as a rule
16 of thumb or a generic size at this point in time, 100
17 acres could form part of a multi-site system and fulfill
18 a valid role. They had done some analysis that showed
19 they could get the necessary buffering and they could
20 get the necessary set-backs and this sort of thing on
21 100 acres, and it wouldn't be a huge landfill if it was
22 done sort of at a very, very general level, but it could
23 be one part of a larger system. Below that it was
24 useful to take them out and so there was a rejection,
25 if you will, of all the pieces of the candidate areas



1 that were less than 100 acres and anything, as I said
2 before, that sat in the middle of 403 or something of
3 that nature. We came down to candidate sub-areas as a
4 team and all our analysis had been done on that basis.

5 Now, we were reporting on that and our
6 material went into the grist mill, if you will, and we
7 did have a number of team meetings to evaluate the
8 material and our land use material went into those
9 meetings and was used to assess whether or not areas
10 should stay, candidate sub-areas should stay in or not.

11 Q. Mr. Walker, having completed your
12 study with respect to land use and prior to -- having
13 completed your study with respect to land use, did you
14 seek outside input with respect to your conclusions?

15 A. Yes, we did. It went into the
16 normal cycle and we had -- it went in draft form and
17 then we received submissions and it went out in final
18 form.

19 Q. With respect to land use, did
20 those submissions in any way change your conclusions
21 or prompt any clarification?

22 A. There was some clarification.
23 Obviously we were starting to hit home, if you will, at
24 people when they started to see smaller areas coming
25 out and then they could pick out that there is Harry's



1 house and there is Millie's pond and so we were getting
2 some more intense, larger scale public reactions and we
3 did get a number of submissions. Most of the changes we
4 made from the land use planning point of view were for
5 clarification of the rationale for the land use analysis;
6 why we had assigned a certain level of impact to the
7 various areas.

13B 8 I will say it now, and you will hear it
9 from me later as well, but because we were dealing with
10 land use we were perhaps the most able to be talked to.
11 Now, I don't mean that in a good or bad way, but people,
12 as I say, were becoming more aware that maybe Harry's
13 house was going to be in that area and from a land use planning
14 standpoint they were interested in how we came to that
15 conclusion. They also were able to zero in more on
16 what we did because they could identify Harry's property
17 or Millie's pond, as I said. So, we got a lot of
18 indications, probably more now than we got earlier
19 although this happened earlier and they said "What about"
20 and they went into a level of detail that we had not
21 collected. You didn't pick up it was coloured yellow
22 and you didn't pick up any colours at all and it's
23 better if it's yellow or green or something of that
24 nature. I am being facetious, but I am trying to give
25 you an indication. It was difficult for the consulting



1 team as a whole from day one to try and dissuade people
2 from jumping to another level of inquiry and a lot of
3 the inquiries we got at 2B, and they show up in the
4 submission document, but they were more along the line
5 of "I want to know more details about what you are
6 doing" and we had to keep trying to say "We will be
7 back at another level, a more detailed level of informa-
8 tion and we know your concern and will try and address
9 it at that time." There was a lot of that and, as I
10 say, land use was one that most people were familiar
11 with so there was a lot of requests for that.

12 As a result of receiving a lot of this
13 input from the submissions made at the end of 2B we did
14 review our impact levels, the identifications we had
15 made. We made some adjustments for the final report
16 but these were not done in direct response to the
17 submissions I don't think, they were done more because
18 the sub-areas which we had identified were too small
19 and they were the ones being kicked out. It's a little
20 confusing, let me go back.

21 We got comments on a couple of the sub-
22 areas and we made a change to that as a result of those
23 comments, but those areas were already being bumped out
24 because of size and so they had no real relevance in
25 terms of carrying on to the next level dealing with



1 candidate sites.

2 Q. Where are we at the end of the
3 Stage 2B study insofar as the land use planning is
4 concerned?

5 A. I am still with the team hopefully
6 and we have come down to where we have now determined at
7 the end of 2B the candidate sites.

8 MR. LEDERER: I think, Mr. Chairman, this
9 might be just the right moment to rise for lunch.

10 MR. LANCASTER: All right. We will try
11 and be back by 2:00. It might be a few moments after
12 that.

13 MR. LEDERER: Thank you, sir.

14 --- Luncheon recess (12:47 p.m.)

15 --- Upon resuming at 2:00 p.m.

16 MR. LANCASTER: Please be seated.

17 MR. LEDERER: I'm not sure if I am the
18 only one suffering, but I find it very cold in here.

19 Q. Mr. Walker, just prior to the
20 lunch break we were reviewing the land use work under-
21 taken in reference to the 2B level of study. You
22 reviewed with us two examples of the mapping that was
23 undertaken. Could I ask, and you reviewed with us in
24 a general form your analysis. Could you indicate to
25 the Board, please, how your work, the land use work was



1 incorporated in the overall study conclusions arrived
2 at at the end of the 2B study?

3 A. Our ratings were incorporated in
4 the impact ratings, if you will, that I mentioned
5 earlier, they were incorporated into the land use
6 compatibility section of the report which I believe is
7 Section 14 of Exhibit ...

8 DR. KINGHAM: Could you use your micro-
9 phone, please?

10 THE WITNESS: No wonder I felt uncomfor-
11 table.

12 DR. KINGHAM: Section 14 of H-11?

13 THE WITNESS: Yes. That is the 2B
14 consolidation report. Those are the composite ratings
15 for the land use compatibility work and the material
16 that gave rise to that was essentially illustrated on
17 the map, and I will just go through the one map to start
18 with, and this was Map 6 in the same exhibit, and this
19 is the one I mentioned before had all the D areas on it.
20 The information portrayed there -- if you will recall
21 we were collecting existing land use information and
22 also in the report you will note we were collecting
23 proposals as well. They are given in an appendix to
24 this report which is in an exhibit as well. In any
25 event, on D4g, -- D4g, and I am outlining it now, but



1 that with some variation is candidate Site D, and I'm
2 sure you know that, and in terms of the existing infor-
3 mation we found that that particular sub-area had four
4 residences and was traversed by an oil pipeline, the
5 Trans-Canada pipeline. There were 25 residences plus
6 an excavating business and a community hall and a private
7 airstrip within a quarter to half a mile. That was not,
8 by the way, Mr. Martin's. We missed Mr. Martin's airstrip
9 at the north end. This is one down in here on the west
10 side of First Line (indicating). At this level we did
11 not pick up Mr. Martin's airstrip or his aircraft
12 rehabilitating business. There was a concentration of
13 development and some strip development on Highway 25.
14 In terms of the information available, the old Oakville
15 Official Plan was applicable to the area at the time and
16 it designated the whole area as agricultural. I say old
17 Oakville because it had gone through a consolidation
18 and the Region had been set up and certain parts of
19 what was formerly Oakville were now Milton and parts of
20 Burlington were also put into Milton as well. We gave
21 it a low impact rating relative to the other areas under
22 the land capability factor. There were a small number
23 of uses on-site and a low intensity of development in
24 the vicinity.

25 In terms of the other site which is before



1 you, and although there were the other ones and I will
2 refer to that, but on pits and quarry 1, which is shown
3 on Map 11 of Exhibit H-11, we found no houses or other
4 buildings on the sub-area. It was essentially an area
5 of mixed woodland, regenerating vegetation, and this
6 was our impression, there was a disused shale pit on
7 the site at the time and in the area we found six houses
8 and two were farm-related in our opinion. The study
9 area did not go south of Highway 403 but stopped at 403.

10 MR. LEDERER: Q. Why did you do that, why
11 did you stop or end the P&Q1 study area at Highway 403?

12 A. I saw no reason to go south from
13 a planning standpoint as there was no land use in the area to the
14 south and I considered 403 and related -- I say "related"
15 because on either side -- all the 403 the hydro lines
16 meet at one point but east and west of that there is a
17 hydro corridor distinct from 403 and I thought it was
18 a natural barrier or buffer from a functional, physical
19 standpoint.

20 We also found in the area a rehabilitated
21 landfill which was Bayview Park and which has been
22 referred to a lot, and it was being used in my opinion
23 variously as a park, the Rod & Gun Club and the equestrian
24 facility. We missed the model airplane club, although
25 we did find there was a mowed piece of lawn there and



1 we couldn't figure what it was all about. To the east
2 was the inactive shale pit, to the east of King Road, or
3 which we considered to be an inactive shale pit. To
4 the west we found the existing regional landfill and
5 we did not go as far as Old Waterdown Road or very much north
6 of Rennick Road with the study area. Old Waterdown is
7 right in here (indicating) and we did not go over that
8 far and our study area went further west than half a
9 mile, but it didn't go into the Old Waterdown residential
10 area and it almost went up to Mountain Brow Road but it
11 didn't quite.

12 To the south we had the H.E.P.C. corridor
13 for part and 403 for the rest of it and south of that
14 we found vacant land although that was outside our
15 particular study area.

16 Q. What is H.E.P.C., just for the
17 record?

18 A. The Hydro-Electric Power Corporation
19 or the Ontario Hydro right-of-way. We found in planning
20 terms it sat in the Parkway Belt policy area which was
21 a provincial policy level and that particular policy has
22 been incorporated into the regional plan and into the
23 Burlington plan. This was an area which I will describe
24 in a few minutes, but essentially it was a policy area
25 calling for low intensity, low density development. We



1 identified P&Q1 as having a low impact from a land use
2 compatibility standpoint. The impact was lower than
3 any of the till plains. It was the only pit and quarry
4 site or candidate sub-area that was before us at this
5 point in time. It wasn't the only pit and quarry, but
6 it was the only one which was getting this type of impact
7 at this particular time. It was still a sub-area. Our
8 view on the low rating or the low impact rating was given
9 because of the low-intensity development on the site,
10 virtually none except the disused shale pit, and the
11 surrounding area which seemed to be compatible one with
12 the other. The pit and quarry if you conceived of it
13 as a landfill would appear to be compatible at this
14 level of detail from a land use planning standpoint
15 with the surrounding area.

