

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. 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 5, 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.

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WITNESS:1 PETER ROBERT WALKER (Resumed)

2 Examination in chief by Mr. Lederer (Cont'd) 13854

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15 plan control of the sanitary landfill site;

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18 Honourable Bernard Grandmaitre, Minister of Municipal
19 Affairs, on a request by the Regional Municipality of
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21 Milton to redesignate a parcel of land comprising Part
22 Lots 3 and 4, Concession 2 N.S. in the Town of Milton
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BEFORE: H. H. Lancaster, Q.C. - Chairman

Dr. D.J. Kingham - Member



Hearing conducted at The Oakville
Granary Commercial Centre, 105 Robinson
Street, Oakville, Ontario, on
Monday, November 16, 1987

VOLUME 60

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



APPEARANCES (Cont'd):

1	C. Stevenson	for Framgard Holdings,
2	P. Hancock	Fosseri Investments
3		Limited, Seriphos
4		Investments Limited and
5	J.H. Olah	Topic Investments
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Toronto, Ontario
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Per: C. F. Nethercut, C.V.R.



Oakville, Ontario
November, 16, 1987

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

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

4 PETER ROBERT WALKER (Resumed):

5 EXAMINATION IN CHIEF BY MR. LEDERER (Cont'd):

6 Q. Mr. Walker, at the end of the day
7 on Thursday we had just completed the discussion about
8 the Parkway Belt Plan and the provincial policy level
9 generally and now I would like to turn to the
10 Burlington Official Plan.

11 I should say, unfortunately, I only have
12 two copies of this plan and it is a substantial
13 document but we will produce extracts of any specific
14 sections Mr. Walker refers to and if I could file this
15 one copy to be exhibited, it is City of Burlington
16 Official Plan, Amendment No. 49, Office Consolidation
17 which I understand is the consolidation of the
18 Burlington Official Plan.

19 MR. LANCASTER: I believe that will be
20 H-322.

21
22 ---EXHIBIT NO. H-322: Burlington Official Plan
Amendment No. 49 (Updated)

23 MR. LEDERER: Q. Perhaps for the record
24 you could identify this document?

25



1 A. This is Official Plan Amendment
2 No. 49 as updated over the years, and this was updated
3 to 1987, September, word processor version.

4 Q. Perhaps you might indicate to the
5 Board the status of the Burlington Official Plan as it
6 applies to Site F?

7 A. The Burlington Official Plan was
8 obviously approved by either the Minister or the OMB.
9 As it applies to the Site F area, the Burlington
10 Official Plan designates it as Parkway Belt West and
11 this was as a result of Amendment No. 101 which is
12 noted in the front of the version you have, August 26,
13 1980, and the section is section 2.1 on page 1 of the
14 document, after all of the preface and table of
15 contents, there is a section entitled "Principles of
16 the Amendment" and under 2.1, the Parkway Belt West
17 Plan, it indicates the Parkway Belt West Plan has been
18 included into the Official Plan and the provisions of
19 the Parkway Belt West Plan shall prevail where there is
20 a discrepancy.

21 This Burlington Official Plan, just so
22 the record shows it, I think I understand what the
23 planning is all about in the Region, but the regional
24 plan, as I mentioned, is the primary document and it is
25

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the upper level Official Plan and the Burlington fits at a secondary level, if you will, within that planning framework. Because it was passed underneath the regional Official Plan, it is considered to conform with the regional Official Plan and in my opinion it does. Obviously it is more detailed, but essentially I think it could be read as if it does conform to the Official Plan of the Region of Halton.

Q. As a matter of history, are you able to tell us how the Burlington Official Plan treated Site F prior to the Parkway Belt West Plan coming into effect?

A. Yes, I believe I know. Prior to Amendment 101, the Burlington Official Plan designated this area, which is part of the North Aldershot Planning District, it designated it as a development area for which there are policies in the plan.

Q. Are you able to tell us in the context of Burlington planning what that means, what is a development area and what is or was its significance?

A. If you turn to page 23, section 2.18 entitled "Development Area Policies" and this is a general outline of what development area policies are as they apply within the Burlington Official Plan and



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2 noting there are certain areas, one of which was the
3 North Aldershot Planning District, and really just
4 before I get into this, but to summarize, this was an
5 area they had not planned yet with detailed land uses
6 and the development area designation was an attempt to
7 hold this area from urban uses until such time as they
8 had done the detailed planning for it.

9 They weren't freezing it altogether as
10 the fourth paragraph indicates:

11 "Notwithstanding the aspect that no
12 major urbanization will be permitted in
13 each Development Area, interim uses such
14 as a single family residence, golf
15 course, golf driving range, nursing
16 homes or day nurseries will be allowed
17 subject to the provisions of the zoning
18 bylaw."