16 I am trying to be distinct because I am
17 speaking from a land use planning standpoint,
18 Mr. Chairman, at this point in time and I was not incor-
19 porating into my analysis biophysical or visual or
20 anything, I was looking at it from my standpoint of a
21 land use planner. As I said, under certain circumstances
22 I might be asked to give that kind of wider-ranging
23 opinion, but I was trying to use my expertise and give an
24 opinion from my particular perspective at this point in
25 time.



1 Q. Mr. Walker, you have indicated now
2 or you have given us the place in the process at the
3 stage that your land use work filled and you have given
4 us the results of your analysis as a low impact. If we
5 wanted to find the results of that assessment within
6 the reports, where would we look?

7 A. We would go to Tables 22 to 25 in
8 H-11 and they are at the end of Section 14. I'm just
9 trying to find one that is relevant here. Here is D4g.
10 I am looking at Table 24. Table 24 in Section 14 under
11 the category of "Social Environment", C1, land use
12 compatibility. You will recall that we were rating 55
13 candidate sub-areas so these four tables make up all the
14 55 sub-areas and the D4g shows up in terms of land use
15 compatibility as the low impact level and Table 25, the
16 same location on the chart, P&Q1 shows up as low. The
17 other 55 were done with the same type of information
18 and it was on the basis of that information that we rated
19 them and then the rating went into the final chart or
20 final set of tables.

21 Q. Did that land use analysis have
22 some part to play in the winnowing of the potential sites
23 that took place in Stage 2B?

24 A. Yes. The charts were used, and
25 this likely has come up but I will put up P&Q1. At the



1 end of 2B the winnowing or the taking away of the various
2 candidate sub-areas was dependent upon their ratings
3 or ranking--ratings overall. So, if you look under
4 P&Q1 you would find some low to moderates at the top
5 under public health and safety, a low, a moderate; under
6 natural environment, moderate and then low and then
7 under social, low, low, moderate and under cultural, low,
8 low, moderate; under costs, moderate, moderate; engineering
9 would take 100 per cent of the capacity and it was a
10 comparison of those 55 from the standpoint of these
11 ratings that led to the delineation of the final candi-
12 date sites for 2C investigation and therefore ours would
13 have played the role of contributing to that summation.

14 Q. Can we go to the 2C level of study
15 and can I remind the Board that we enter the Stage 2C
16 level of study and what is it we are looking at, how
17 many potential sites?

18 A. There is one thing I should
19 mention and that is at 2B, Mr. Chairman, I was still
20 looking after the cultural aspects and in terms of
21 visual, archaeological and the heritage I was still
22 looking at that information and that information was
23 reported in the reports and in fact would have shown
24 on the tallying on the charts, 22 to 25. This was again
25 information from existing sources and we were providing



1 that information to the team.

2 Q. Would we find the results of that
3 work on the same chart?

4 A. Yes, you do.

5 Q. Could we turn now to 2C and could
6 you review with the Board, please, the purpose of the
7 land use analysis during this level of study?

8 A. Well, with the team we were at the
9 middle of this inverted triangle, the selection of the
10 preferred site, that was the end thrust of this whole
11 work program for all consultants and we now had the
12 six candidate sites which had been derived from Stage 2B
13 and we were able to look at the six from a site-specific
14 basis. This was the most detail we had been able to get
15 to in terms of the information we collected. I guess
16 in some respects we all felt a little more comfortable
17 when we had got down to a site-specific basis.

18 From my standpoint, the purpose of what
19 I was doing in here was threefold and one of which was
20 contributing to the selection of the preferred site and
21 the other two were aspects which I was carrying on
22 accumulating information for purposes beyond the 2C
23 process. We were to do a detailed land use assessment
24 for each candidate site and to do an assessment of the
25 potential land use impact if a landfill was put on each



1 of those candidate sites. We were also looking at the
2 steps required to get the planning approvals and we were
3 looking at possible end uses.

4 Now, this was something which we were
5 to go into a little more detail and I will get into it,
6 but essentially, Mr. Chairman, the compilation of the
7 planning approvals and the planning documentation, that
8 is something which did not figure in and the end uses
9 did not figure in to the determination of the 2C results,
10 the selection of the preferred site. The end uses we
11 were to look at to get a handle on what end uses might
12 be possible, and when we got into it we had to look at
13 it at a very generic level and when we got into it
14 there was very little that we could say beyond well,
15 it is a range of agricultural or recreational uses and
16 all the candidate sites were really finding themselves --
17 we found them in the same basic situation. They were
18 basically either agricultural sites or P&Q1 which had
19 less of an agricultural context for sure, and it was
20 more possibly oriented towards recreational but that
21 was not even possible to determine at this time.

22 Q. Could you indicate to the Board
23 with respect to your assessment of land use impacts the
24 methodology you undertook?

25 A. Yes. We had this subjected to the



1 more detailed level of analysis and we also had to --
2 everybody had to be dealing with the details from the
3 standpoint of conceptual landfilling proposals. This
4 stage was very early on to have conceptual landfilling
5 proposals prepared for each of the six. There were
6 four evaluation sub-factors, existing local framework
7 or context, and that is the localized area within which
8 the candidate site found itself, the on-site land use
9 of the candidate site, the existing and future uses in
10 the study area and the fourth one was a summary of
11 potential land use conflicts.

12 The first three were used for the impact
13 rating from a land use planning standpoint for each
14 candidate site and the final one, the summary of potential
15 landfill conflicts, was used for the final comparison of
16 sites or the pairing analysis which I think has been
17 referred to.

18 Q. Could you review with us how you
19 carried out this aspect of your study; what did you do?

20 A. First of all we reviewed the
21 boundaries of the study area, the area surrounding the
22 candidate sites, and this is a map taken from the 2C
23 report showing the six sites.

24 Q. Just to be clear, that is Map 1
25 from Exhibit H-13 -- H-51, pardon me. All right,



1 Mr. Walker.

2 A. It may be out of H-13, the
3 evaluation and summary report.

4 Q. We will double-check that and
5 advise you.

6 A. The six candidate sites are shown
7 on this map and when I refer to as the study area, I
8 am referring to the dotted line around each of the
9 candidate sites. We were reviewing -- each came with
10 a study area from the 2B process and the dotted lines
11 up near Milton and the dotted lines around D in Milton,
12 the dotted lines -- this is a whole confusing mess in
13 here but it wasn't confusing on the original maps. A's
14 study area was there, C's was here and B's was here in
15 the final report. What I am telling you is that we
16 were reviewing the boundaries of the study area in
17 conjunction with the social consultant, Dr. Schiff and
18 regional staff, and we were attempting to ensure that
19 the characteristics of each locality could be properly
20 reflected in the analysis. It was deemed to be impor-
21 tant to be able to get a flavour for what the local
22 context was as I said just a minute ago. So, we did
23 look at the study areas from that standpoint and in the
24 particular case as well, Site F's study area, you will
25 recall the first one on 2B was along 403 but it was moved



1 down to the rail tracks at this point in time, essen-
2 tially as a result of the submissions by a number of
3 residents and the City of Burlington that it should be
4 south of 403.

5 We also participated in the process of
6 reducing the candidate sites which are the red areas,
7 and I coloured them in on Map 1, the red areas on that
8 overlay, and we participated in the process of reducing
9 those candidate sites to site plan areas. I say
10 participated because this was largely the role of the
11 hydrogeologists and hydrologists and traffic, economics
12 and social consultants, not that I didn't want to be
13 involved or didn't want to feel wanted, but they had
14 the conceptual planning exercise which had to take place
15 at this level and it was very much related to the
16 engineering ability and it was all done at a generic
17 level, but when we were down to actual sites it was
18 clear that the engineers had to have some heavy involve-
19 ment in it. So, we were there as land use planners with
20 our input into it, but the others were also there and
21 heavily involved.

22 Now, I should reiterate that throughout
23 all of this, and I didn't mention it because I am sure
24 you have heard it before, but there was prioritization of
25 all the factors and even at this level when we were doing



1 a mini-screening, if you will, of the candidate sites
2 to the site plan areas, doing a mini-screening, hydrology
3 representing the public health and safety aspects was very
4 much a first priority in doing this.

5 Q. Mr. Walker, I would like to get
6 some idea of the kind of findings you made with respect
7 to these site plan areas so perhaps you could review
8 with us the findings with respect to the two sites now
9 before this Board, Site D and Site F.

10 A. This is Site D and this is Table 4
11 from Exhibit H-51. What this represented was a summa-
12 tion of the information, the existing and future land
13 uses, on the study area D. The coloured -- this is
14 the addition of the aircraft repair business up in here
15 and we found one more house on First Line and so that
16 has been added in, but the typewritten part is what we
17 found at the 2C level. So, we found in terms of on-
18 site residential, there was one adjacent to Highway 25
19 and three houses adjacent -- two to First Line and one
20 to Highway 25 and the three we believe were associated
21 with farm buildings for a total of four residential uses
22 on the site. There was a private airfield which was not
23 licensed, the Martin airfield which we had picked up at
24 this time, and the Sun-Canadian pipeline right-of-way along the north
25 side of the boundary. I earlier mentioned I thought it



1 was the Trans-Canada pipeline, but it turns out it was not.
2 In the study area, First Line had 18 residential uses and
3 ten residential uses associated with farm buildings.
4 Along Highway 25 there were 12 and ten in those two
5 categories respectively, the Lower Baseline 12 and seven
6 and Britannia Road two and two for a total of 44 and 29,
7 44 singular residential uses and 29 which we believe
8 were associated with farm buildings.

9 In addition there was, as I mentioned, the
10 private airfield and the pipeline on-site and also
11 because it was on the boundary the pipeline off-site,
12 a small hydro transformer, CNR forming the west boundary
13 of the study area, and that is now gone, and other farm
14 buildings along both roadways, Highway 25 and Lower
15 Baseline, and the D&F Excavating equipment storage yard,
16 the Boyne Community Hall, those two uses at Britannia
17 Road and Highway 25. The Burlington Air Park was 3.5
18 kilometres away and there was a future helicopter landing
19 facility. These two, the last one especially was added
20 as a result of public submissions and somebody said there
21 was a helicopter landing facility going in at the hospi-
22 tal and they wanted it added to the land use and it was
23 added. The Burlington Air Park was on the list because
24 throughout the process and earlier on when Halton was
25 doing landfilling or trying to do landfilling, the



1 Burlington Air Park had been very much evident and on
2 the record and it was something that although it is
3 beyond the study area it is something which we were
4 asked to put on and we did respond by putting it on.
5 It does have potentially some impact as, we did think,
6 the future helicopter landing facility might have.

7 Q. Before you leave that exhibit, it
8 appears someone has added an aircraft repair business
9 to your data. Could you indicate where that generated
10 or came from?

11 A. That is still the Martin --
12 Mr. Martin has the airstrip, the grass strip on the
13 north side of D along Britannia Road, and there is an
14 aircraft repair business in there, he restores old
15 airplanes. It was not evident until later in the process
16 and I am just putting it there now so you will see that
17 at least now my head is becoming less thick and I have
18 now found it.

19 Q. If you have finished with that can
20 you review the findings with respect ...

21 A. I might just mention that it isn't
22 on here because it's a standard thing that this was
23 designated and zoned for agricultural use essentially.
24 There was a small hazard land along the west side.

25 Q. Can we look at site plan area F



1 and what you found at the 2C level of study with respect
2 to that possible location?

3 A. This is Table 6 out of H-51. On
4 site there was neither residential or residences
5 associated with farm buildings and there was a licence
6 for shale extraction, but, as I mentioned earlier, at that
7 time there was no shale extraction taking place. Off
8 the area in what became known as the study area, on the
9 North Service Road we found two houses there and one, an
10 additional one associated with a farm building. On King
11 Road we found four and we subsequently have found one
12 more in the north end of the area and there are two-- if
13 I can just clear that up, I am referring to M-103, an
14 aerial photo. We had not spotted this as being a house
15 back in here and the roadway is not one you would expect
16 to have as a residential road and we just missed it, so
17 I am identifying that there is one on the northeast
18 quadrant or northeast side of the study area and subse-
19 quently with the new study area for Site F we found two
20 residential units south of 403 just north of the tracks
21 back in behind some industrial uses. So, these three
22 are split north and south to the study area.

23 Mountain Brow had no singular residential
24 units but did have two which we believe were associated
25 with farm operations. Rennick Road, and by this time,



1 again with some urging from the people who were involved
2 in the process, the study area boundary had been extended
3 out to pick up Rennick Road in the north end and we found
4 three houses on Rennick, none associated with farms, and
5 on Old Waterdown we found five singular ones and one
6 which we believe was associated with a farm building.
7 There is a total of 14, now 17 which we have identified,
8 which are singular and four which were attached to the
9 farm uses.

10 On alternative other land uses, the licence
11 for the shale or the abandoned shale quarry, the disused
12 one, the Tridon industrial complex to the west of Site F
13 on the North Service Road, the Cumis office/industrial complex
14 which is an insurance operation, the proposed office/
15 commercial complex, church and school at the North Service
16 Road and Kerns Road, and again this is with reference to
17 Exhibit M-103, this is on the right-hand side of the
18 aerial photo and this is Kerns Road and the proposal is
19 in the northwest quadrant of Kerns and the North Service
20 Road for those uses. This just visible is the Stelco
21 research complex on the east side of Kerns Road.

22 On King Road there was the Burlington
23 Hydro transformer station, and this is all south of 403,
24 industrial buildings, five of them, and then on the north
25 side was Bayview Park, the Rod and Gun Club, a



1 communications mast north of the site, an existing
2 quarry which is to the east and the Bruce Trail which
3 runs along the north side, along Mountain Brow Road.

4 In addition to that we had the CN line
5 forming the south boundary of the study area, the hydro
6 corridor forming part of the southwest boundary of the
7 site and also the existing Burlington Landfill Site to
8 the west.

9 Q. Mr. Walker, before we leave that,
10 again there was a change made in ink on Table 6 and
11 perhaps you could review that with the Board.

12 A. As I explained, that is more recent
13 information which I put on so we are not misleading
14 anybody.

15 Q. Thank you.

16 A. Some people might think that that's
17 not a good thing to do, but I am trying to ensure that
18 people understand that as I find something out then I
19 try and add to it.

20 Q. You have given us these two
21 examples of the form of the data which was assessed
22 or analyzed with respect to these two sites at this
23 level of study. Can you now tell us how you used that
24 information to rate these sites? How did you go about
25 rating them?



1 A. We had prepared a summary of what
2 we figured were considerations that had relevance and
3 we rated the impact level of the landfill on each of
4 the sites and the area uses. This is what is known as
5 Table 7 from the final report, again H-51, and it out-
6 lines, and I have two pieces to it so I will pin the
7 other one up in a minute, but this outlines for the six
8 candidate sites, using the information that we had, we
9 rated them. Mr. Lederer, do you want me to go through
10 all of them?

11 Q. Just show us again how you rated
12 the two sites before this Board, Sites D and F.

13 A. This is the second part of Table 7.

14 DR. KINGHAM: Where in the report would
15 we find that?

16 THE WITNESS: Table 7 and the columns --
17 you must go to the front section, but the first column
18 refers to the potential effects on land use which is
19 this column ...

20 MR. LEDERER: Q. The middle column?

21 A. The middle column on the left-hand
22 side of the table, and the middle column is entitled
23 "Mitigation" which is an attempt on our part to suggest
24 what type of mitigative effects might take place or might
25 be used, and the right-hand column, the right-hand broad



1 column is called "Overall Significance of the Effects"
2 and the final, narrow right-hand column is the rating.

3 Site D, we thought the potential effects
4 on land use were the impact of the Burlington Air Park,
5 the proposed hospital helicopter facility, four residences and
6 private airfield on site, 73 residences in the study
7 area but, perhaps more importantly, 12 adjacent to the
8 site plan area, a private airstrip adjacent on First
9 Line and impact on the stable, rural area. The stable,
10 rural area was an assessment on our part that this part
11 of Milton was a relatively stable, rural area.

12 Under the middle column, under the
13 "Mitigative Aspects", we figured that the impact on the
14 Burlington Air Park and the hospital helicopter facility
15 could be handled by site management techniques. The
16 airport can't be moved and to the extent that site
17 management techniques might help it either on the air-
18 port or on the site, that was something which would be
19 a mitigative aspect. The four residences and the
20 private airfield on-site, that would require compensa-
21 tion because they would be displaced. The 73 residences,
22 specifically the 12 adjacent to the site, we felt that
23 site management or citizens liaison committees could
24 help to mitigate that by greater information, greater
25 involvement in what was going on and this was something



1 coming out of the social consultant's work. The private
2 airstrip adjacent, we thought there would be no affect
3 on it. It is a grass strip and it is relatively infre-
4 quently used from what we knew. The impact on the
5 stable, rural area -- this nil is not an impact rating
6 but is mitigation, there would be no mitigation required,
7 and the impact on the stable, rural area, we thought
8 there was no mitigation required there as well mainly
9 because it was a larger area.

10 As I move across to the third column, the
11 overall significance of the effects, the significant
12 impact on the Burlington Air Park, it would have a
13 significant impact in our opinion and the landfill would
14 increase bird hazards to aircraft operations. We did
15 not, however, think that the helicopter facility at the
16 hospital was anything to worry about. The four
17 residences and the private airfield on-site; we felt
18 this was a relatively low impact compared with other
19 site plan areas which you will see in a minute. There
20 were obviously four houses being displaced, but in
21 relative terms it was low.

22 With regard to the third item, the
23 residences in the study area and adjacent to the site
24 plan area; we felt that was a relatively high impact
25 compared with other site plan areas and specifically the



1 12 units adjacent to the site plan area itself we
2 thought leant credence to the high impact we felt for it.
3 With regard to the private airstrip adjacent; it is not
4 a licensed one and it had infrequent operations and we
5 felt it would be a relatively low impact and the impact
6 on the stable, rural area, we thought there would be
7 significant impact by the landfilling operation going
8 on at Site D.

9 Overall, and this is a matter of judgment
10 on our part, we thought that of the six comparisons we
11 are doing that it was a relatively moderate to high
12 rating.

13 With regard to Site F, we found in terms
14 of potential effects on land use, there was a quarry, a
15 landfill, Highway 403 and hydro corridors on adjacent
16 lands. There was the Bayview Park, the business/
17 industrial complexes on the North Service Road and King
18 Road and the proposed business/church/school on Kerns
19 Road at the North Service Road as well as the Bruce
20 Trail on the north side.

21 In terms of mitigation, we didn't think
22 when landfill was on the site there would be any mitiga-
23 tion required for the landfilling, 403 or hydro. In
24 terms of mitigation of some sort for Bayview Park, we
25 thought relocation of the riding ring and the equestrian
facilities would be something that would be necessary.



1 For the business/industrial complexes on the North
2 Service Road and King Road, we thought that the King
3 Road complex was buffered by the existing Highway 403
4 and the hydro corridor. The North Service Road we did
5 not think that that was a particular problem, particularly
6 because -- to the extent it is a business people are
7 coming and going on business but they are not in the
8 same sense living there day to day and both of those
9 facilities, Cumis and Tridon, to the extent they have
10 employee sit-out areas, they are largely concentrated
11 on the west side of the buildings and so we didn't
12 think there was anything in terms of mitigation that
13 was required for that.

14 The proposed business, et cetera, complex
15 at Kerns; we felt a citizens liaison committee concept
16 would be the way to handle that and again to involve
17 people involved with that complex in the work of the
18 landfill design and operation. In terms of the Bruce
19 Trail, we didn't think mitigation was required for the
20 Bruce Trail in that location.

21 The overall significance ...

22 Q. You are actually blocking the last
23 column.

24 A. In terms of the overall significance
25 for the quarry landfill, et cetera, we figured the uses



1 were compatible with landfill and would provide buffering
2 to areas beyond. They were existent and they were not
3 going to go away, although the existing landfill was
4 intended for rehabilitation and we knew that. Bayview
5 Park; the overall significance of the effects was that
6 the community facility was addressed in the social impact
7 assessment and in there it was being recommended that
8 it be taken away, it be moved to another location.