19 And, there is actually a permanent use allowed in
20 there, in the development area, but, it is clear from
21 within the plan that this was not intended for urban
22 use at this particular time. It is also clear that it
23 probably was intended at some future time for urban
24 use.

25 The distinction drawn is that North



1
2 Aldershot is part of the rural area of Burlington, so-
3 called, and I can refer you to section 2.11, I think.

4 DR. KINGHAM: Can you tell us what you
5 mean by "North Aldershot?" Is it north of 403?

6 THE WITNESS: Just using the document
7 itself and if you take map 1 out of the back, out of
8 the first pouch, and I will hold this up and I don't
9 think it is necessary to exhibit it, but the North
10 Aldershot Planning District is shown on the far left-
11 hand side of the map, and it is bounded on the south by
12 Highway 403, on the west by the Burlington boundary, on
13 the north with a line that extrapolates out from the
14 south limit of the Village of Waterdown, and follows
15 the boundary of Burlington along the north edge of
16 Burlington over to, I think, just between Kearns and
17 King; the valley system in there effectively is the
18 schematic easterly edge of the North Aldershot Planning
19 District.

20 The area to the south of 403 is entitled
21 "The South Aldershot Planning District" and the label
22 of that is actually shown on the lake.

23 MR. LEDERER: Q. Within that set of
24 planning policies, Mr. Walker, are you able to tell us
25 how landfill is treated as a use?



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A. Landfill?

Q. Yes.

A. Yes. Landfill is not mentioned as a use in the text for development area, nor in the text for North Aldershot. This plan is set up so that the first half in the figurative sense is for general policies and the second half is for specific districts.

If you turn to -- it might be easier from here -- page 66. You will find the textual policies for North Aldershot and this is the general outline of what was intended for the North Aldershot Planning District. For some reason, and I don't say this in a pejorative way, this section is still in this plan, in this document, although this area is totally designated for Parkway Belt West uses now, but it gives you an idea of what was intended in the North Aldershot Planning District for the time being.

There is a distinction, Mr. Chairman, now that this map is up, but there is a distinction in the plan generically in terms of what the planning districts are, and this plan considers them to be distinctly different areas. So according to that distinction in the plan, North Aldershot would be seen by the City of Burlington, or at least by the Planning



1
2 Department and Council that approved this document, to
3 be distinctly different north versus south.

4 In the plan there is reference to
5 section 2.3 on page 3 of the Official Plan called
6 "Urban Districts" and you will note there that listing
7 them the South Aldershot Planning District is noted as
8 one of the urban districts and then just to sort of
9 round out the distinction, page 14 entitled "Section
10 2.11, Agricultural Uses" and it says:

11 "In the various Rural Planning Districts
12 agriculture is to be the predominant use
13 of land. Therefore, in Planning
14 Districts such as Nelson, Mt. Nemo,
15 Zimmerman, North Aldershot..."

16 That is rounding it out just to round out the
17 distinction drawn in the plan between those two areas.

18 Q. I want to be absolutely certain of
19 at least part of the significance of what you have said
20 is understood. There has been, over the course of this
21 hearing, some questions, I believe from Ms. Vigod,
22 suggesting that Aldershot is a continuous community
23 running from the foot of the escarpment to the bay and
24 have you any comments as a planner to make with respect
25 to that assertion?



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A. "A continuous community?"

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Q. Yes.

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A. From a planning standpoint I don't see how that could be so. I am speaking from a planning standpoint and to my knowledge historically urban Aldershot, if you will, has been south of the rail lines and in functional terms, although there are major north-south linkages across the major transportation routes there, I think visually and physically South Aldershot -- that was deemed to be Aldershot and that is separately identifiable from what we have north of the 403 at least.

Q. Can you indicate to the Board what planning policies were in place at the time the present Burlington landfill site, the site which now operates immediately to the west of Site F, was opened?

A. 1972, roughly?

Q. Roughly.

A. The Official Plan as I have outlined it prior to the Parkway Belt would have been in effect, so the lands would have been part of the North Aldershot Planning District and designated as development area.

Q. Can you indicate under whose



1
2 auspices that site was operated at the time it was
3 opened?

4 A. My understanding is that it was
5 the City of Burlington landfill.

6 Q. Are you able to indicate to us
7 whether at that time any effort was made to amend the
8 Official Plan as you have presently discussed it, the
9 Official Plan of the City of Burlington?

10 A. I have not found any amendment if
11 an amendment was undertaken, so I must conclude that no
12 effort was made to amend it.

13 Q. Are you able to conclude how the
14 City of Burlington treated its Official Plan with
15 respect to landfill as a use in the area surrounding
16 Site F?

17 A. Since the Official Plan was
18 adopted by Council in 1969 and finally approved in OPA
19 49 in 1971, anything Council was doing in 1972 would
20 have to be deemed to be in conformity with the Official
21 Plan as then approved.