9 The business complex at Kerns Road; we
10 believe the overall significance would be the impact
11 would be lower for the residential uses and there would
12 be adequate buffering or distance separation. Kerns
13 Road is not what you would say is adjacent to, in
14 particular, Site F. The proposed business/church/school
15 -- I'm sorry, I misread that. The business/industrial
16 complexes on the North Service Road; the impact was
17 lower for those industrial uses than for residential
18 uses and they had the adequate buffering and distance
19 separation.

20 Q. You are drifting over a little bit
21 and beginning to block the view again.

22 A. The proposed business/church
23 complex at Kerns Road; the church and school were not
24 compatible with landfilling but there was a distance
25 separation which we felt was adequate and in terms of



1 the Bruce Trail we did not think the landfill would be
2 visible and there would therefore be minimal impact.
3 In that we were assisted by the comments of the
4 visual consultant, Mr. Wright.

14A

5 So, that was essentially -- that is what
6 we did with our information in 2C to rate the sites and
7 this information was used by us to compare the six sites,
8 to rank them, if you will.

9 Q. Would you review with the Board
10 from the viewpoint of land use analysis what you did and
11 how you ultimately ranked these six potential sites?

12 A. We went from the rating, if you
13 will, and the reasons for the rating and proposed that
14 in our opinion, based upon the information we had, that
15 the site plan area F had the lowest impact. This was
16 due, as I have said, from Table 7, from the overall signi-
17 ficance of the effects we saw on the surrounding area
18 and on the site which was over -- I must get my map
19 out here -- A which was in Oakville over near the easterly
20 boundary of the Region, the easterly boundary of
21 Oakville and right on the Milton boundary, we thought A
22 ranked second. This was because of the fact or due to
23 the fact that it was relatively far away from the main
24 stream of activity as it involved Oakville and it was
25 away from Highway 25 and therefore not -- it was away



1 from Trafalgar Road, sorry, the main north-south road
2 in and out of Oakville. It had relatively few houses
3 on-site and had the 403 along the north side -- 403 and
4 then 407 relatively close to the east side, and had the
5 hydro corridor between itself and 403 on the east side
6 and so it was relatively buffered from the surrounding
7 area and it had relatively few units on-site.

8 D we felt had a moderate to high impact
9 as did we think E. We therefore rated it jointly or
10 tied for third. Both of those had very much the same
11 situations and both of them had a relatively high number
12 of units on-site. Both of them had impacts from the
13 Burlington Air Park and E had higher impact in our
14 opinion because it was closer and therefore that goes
15 to the high versus moderate-high impact. The number of
16 units or number of residences adjacent to the site
17 were relatively high and you don't get it all because
18 I didn't go through all the charts, but E had a large
19 number of units on and adjacent to it as well and very
20 much the same as the D I described.

21 B and C we had determined very early into
22 2C that they had major impacts and therefore we thought
23 -- from a land use planning standpoint they sat right on
24 Trafalgar Road and it was very close to the Oakville
25 urban area and there was just generally a lot of people



1 either in the area or on-site and therefore in our
2 opinion they would be the most affected site and were
3 tied for fifth ranking.

4 Q. Mr. Walker, having arrived at this
5 conclusion could I ask you at this level of study, did
6 you seek public input?

7 A. Yes.

8 Q. Could you review with the Board
9 what you did?

10 A. In this phase, as you have already
11 heard I am sure, there were individual reports issued
12 by the various consulting groups. Our report was in
13 draft form and was sent out to the mailing list and by
14 this time it had grown to gargantuan proportions. It
15 was taken to public meetings and there were three public
16 meetings, Burlington, Oakville and Milton in February.
17 There were public delegations allowed to council as well
18 which was not a normal circumstance, although I rarely
19 saw council say no if someone asked to speak on a parti-
20 cular item, but this was a specially-arranged meeting
21 to allow the 2C report to be viewed or aired, if you
22 will—A-I-R-E-D, not E-R-R -- for the record. The
23 response as you can guess, we were down to six very
24 specific sites and the response was awesome in proportion.
25 The geometric progression of the size of the mailing list



1 left nothing -- it couldn't hold a candle to what was
2 happening at the public meetings at this stage.

3 Q. As a result of that public input
4 did you change your analysis or your conclusions?

5 A. Yes. I think everybody did and we
6 did as well. There had been a great deal of debate, and
7 "debate" may be using a mild word, about the method by
8 which we had ranked the sites, the pairing analysis that
9 we had used, and we provided as a response to the submis-
10 sions on the draft report, we had provided a written
11 summary of the analysis at the front of our report,
12 since we were largely responsible for the pairing
13 analysis. We also -- the Table 7 which I showed you
14 and which had the ratings, it was added as a result of
15 the concern that people wanted to see more clearly what
16 was going on from ours and other aspects. Part of
17 this reporting phase had in it various summaries, shall
18 we say, of planning policies and people wanted to see
19 more maps so there were additional maps added to the
20 report, extracts from the regional and municipal plans.

21 There were individual references to land
22 uses for accuracy or to update. Our overall conclusions,
23 however, remained the same and the ranking and the ratings
24 remained the same.

25 Q. Was any report prepared by which



1 one might be able to compare the conclusions that you
2 arrived at prior to the public input and then after
3 the public input?

4 A. Yes, there was a report entitled
5 "Comparison of Phase 2, Stage 2C", draft and final
6 reports prepared.

7 MR. LANCASTER: That will be H-317.

8 --- EXHIBIT NO. H-317: Report entitled "Comparison of
9 Phase 2, Stage 2C"

10 MR. LEDERER: Q. To be clear, I have
11 passed out copies to everybody and would I be right in
12 saying that when this originally appeared it had the
13 same orange or buff-coloured cover?

14 A. Yes, it did.

15 Q. What was done with this report?

16 A. This report was sent out to all
17 of the people who had responded and all the people who
18 were on the list to receive this sort of report, which
19 was everybody.

20 Q. Now, Mr. Walker, can you indicate
21 what part did this land use analysis at the 2C level,
22 what part did that play in the overall ranking undertaken
23 at this level of study?

24 A. Our information that we have shown you
25 was used in the pairing analysis undertaken and there
was a summary of our information, the same way everyone



1 else had summaried and it was used as the basic document
2 for the pairing analysis, but the initial information
3 which we had available was used as a back-up to it. For
4 the record I should say that on page 23 of Exhibit H-317,
5 that is where the changes to report No. 12, the land use
6 and planning assessment was done.

7 Q. Thank you, sir.

8 A. It starts there.

9 Q. Finally, just to give the Board
10 a full appreciation of your role at this level of study,
11 is there anything else you were looking at apart from
12 the land use analysis?

13 A. Just the after-use and the planning
14 approvals work which was not used in the pairing analysis.

15 Q. I don't propose to review that work
16 with you, but in case anyone else does where would you
17 find that work?

18 A. It would be in Section -- let me
19 think. It would be within our Section 8, I believe.

20 Q. Section 8 of H-57.

21 A. Certainly the methodology is
22 discussed right through as part of the whole package.

23 Q. Did your after-use work affect
24 the conclusion arrived at the end of the 2C Stage?

25 A. No. As I say, we came to a



1 conclusion, and we could only deal with it on a generic
2 level, but we came to the conclusion that they were pretty
3 much similar for all of them.

4 Q. Following the 2C stage have you
5 continued to do work or have you done any work since the
6 2C stage in the area of land use analysis?

7 A. Yes. The report 2C when it went
8 to council for final approval, and the 2C stage report
9 of course went through the cycle again, but it went to
10 council in July of 1985, it had attached to it obviously
11 the CAO's report, the Chief Administrative Officer of
12 the Region, and in it there was a series of proposals
13 from the various consultants to carry on additional works
14 and this is the work which was referred to otherwise as
15 technical studies or EPA level of work and that, by
16 the way, and I don't know if anyone has mentioned it
17 or not and I will get to it in a moment, but that is
18 not an unusual thing. Throughout this process when
19 I provided my draft report I also provided either as
20 part of it or as a separate thing but relatively at the
21 same time the proposal for the next level of work; so
22 in considering what you had done you can see what we
23 propose to do and that could be worked over a little bit,
24 but it certainly was a way of tying each stage together
25 with the next stage and this was not unusual therefore



1 that the report taken to council, the final report that
2 got through committees would have attached to it propo-
3 sals for additional work. In that I was proposing in
4 July that to look at the planning approvals, or to
5 undertake to carry through the necessary planning
6 approvals that were to be determined. We had made some
7 indications and had conceded to certain things that
8 could be done or should be done and this was carrying
9 right in to the post 2C level. We also were charged
10 with co-ordinating the Phase 3, if you will, of the
11 original work program which was the Environmental
12 Assessment document and it was bringing together every-
13 thing and submitting it as the Environmental Assessment
14 document. Phase 3 was consistent with the very early
15 work program we had submitted and the work program which
16 we carried throughout, it always had a Phase 3 in it
17 which was this.

18 Q. Let's set aside Phase 3 and deal
19 with that when we deal with process, but let's look at
20 the work you did with respect to the planning approvals
21 that might be required. I think I would like to go
22 through with you the state of the planning policies,
23 first of all with respect to the Region and secondly
24 with respect to Burlington and thirdly with respect to
25 Milton. Let's start with the Region and I will show



1 you a document and ask you if you are familiar with this.

2 A. Yes. You have a version of it, but
3 this is an updated version.

4 MR. LEDERER: We were a bit confused
5 because there were two versions with the same date on
6 the front and yet these appear to have more explanatory
7 notes and the yellow pages in the front, so you may wish
8 to replace the copies you presently have.

9 DR. KINGHAM: Are you proposing to give
10 it the same designation as this was H-79 before?

11 MR. LEDERER: As far as we can tell they
12 are precisely the same except for the yellow pages at
13 the front and you could either replace it ...

14 THE WITNESS: They are not the same but
15 there is nothing that is really significant.

16 MR. LANCASTER: We will give it a new
17 number.

18 MR. HODGSON: We have two numbers left.

19 MR. LANCASTER: Were there some reserved
20 numbers left?

21 MR. LEDERER: I don't know what they are.

22 MR. HODGSON: Eighty-seven and 88.

23 MR. LANCASTER: Let's call this H-87.

24 --- EXHIBIT NO. H-87: Official Plan for Halton Planning
25 Area - Regional Municipality of
Halton



1 MR. LEDERER: Perhaps we had better have
2 this as updated Official Plan.

3 THE WITNESS: I think so.

4 DR. KINGHAM: So the record will help us
5 if we need it somewhere along the line, H-87 is the one
6 that refers on the first yellow page to a waterfront
7 plan in the second paragraph and the original one did
8 not refer to that. That will help us to distinguish
9 them. I'm sorry, it's the other way around. H-79, and
10 that's what I wanted to avoid; it's the one that refers
11 to a waterfront plan and H-87 doesn't.

12 THE WITNESS: Could I open with an expla-
13 nation as to why ...

14 MR. LEDERER: Q. Before you explain
15 anything, could you indicate to the Board what this is?

16 A. This is the regional plan for
17 the Municipality of Halton Region. This is the Official
18 Plan and this is one of the regions that has a working
19 Official Plan still, or there is still one that doesn't.

20 Q. Now, you were going to ...

21 A. Mr. Chairman, as a general rule
22 except for a very brief indication as to what the
23 designation was on the land and very early when we used
24 the official plans to define existing built-up areas,
25 the planning approvals or the approvals which related



1 to the site, whether it be official plans, zoning by-laws
2 or any other approvals, from a planning standpoint had been
3 kept out of the process. As the land use planners
4 involved in the work, we had specifically avoided bring-
5 ing into play at the regional level right down to the
6 candidate sites and the site plan areas a discussion
7 of what applied on the land and this was for a very real
8 reason. Under the Environmental Assessment Act we
9 suggested from the planning standpoint and it was agreed
10 by the team and by the Region that there may be some
11 accusation or some indication of bias if we included --
12 you may have been told already, but there was a site
13 from a planning standpoint under the Planning Act, a
14 landfill site had been designated and had been zoned
15 in the Town of Milton. We had gone through an OMB
16 hearing and it had gotten both of those designations
17 but it did not get environmental EPA approval and that's
18 what led to this whole process now.

19 We felt that the actual approval on the
20 land if it was fed into the works would direct or could
21 be seen to be directing the choice of candidate sites
22 to that particular site and we thought that that would
23 be wrong. In addition to that, there was a current
24 application of 1982 or '83 vintage by NSP on its site,
25 and that was also not allowed to be entered into the



1 discussion on the winnowing or screening process because
2 again the fact that a landowner was proposing to use a
3 site for landfilling we thought would be seen to be an
4 inappropriate thing, but it went to the level of detail
5 and then to some degree it also went to the fact that
6 both the application of NSP and the successful applica-
7 tion for a landfill site had fallen from another process,
8 or would be part of another process, a simple Planning
9 Act process, and would be something distinct from the
10 environmental assessment process.

11 So, rightly or wrongly, this type of
12 information had been kept out of the process to this
13 point in time. After the 2C reports were in and the
14 candidate site plan areas were designated and ranked,
15 from a planning standpoint we thought, and we were
16 joined in this I think by the regional planning staff,
17 from a planning standpoint it was important to assess
18 how the end result of the 2C process, in other words
19 the ranked sites and the preferred and the second site
20 which would be taken forward in an undertaking, how
21 they would fit into the planning framework which was
22 already in place in the various municipalities and in
23 the Region. This didn't speak to the proposed location
24 on the merits, but it does speak to how the proposals
25 fit into the planning framework, if you will, my words,



1 already in place and therefore it speaks to the validity
2 of the proposals in terms of impact on the existing
3 planning framework. It's another impact assessment
4 level, if you will, and it is strictly a land use matter
5 at this point in time, a matter that if you are making
6 an application for any use in a municipality, one thing
7 you have to assess to understand better what you have
8 next to do is to assess the planning documents are
9 in place.

10 As I said, we had collected a lot of this
11 information over time, but we had not gone into the sort
12 of planning analysis because we would have run head-on
13 into the situation which I have described for two
14 specific locations within the Region.

15 Q. Now, Mr. Walker, having determined
16 that this was the right moment to start looking at
17 planning policy, can you take the regional plan, Exhibit
18 H-87, and can you describe for the Board, please, the
19 nature of this Official Plan?

20 A. This is a land use plan of a
21 regional scale or regional level. It does not get into
22 specifics of urban land use, if you will, but it does
23 have policies for urban areas and it does have policies
24 for regional services, services which the Region provides
25 to the area municipalities and people within the Region.



1 It is within the context of planning within Halton
2 Region, this is the primary plan, the upper level. It
3 is a two-level, two-tiered planning level and this is
4 the first one. It doesn't always specifically designate
5 land uses for which it contains policies, but it is I
6 think quite a good plan in terms of comprehensive
7 approach to this level of information, this level of
8 control that is required. It certainly creates a struc-
9 ture for land uses and development within the Region and
10 it has been quite successfully used since it was prepared.

11 Q. Does this plan site-specifically
12 designate land uses?

13 A. No, as I say, it doesn't always
14 do that.

15 Q. Can we look at pages 68 and 69 and
16 could you review with the Board the framework of the
17 waste management policies contained within this plan?
18 I said 68 and 69, but I should have said 69 and 70.

19 A. This is the waste management
20 section of the Official Plan and this is the third
21 section. If you can keep your finger in that page and
22 turn to the first white page you will see what the
23 third section means. The first part is the introduc-
24 tion and the second is the goals and objectives, and they
25 are a bit fluffier in Official Plan terms than policies are, but where



1 they are striving to go and the method by which they hope
2 to get there. Part III is the "GROWTH MANAGEMENT
3 POLICIES" and these are the policies which deal with
4 specific elements that the Region is either responsible
5 for from an operational standpoint or a planning stand-
6 point. For instance I make the distinction solid waste
7 management is something which is legislated in the
8 Regional Act and only the Region can deal with solid
9 waste management. PART III is the "GROWTH MANAGEMENT
10 POLICIES" and D is "SUPPORT SERVICES" and these are
11 services which the Region is providing and having
12 policies for providing and D1 is "TRANSPORTATION" and
13 D2 is "SANITARY SEWAGE AND WATER SUPPLY OF SANITARY
14 SEWAGE" and D3 is "SOLID WASTE MANAGEMENT." That is
15 what we are concerned about specifically with this plan.

16 I should point out that the solid line
17 running up and down beside these policies relate to a
18 referral request. These policies have in fact never been
19 approved by the Ontario Municipal Board or the Minister.
20 These are council-adopted policies which council follows,
21 but they have never been adopted and so in technical
22 terms they are still at the council-adopted level.

23 DR. KINGHAM: Is that derived from the
24 Tremaine-Britannia Citizens' Group's objections?

25 THE WITNESS: Yes.



1 MR. LEDERER: While you mention that I
2 do have a series of letters here.

3 Q. Mr. Walker, I'm not sure it's
4 necessary to go through each of these specifically, but
5 could you identify for the Board the letter on top and
6 perhaps give us a general outline of what follows?

7 A. It's a letter on the letterhead
8 of David Estrin, Barrister and Solicitor, dated January
9 8, 1979 addressed to the Honourable Claude Bennett the
10 Ontario Minister of Housing at the time, and signed by
11 David Estin and the caption is "Re Draft Official Plan
12 of the Regional Municipality of Halton Passed September
13 6, 1978" and he identifies he represents Tremaine-
14 Britannia and is asking for the policies I have mentioned
15 to be referred. This letter is referring to the whole
16 draft Official Plan which he wants referred in this
17 letter.

18 The second one is a Ministry of Housing
19 letterhead dated March 16, 1979 to Mr. David Estrin
20 signed originally by Mrs. Dianne D. Santo, Director of
21 the Official Plans Branch who would have been dealing
22 with this request preparatory to the Minister acting.
23 The essence of the letter is that they are asking for
24 more information on the referral request because it
25 appears the referral of the whole plan is somewhat in



1 question. Those are my terms...

2 Q. I understand.

3 A. ... as the word "question" is not
4 brought up. The third one is another David Estrin
5 letter dated April 10, 1979 to the Regional Municipality,
6 Attention Mr. Rash Mohammed, who at the time was Senior
7 Policy Planner and he is now the Planning Commissioner,
8 the Regional Planning Commissioner. The caption is
9 "Request on Behalf of the Tremaine-Britannia Citizens'
10 Group to Refer the Proposed Official Plan ... to the
11 Ontario Municipal Board." He is now cutting back the
12 referral request to Section 3 found at page 31 dealing
13 with solid waste management and is explaining why. Do
14 you want me to go into more detail on that?

15 Q. No.

16 A. It is signed in his absence by
17 I think Caroline Moore. The fourth one is a Ministry
18 of Housing letter dated April 26, 1979 to Mr. Estrin,
19 the original signed by Mrs. Santo, "Re the Request of
20 the Group of Tremaine-Britannia" to refer part of the
21 OP and recognizing there has been a change to the
22 referral, they still want additional information. Then
23 there is another letter from Mr. Estrin dated November 5,
24 1979 to the Region, again to Mr. Mohammed on the same
25 caption. Mr. Mohammed had made some suggestions to the



1 Tremaine-Britannia Group through Mr. Estrin and there
2 had been a meeting, as I recall, and Mr. Mohammed is
3 forwarding or had forwarded, I guess behind here some-
4 where, but some recommended changes to the regional plan
5 to try to come to grips with the Tremaine-Britannia
6 concerns and Mr. Estrin goes on to set out the concerns
7 and notes the meeting in the office setting out further
8 additional concerns or continuing concerns and, at the
9 end, on page 3, unless the Region is willing to recog-
10 nize the concerns as he has put them forward, he is not
11 prepared to withdraw the objection on their behalf.
12 There is an attachment here which is obviously taken
13 from a report, and it would probably be from a regional
14 report, Mr. Mohammed's, setting out the changes. I am
15 assuming that that is what it is, and there is one here
16 which doesn't really apply, another one hooked on here
17 which is a standard industry's letter objection, B.H.
18 Kellock, and I don't think that refers to waste management.

19 Q. What is the present status of these
20 policies?

21 A. They are still referred to the
22 Ontario Municipal Board.

23 MR. LEDERER: If I may remind the Board,
24 because there are so many applications before you but
25 one of the applications that may be before you is that



1 referral and it comes out of this hearing because I
2 raised an issue as to whether or not it is appropriate
3 to refer those policies but to be certain we don't wind
4 up with a hole at the end we have left it for argument
5 at the end.

6 THE WITNESS: I should note for the record
7 that notwithstanding Mr. Estrin's apparent reluctance
8 to agree to withdrawal, the Planning Department and
9 council did in fact make changes, some changes to the
10 waste management policies, and on page 69, D3.6 has some
11 revisions in it which is an attempt -- where
12 Mr. Mohammed had set out to resolve some of their
13 concerns and D3.7 has been added to again try and
14 resolve the concerns and D3.9 has been added, I believe
15 it has been added, yes. I believe it was added, but at
16 least there are changes implicit in D3.9 as a result of
17 the Tremaine-Britannia objection and also D3.10c, d
18 on page 71 are also added to try and resolve the
19 concerns of Tremaine-Britannia.

20 MR. LEDERER: I am not sure if we have
21 exhibited the group of letters, but perhaps we should
22 do that.

23 MR. LANCASTER: Not yet, but that will
24 be Exhibit H-318.

25 --- EXHIBIT NO. H-318: Group of letters re solid waste
management



1 MR. LEDERER: Q. Just to put everything
2 regarding the history of this matter before the Board,
3 could you tell us was any consideration given to
4 amending these policies?

5 A. On the regional part?

6 Q. Yes.

7 A. Yes. There was a part of the
8 discussions at the 2C level which led into the period
9 of work we were doing post-2C. They had in them, in
10 the work requirement, we would prepare official plan
11 amendments for the regional plan dealing with the two
12 candidate sites or the two proposed sites and initially
13 it was -- initially it was to show a designation on the
14 concept map, and I could flip to that and show you what
15 it refers to. This is page 29. This is the regional
16 concept map and in planning terms this is a very ...

17 Q. Let me interrupt you for a moment.
18 The copy I have doesn't have the map and I want to make
19 sure everyone else has one.

20 A. Following page 28.

21 Q. Everyone else seems to have it.

22 A. From the standpoint of an Official
23 Plan, this sets out in very generalized term the basic
24 structure of the Region, the various colours, when you
25 have the advantage of the colours, it shows you a major



1 green swath cutting through diagonally northeast-south-
2 west through most of the lower half of the Region and
3 that is shown on the legend as the Parkway Belt under
4 provincial policy areas. This plan has incorporated
5 both graphically and in text terms reference to the
6 provincial Parkway Belt policies, the Parkway Belt West
7 Plan which is in conceptual terms in here and referred
8 to. The urban areas are shown in the skin colour and
9 so you can see along the bottom part of the Region,
10 that is considered to be the major urban conurbation
11 or the major urban area. The Milton urban area is
12 about halfway up and then the two Halton Hills areas,
13 Georgetown on the right and Acton on the upper left are
14 picked up. The Niagara Escarpment planning area is in
15 brown going diagonally northeast-southwest across
16 virtually the whole Region. Again this is an incorpora-
17 tion of a provincial policy approach, a policy document.
18 The waterfront is conceptually shown in structural
19 terms along the front and conceptually shown are hamlets
20 surrounded by white which is rural. Now, that in word
21 terms for the record is a description of the regional
22 concept and it was on to this map that we were initially
23 to pass a regional Official Plan amendment to add a
24 symbol showing the location of the sanitary landfill
25 operation. This is not something which is necessary



1 because that fine level of detail is not normally shown,
2 but it was originally intended to be for clarification
3 or information purposes. That was the initial approach
4 we were going to take and the Region after that, we
5 talked briefly and the Region decided that they wanted
6 us to do a full update or a full review of the section
7 D3.9, the waste management policies, and to bring them
8 up to date, if you will, although they are pretty
9 comprehensive the way they stand, but we had been using
10 some new terminology in the reports and they thought
11 it would be an ideal time to do it and it was put
12 effectively in those terms.

13 Q. Was that process completed?

14 A. No. We were to research the
15 document, prepare a draft, issue the draft, take it to
16 the public meetings under the Planning Act because there
17 is obviously a requirement for public meetings, and the
18 documents would go there and then come back and be
19 refined and submissions would be made. If submissions
20 were made at the public meeting they would be responded
21 to and then council would deal with the final amendment
22 and there were two being done, one for each site being
23 done at this point in time and the idea was to take it
24 right up to the council level and then they would await
25 -- it wasn't decided what was going to happen because



1 they were going to hold onto them until after the result
2 of this hearing or they would bring them to this hearing.
3 The end result was that council decided in December of
4 1986 that they were not going to process those amendments
5 further but they would be referred to the Official Plan
6 review to be brought forward at that time or subsequent
7 to a hearing.

8 Q. So this is the Official Plan
9 review of the entire plan?

10 A. It's an ongoing process and has
11 been going on for about two years.

12 Q. Could you indicate to us how far
13 did this amendment process get before it stopped?

14 A. We had been to the public meetings
15 and we were ready to revise the draft Official Plan
16 amendments when it was stopped.

17 Q. Had it been to council and had
18 council dealt with it?

19 A. No. Council had never dealt with
20 them at all. That is my recollection.

21 Q. Is it a concern at this point
22 before this Board that these amendments were not comp-
23 leted or not approved and ultimately taken to the
24 Municipal Board?

25 A. I don't think from a planner's



1 standpoint, Mr. Chairman, I don't think there is the
2 concern. I can't put myself into your head, but the
3 policies you would find under the D3 section, and let
4 me make sure I have it right here, but the D3 section,
5 the solid waste management, if you go through those
6 policies, to me they seem to be addressing in perhaps
7 slightly outdated language, they seem to be addressing
8 the whole scope of what is required for the Region to
9 do from a landfill standpoint. D3.1 deals with:

10 "Investigate alternative ways and means
11 of solid waste reduction ..."

12 And I could go further, but D3.2:

13 "Accept the use of resource recovery
14 techniques, ..."

15 Essentially that is what I mean by a bit outdated, but
16 it's something other than landfilling and so the resource
17 recovery techniques is plural and there are a number of
18 them around including energy from waste and I see nothing
19 wrong with that policy, it's still usable, and it says
20 "where feasible" so there is no preclusion or presumption
21 in that. D3.3 is the policy to:

22 "Evaluate, as new technologies and proce-
23 dures arise, alternative solid waste
24 systems, ..."

25 And all of that is consistent with what the Region has



1 to do under the Environmental Assessment Act I think.

2 D3.4 is:

3 "Encourage and actively support ways and
4 means of conserving material and energy
5 resources."

6 And that is something again which was gone through in
7 the waste systems and needs analysis. D3.5 is:

8 "Seek out long term viable markets for
9 materials ..."

10 And that is part of the same thing, and D3.6 is:

11 "In conjunction with the activities out-
12 lined in Policies 1 to 5 (which we went
13 through) ... establish and operate
14 sanitary landfills to meet Regional disposal
15 requirements..."

16 And since it is put in the context of looking at all
17 the alternatives to landfilling, I don't see anything
18 presumptuous about that section and I think that that
19 is certainly a direction to go as long as 1 to 5 give
20 you answers and this leads on, and/or can give answers
21 in the future, this leads on. D3.7a is:

22 "Select landfill sites, ..."

23 Once you are into landfill and a is:

24 "Select landfill sites, if required, on
25 the basis of comparative studies ..."



1 Which is what we have done and which I think is also
2 required under the Act. Under b is to:

3 "Develop and adopt guidelines for such
4 comparative studies and for the examina-
5 tion ..."

6 And that happens as a result of the Environmental
7 Assessment. D3.8 is:

8 "View the use of land for landfill during
9 the operational life of the site as an
10 interim use, ..."

11 That is something that I think is clear from a planning
12 standpoint, a valid concept because ultimately it is
13 required that landfill be rehabilitated. It is there-
14 fore in my opinion -- I agree it's an interim use and
15 should be considered as such. D3.9 is:

16 "Locate sanitary landfills where feasible
17 on lands less suited to other purposes,..."

18 Certainly that is not presumptuous or preclusive of
19 going to other areas under the Environmental Assessment
20 Act because the rest of the policy says:

21 "...recognize that the nature of the
22 operation of landfills, including the need
23 to protect ground and surface water, may
24 require locations for landfills which
25 according to other policies of this Plan



1 may be best suited for other purposes."
2 That is a very important section, D3.9, because it does
3 not cut off or circumscribe any Environmental Assessment
4 Act and require to be in conformity with the Official Plan of
5 the Region that they preclude other designated areas and
6 really it is very important because from the environ-
7 mental assessment angle it is important. D3.10 is:

8 "Pursue the design, establishment and
9 operation of a system for Solid Waste
10 Management, ..."

11 That is something which is part of the Environmental
12 Assessment which they are pursuing at this point in time.
13 I could go on, but to me these policies all seem to be
14 usable in today's context.

15 Q. Just to be clear on this, in the
16 absence of approval, how is the Region dealing with
17 these policies?

18 A. They are using them. They sub-
19 scribe to them and they use them when they are dealing
20 with matters like this.

21 MR. LEDERER: Mr. Chairman, if you wish
22 to take an afternoon break this might be a suitable time.

23 MR. LANCASTER: We will take a short one
24 of about ten minutes..

25 MR. LEDERER: Thank you, sir.



1 --- Recess

2 MR. LANCASTER: Thank you. Pleas be
3 seated.

4 MR. LEDERER: The point has been made
5 over the break, a point I appreciated already, that the
6 actual referral is not before you in H-318 and I didn't
7 have a copy of it and I asked Mr. Estrin for one but he
8 doesn't have one at the moment either. We will try
9 and locate it and file it, but it is beyond question that
10 the matter has been referred to the Board and I don't
11 think anyone will contest that fact.

12 MR. LANCASTER: I should be able to find
13 it somewhere. I don't think I have it here, it's
14 probably back at the Board.

15 MR. LEDERER: Thank you, sir.

16 MR. LANCASTER: I dragged that one out to
17 make sure.

18 MR. LEDERER: Mr. Walker, we had just
19 finished our discussion of the waste management policies
20 found within this plan and we had some discussion about
21 a move that was made possibly to amend them which was
22 changed. What I would like to now do is look at other
23 policies that may be incorporated within this plan and
24 you referred to the Parkway Belt. Are there provincial
25 policies incorporated into this Official Plan?



1 A. Yes. Mr. Chairman, the plan
2 incorporates page 33, Section B1 and subsection B is
3 entitled "MAJOR REGIONAL AND PROVINCIAL COMPONENTS" and
4 B1 is entitled the "Parkway Belt." This plan by that
5 paragraph incorporates the provisions of the Parkway Belt
6 West Plan.

7 Q. Perhaps I could interrupt you and
8 ask you whether or not you are aware of that document?

9 A. Yes, that is it.

10 Q. Could you indicate to the Board
11 what this is?

12 A. This is the Parkway Belt West Plan,
13 July, 1978, the multi-purpose utility corridor, urban
14 separator and linked open-space system. This is a
15 document which is provincial policy and if we could have
16 an exhibit number.

17 MR. LANCASTER: Yes, Exhibit H-319.

18 --- EXHIBIT NO. H-319: Parkway Belt West Plan, dated
19 July, 1978

20 THE WITNESS: It is this document which
21 is referred to on page 33 by the policy and this is under
22 Part III "GROWTH MANAGEMENT POLICIES" so it is a policy
23 of this plan, but:

24 "The development of those lands in the
25 Halton Planning Area that are affected by



1 the Parkway Belt West Plan shall be
2 governed by the provisions of the Parkway
3 Belt West Plan, July 1978, which forms
4 part of the official plan, ..."

5 And that is a key operative sentence:

6 "... and in the case of any discrepancy
7 between The Parkway Belt West Plan and
8 the remainder of this official plan, the
9 provisions of The Parkway Belt West Plan
10 shall prevail."

11 So read the blue book when you read that paragraph and
12 you will have the policies that apply.

13 Returning to the concept map that you had
14 before, it is the area in green which I referred to and
15 that is page 29. That is the green area. In addition,
16 the plan incorporates The Niagara Escarpment Planning
17 and Development Act purposes and objectives into this
18 document. This is a plan which was passed under the
19 same operative Act as the Parkway Belt, the Planning and
20 Development Act of Ontario, and it much more recently
21 received official plan blessing to the plan itself.
22 For the purposes of this hearing, Mr. Chairman, unless
23 someone thinks otherwise, I don't believe The Niagara
24 Escarpment Plan is relevant and so I am not suggesting
25 we put it in.



1 In addition, there is one other policy
2 document which is provincial policy and it's called the
3 Ontario Food Land Guidelines, 1978 and on page 73 ...

4 MR. LANCASTER: I think this is already
5 in.

6 THE WITNESS: This is under Part IV of
7 the regional Official Plan, Exhibit M-114, and under Part
8 IV of the Official Plan which are again policies, the
9 "RESOURCE MANAGEMENT POLICIES", and this Region, if you
10 have had a chance to read Section A, "AGRICULTURE" you
11 will see this Region is very clear in its overall attempt
12 to protect the foodlands and agricultural lands. Section
13 Ald refers to the Ontario Food Land Guidelines, 1978
14 in terms that it endorses and it says:

15 "THE POLICY OF THE REGION IS TO:

16 ... Recognize, encourage and protect
17 agriculture as an important industry in
18 Halton, ..."

19 Ald: "Endorse the Ontario Food Land Guidelines
20 1978."

21 This section on agriculture is relatively important for
22 the consideration under the Environmental Assessment Act,
23 the consideration of the landfilling component because
24 at least five of the candidate sites were on areas which
25 were considered important within the Region of Halton for



1 agricultural purposes and throughout right from the first
2 Phase 2, Stage 2A, agriculture versus the non-agricultural
3 land has formed a pretty relevant position or taken a
4 relevant position in the work we have done, and certainly
5 in the responses that have come from the public there
6 has been a clear distinction of the pro-agricultural
7 land versus the not-so-pro-agricultural land groups, and
8 I don't say that in a pejorative sense at all, but in
9 terms of landfill that seems to be the clear position
10 coming out.

11 The other section which I think is
12 relevant when you are considering not from a planning
13 standpoint except that this is a planning policy, but
14 under PART III "GROWTH MANAGEMENT POLICIES", page 68 c
15 -- no, it's not there. I'm sorry, I take that back.
16 Just let me clarify. I believe Section D23a(i) and 23b
17 did not fall under the Milton urban area and therefore
18 there were provisions made. Up until recently the
19 Region had a policy against extending services beyond
20 the urban area and there has been a change in that
21 policy and I believe that that's it, but the way the
22 text is set up it falls under the Milton urban area so
23 I will have to check that.

24 There has been a slight relaxation on the
25 part of the Region in terms of extending servicing beyond



1 urban boundaries, and not a lot but a little bit.

2 Q. Can we go back and look in more
3 detail at a couple of these policies and can we start
4 with the Parkway Belt Plan? Can you indicate whether
5 the Parkway Belt Plan has any impact on the proposals
6 being considered by this Board?

7 A. It does.

8 Q. In what way?

9 A. Site F is in the Parkway Belt.
10 This is taken from the Parkway Belt Plan, Exhibit 319,
11 Map 2, the escarpment link. This structurally is
12 divided into a number of components for ease of discus-
13 sion and ease of policy description, and this particular
14 area falls under what is called the escarpment link.
15 This acetate is a reproduction of part of that. In
16 terms of the details of the map it is really quite
17 identifiable. It has King Road coming up from the bottom
18 of the map, the bottom right-hand side, and it continues
19 up around Bayview Park which is named and continues
20 north through the Niagara Escarpment designation up
21 through Mountain Brow Road. The Burlington Landfill
22 Site is identified and I have described and outlined on
23 here the Site F candidate site in red. The main Mount
24 Hope transmission line is shown running along the south
25 part of Site F and crossing 403 and going into the



1 Burlington transformer station which has been described
2 by a number of us as east of King Road and that continues
3 out in a westerly direction diagonally north of 403. There are two
4 transmission lines in here, one going up diagonally
5 northwest out of the Burlington transfer station and
6 across 403 in a perpendicular way and then they veer off
7 to the northwest, one taking off called the Burlington-
8 Guelph transmission line going straight diagonally north-
9 west and the other one which is -- I have the name but
10 I forget it -- but another transmission line which takes
11 a turn to the left and goes across in a much more
12 westerly direction.

13 Now, the open space or the creek areas
14 are shown hatched with a tree-type of hatching and they
15 show up underneath that hatching. Four 0 three is
16 clearly delineated and it is clear from the map that the
17 North Service Road is the southerly boundary of the
18 Parkway Belt West Plan in this area. So, Site F sits
19 entirely within the Parkway Belt area.

20 Q. What is the effect of the Parkway
21 Belt Plan, sir, with respect to landfill as a use?

22 A. Landfill -- the purpose of the
23 Parkway Belt Plan is to provide a number of different
24 things, one of them being utility corridors, corridors
25 for utilities, for uses needed to support urban areas



1 but which are otherwise a non-acceptable use or not
2 well-received within an urban area and it's allowed to
3 have low density, low intensity types of uses, open
4 space types of uses. It is specifically precluding
5 urban type development within it. In this particular
6 case this small section of land -- there are two
7 classifications and one is special complementary, the
8 fine hatching, and to the north is the general complementary
9 use and in this fine hatched area which straddles King
10 Road, east and west of King Road and really encompassing
11 the whole bottom part of Site F there is a specific
12 mention in the Parkway Belt Plan that low intensity
13 industries might be considered for that land and it's
14 subject to zoning and site plan at the local level or
15 at the appropriate authority level, but it is a
16 possibility.

17 Now, in my opinion landfill is a
18 permitted use within the Parkway Belt or generically
19 I think it is because I think it qualifies under the
20 terminology I have given, but specifically if it is
21 a publicly-sponsored landfill then I believe that for
22 sure it is a permitted use in the Parkway Belt West
23 and this is an issue which was an issue for quite a
24 while. This matter of whether a landfill is a permitted
25 use or not within the Parkway Belt has been deemed by



1 the Minister and resolved by the deeming to be a permitted
2 use.

3 Q. With respect to that, I am showing
4 you a letter dated June 24, 1986 and asking you if you
5 have seen this letter before?

6 A. I have.

7 Q. What is it?

8 A. It's a letter on the letterhead of
9 the Ministry of Municipal Affairs of the Minister
10 Grandmaitre and he is declaring that in accordance with
11 9(2) of the Planning Development Act that landfill on
12 Site F is deemed not to conflict with the Parkway Belt
13 West Plan.

14 Q. You have had this exhibited as
15 H-6, so it is obviously not necessary to exhibit it again.
16 What I would like to do is just file some material
17 which relates to that deeming letter so the Board has
18 before it some sense of the process which led to it.
19 I am showing you three sets of material and could you
20 review with the Board, please, what these are?

21 A. I have put them into chronological
22 order and the first one is February 28, 1986 on the
23 Region of Halton letterhead, Office of the Chairman,
24 addressed to the Honourable Bernard Grandmaitre, and
25 it is outlining a resolution passed by council and



1 requesting the Minister to use his powers under 9(2) of
2 the Planning and Development Act to declare the under-
3 taking to be in conformity or not to conflict with it. He
4 goes into some level of detail of the issues and a
5 fairly exhaustive outline, a summary outline of Halton's
6 position in terms of whether or not it is an appropriate
7 use or is a use that doesn't conflict, just to use the
8 terms of the letter and the resolution. Are we going
9 to make these all separate exhibits?

10 MR. LANCASTER: They all pertain to the
11 same thing so can we make them all one exhibit, if you
12 want to keep them together?

13 MR. LEDERER: I am in your hands.

14 MR. LANCASTER: I think they should be.
15 Would it be included in 6?

16 MR. LEDERER: It's the background material
17 which led to that letter and you have the application and
18 comments from Burlington and CELA, certainly from
19 Burlington, and then the response of the Region to those
20 concerns and then of course the deeming letter is the
21 last letter of the six, so if you want to append it to
22 Exhibit 6.

23 MR. LANCASTER: So, H-6 and we will call
24 these A, B and C and shall we give an A designation to
25 the original letter?



1 MR. LEDERER: No, sir.

2 --- EXHIBIT NO. H-6A: Letter from Region of Halton to
3 the Minister, dated February 28, 1986

4 MR. LEDERER: We should identify them
5 so that H-6A would be, if I have it in the right order...

6 MR. LANCASTER: H-6A is 1986 from the
7 Region to the Minister.

8 MR. LEDERER: Yes, sir.

9 THE WITNESS: A February 28 letter.

10 MR. LANCASTER: Let's make sure we have
11 the right ones. H-6A would be a letter from the Region
12 to the Honourable Minister, dated the 28th of February,
13 1986. Now, what is the second one?

14 THE WITNESS: I believe next is the City
15 of Burlington because the date stamp is May 1 and the
16 other one, the letter from the Region of Halton is May
17 26.

18 MR. LANCASTER: So H-6B is a letter from
19 the City of Burlington to the Minister and the received
20 date is May 1, 1986.

21 --- EXHIBIT NO. H-6B: Letter from City of Burlington
22 to the Minister, received May 1,
1986, with attachments

23 MR. LANCASTER: H-6C is a second letter
24 from the Regional Municipality of Halton to the Minister
25 dated the 26th day of May, 1986.



1 --- EXHIBIT NO. H-6C: Letter from the Regional
2 Municipality of Halton to the
3 Minister, dated May 26, 1986,
with attachments

4 THE WITNESS: I suppose for the record
we should say they all have attachments.

5 MR. LEDERER: That may be appropriate.

6 MR. LANCASTER: Which?

7 THE WITNESS: They all have attachments.

8 The covering letter is one-page long and the attachments,
9 there are attachments.

10 DR. KINGHAM: With the exception of
11 H-6A?

12 THE WITNESS: Yes, sir, you are right.

13 MR. LEDERER: You will recognize from
14 reviewing the material there is one letter missing and
15 if you look at the third letter you will see the Region
16 is responding to comments made by both Burlington and
17 the Canadian Environmental Law Association. Ms Vigod
18 will be providing us with a copy of the letter from the
19 Canadian Environmental Law Association which we will
20 file when we get it.

21 Q. Now, Mr. Walker, can we leave the
22 Parkway Belt Plan and its application for a moment and
23 look at M-114, the Food Land Guidelines? Could you
24 indicate to the Board does this provincial policy
25 statement have any impact on the proposals before this



1 Board?

2 A. Yes. I missed the exhibit number.

3 Q. M-114.

4 A. Thank you. I'm sorry, your
5 question was?

6 Q. Can you tell us what impact, if
7 any, this provincial policy statement has upon either
8 of the proposals before the Board?

9 A. In my opinion this proposal affects
10 both proposals, both of the candidate sites which are
11 before the Board in the sense that Site D sits in the
12 midst, if you will, but sits within the context of farm-
13 land, an agricultural area or rural area, and Site F does
14 not. This Food Land Guideline, although it does not
15 have specific policies for the area like Site F finds
16 itself in, it certainly has policies which affect the
17 Site D area and it alludes to or directs non-farm, non-
18 agricultural uses to the lands like Site F finds itself
19 in. I say it does apply to both.

20 Q. What are the effects of the
21 Food Land Guidelines with respect to a proposal for
22 landfill?

23 A. The intent of the Food Land
24 Guidelines and the government use of them as a policy,
25 if you will, is to protect the farmlands and to ensure



1 that the top priority for any consideration of use on
2 good agricultural land which is classed as Class 1
3 through to 4 plus specialty crop areas; that the first
4 priority is given to agricultural or supportive agricul-
5 tural uses and anything which is not of that nature
6 takes a lesser priority. It doesn't preclude the use
7 of those lands, but it clearly does intend that if you
8 are going to use them you have to do so with a lot of
9 care and have to show need and you have to do a number
10 of studies to indicate that the use for which you wish
11 to use the lands is something which is needed and the
12 particular lands which you wish to take out of agricul-
13 tural use are needed in themselves.

14 Q. Is it impossible to site landfill
15 on agricultural land?

16 A. No, but you have to go through a
17 series of tests to do it.

18 Q. Now, just with respect to the
19 other ...

20 A. Is it worthwhile noting just to
21 stepback to the former policy statement and for the
22 time being nothing hinges on it but something will, but if
23 the Parkway Belt West Plan, Mr. Chairman, is implemented,
24 if you will, in the same way an Official Plan is
25 implemented in part by the zoning, then there are two



1 regulations which are in place which affect the Parkway
2 Belt West Plan and one of them is Regulation 482/73 and
3 the other one is 263/79.

4 Q. I thought we were going to refer
5 to this a bit later, but since you have raised it perhaps
6 I could file these now.

7 A. I thought it would be good to
8 keep them together.

9 Q. Perhaps you could generally again
10 outline the purpose of these regulations and in parti-
11 cular indicate how it is that these regulations would
12 apply to the Region of Halton.

13 A. The Parkway Belt Plan which the
14 regional plan subscribes to and imposes, if you will,
15 or supplants its own policies in favour of the Parkway
16 Belt Plan has to therefore carry with it the regulations
17 which give affect to the plan and that is what these
18 two regulations are. The first one, 482/73 is the one
19 that implements the Parkway Belt Plan as a whole and
20 the second one, because it was done in '73, it predated
21 or referred to the County of Halton and the Region of
22 Halton once it came into being, they needed 263/79,
23 Clause 8, which then referred or added the name or the
24 term the Regional Municipality of Halton to the list
25 which is found in Section 9 of the first regulation,



1 482/73. Now, when you asked me whether the landfill
2 is a permitted use in the Parkway Belt, my discussion
3 or my evidence sort of stopped when the Minister's
4 deeming letter came forward, but, from a planning inter-
5 pretation I would say that Section 9 of Regulation
6 482/73, reading that there is a new sub-clause (g) saying
7 the Regional Municipality of Halton, it says:

8 "Notwithstanding anything contained in
9 the Regulation, the Regional Municipality
10 of Halton may use land or erect any
11 building or structure for the purposes of
12 providing a service to the public."

13 And in my opinion a landfill operated, owned and operated
14 or at least owned by the Regional Municipality of Halton
15 is clearly a service to the public because they are
16 providing and are legislated to have to do it and in my
17 opinion it is a public use or a public service. Not-
18 withstanding the Minister's deeming letter, I have a
19 much more simple interpretation and that is that the
20 regulation would allow it.

21 MR. LEDERER: We have reached the point
22 where perhaps it might be appropriate to rise for the
23 week if that is acceptable to you, sir.

24 MR. LANCASTER: Did you want these
25 marked? They could be H-320 and we can mark them



1 separately but one pertains directly to the other.

2 MR. LEDERER: It's always been a mystery
3 whether it is appropriate to exhibit legislation.

4 MR. LANCASTER: Just for the matter of
5 keeping them in order. Let's mark them H-320 and H-321
6 even though 321 is directly related with 320.

7 --- EXHIBIT NO. H-320: Regulation 482/73

8 --- EXHIBIT NO. H-321: Regulation 263/79

9 MR. LEDERER: Speaking to the referral
10 letter, I forgot at the outset of the hearing we filed
11 Exhibit 5, a series of documents relating to the various
12 applications before you and if you look at tab 13 in that
13 exhibit you will see the referral letter.

14 MR. LANCASTER: Yes, thank you.

15 MR. LEDERER: The length of this hearing
16 has finally caught up with me and it appears that all
17 the material in Exhibit H-318 is in fact found in H-5
18 and to that extent there is some duplication and I
19 apologize for that.

20 MR. LANCASTER: We haven't got enough.
21 We still have more room.

22 MR. GARROD: I wonder if I might address
23 you on a point of clarification about Exhibits H-6A, B
24 and C, the background documents.

25 MR. LANCASTER: The three letters with



1 attachments?

2 MR. GARROD: Yes. Mr. Lederer indicated
3 there was in fact a letter missing and he referred to
4 one that Ms Vigod may be providing. I just want to make
5 it clear that there are in fact and there were in fact
6 many other submissions made to the Minister on this
7 issue by a number of people. If you look at the back
8 of Exhibit 6A, this was copied to a number of people and
9 as is probably evident to you by this time there were a
10 lot of interested parties at the time. I'm not sure
11 what Mr. Lederer's objective is in filing the background
12 material, but I wouldn't want the Board to be left with
13 the impression that this was a complete package the
14 Minister considered. I don't believe it's relevant
15 to re-try the issue the Minister decided and I don't
16 think we want to get involved in filing all of them.

17 MR. LANCASTER: He was referring to the
18 municipalities, Oakville and the Region, were you not?

19 MR. LEDERER: I agree with Mr. Garrod,
20 they are not particularly important in the context of
21 this hearing, but my purpose in filing them was that I
22 wanted the Board to be aware that the Minister didn't
23 do this in some kind of arbitrary fashion. He heard
24 from everybody and all Mr. Garrod does by saying there
25 was more is augment what I have said because he received



1 submissions by everyone and saw it appropriate to exercise
2 his power under Section 9(2).

3 MR. LANCASTER: Thank you.

4 MS CRONK: Could I have clarification as
5 to which order you marked the two regulations?

6 MR. LANCASTER: Regulation 482/73 as
7 H-320 and the other one is H-321 even though it pertains
8 directly to that one.

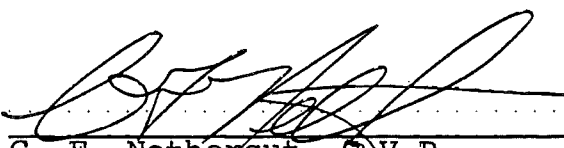
9 MS CRONK: Thank you.

10 MR. LANCASTER: As long as we have them
11 marked. Nine-thirty Monday morning.

12 MR. LEDERER: Thank you, sir.

13 --- Adjournment (4:24 p.m.)
14

15 CERTIFIED CORRECT

16
17 
18 C. F. Nethercut, C.V.R.
19
20
21
22
23
24
25

. (page 13850 follows)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28