22 Q. Can you draw any conclusion as to
23 the view of the City of Burlington and its planners
24 with respect to whether landfill was a permitted use
25 within the Official Plan policies as you have discussed



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A. I don't know what discussions went on, but with the documents in front of me I would have to assume from a planning viewpoint they were deemed to be a conforming use with the Development Area designation.

Q. Can you indicate to me in your professional opinion, absent the Parkway Belt and assuming it was not part of the planning structure in this community, would any amendment be needed to the Official Plan to permit landfill in the area of Site F?

A. No, in terms of the Official Plan as it stands today, we have essentially the same situation and so I would say that an Official Plan amendment would not have been necessary without -- assuming the Parkway Belt was not there.

Q. At the risk of repeating anything you have said to this point, can you explain why within the policies landfill would be permitted at the moment?

A. The principle of interim uses was allowed in the North Aldershot Planning District by the section dealing with North Aldershot and the section dealing with the Development Area designations. I believe that landfill is an urban use as the regional



1
2 plan outlines.

3 Therefore, the principle of land use as
4 an interim use being placed in the North Aldershot
5 planning district would not be against the thrust of
6 the plan and I think it would be the same situation as
7 we found in 1972, or that is found in 1972 when the
8 City put its own landfill into this development area.

9 Q. You mentioned interim use, but to
10 be absolutely clear what is an interim use?

11 A. It is something which starts at
12 one point and ends at another, but the overall planning
13 context or overall development context and land use
14 context is broader than that.

15 Q. Is landfill an interim use?

16 A. I believe it is, yes.

17 Q. I think you mentioned that
18 according to the plan, and I want to be absolutely
19 sure, but that landfill is an urban use, is that
20 correct?

21 A. No.

22 Q. Fine. With that, can we move to
23 the Burlington policies which may apply to Burlington
24 at a zoning level and can I begin by referring you to
25 the two regulations exhibited here last week,



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Regulation 482/73 and Regulation 263/79 which will be exhibits ...

MR. LANCASTER: H-321 and 320, I believe.

MR. LEDERER: Q. Do you have those regulations in front of you?

A. I am getting them.

MR. LEDERER: These will be H-320 and H-321.

MR. LANCASTER: Yes.

THE WITNESS: I have them.

MR. LEDERER: Q. Can you indicate to the Board what place these regulations fill in the planning hierarchy or planning structure as it applies to the City of Burlington?

A. These regulations, Mr. Chairman, would apply to lands designated Parkway Belt West and they are the regulations that enact the Parkway Belt West policies in the same sense that Official Plan and zoning by-laws normally do that, those two actions.

Q. Are you able to associated these regulations with any particular level of planning policy as you might typically see it?

A. Yes. In principle, the City of



1
2 Burlington zoning by-law would be equivalent to the
3 regulations enacting the Parkway Belt policies. Just
4 to complete that, the zoning by-law goes a long way to
5 implementing the Official Plan policies in the
6 municipality.

7 Q. Can you indicate to the Board how
8 these regulations treat Site F?

9 A. These regulations take their land
10 use treatment from the policies which -- as the special
11 complementary and general complementary. In terms of
12 the regulations, this regulation would exempt by clause
13 9 as amended by Exhibit 321, it would exempt the Region
14 of Halton from using any land or erecting any building
15 or any structure for the purpose of providing a service
16 to the public. So effectively these regulations as
17 laid out would not apply to the City of Burlington if
18 they were doing something in this area, or the Regional
19 Municipality of Halton, if they were doing something in
20 this area that was deemed to be a service to the
21 public.

22 Q. What does that tell us about how
23 they treat Site F for use as a landfill?

24 A. The Regional Municipality of
25 Halton could utilize land within the Parkway Belt for a



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sanitary landfill operation.

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Q. All right. I am going to refer you to another document and this is zoning by-law No. 4000-3 and are you familiar with that document?

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A. That is the City of Burlington zoning by-law.

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MR. LEDERER: As you can see, this is quite a large document and through the offices of Mr. Ramsay of the City of Burlington we have copies for everybody.

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DR. KINGHAM: Before we go into that, I wonder if I could have clearly from Mr. Walker with regard to what you have been discussing with Mr. Lederer, Regulation 482/73, would the Board be correct in understanding that as saying with all the definitions and qualifiers that the permitted use is defined in section 4, that is to say agricultural use, but notwithstanding that, the Region of Halton may use it for other purposes? Is that the essence of what you have just told us?

22

23

THE WITNESS: That is correct in terms of the regulation, yes.

24

DR. KINGHAM: Very well.

25

THE WITNESS: That particular clause, if



1
2 I could amplify, because these regulations are intended
3 to, in effect, be used to implement the Parkway Belt
4 West Plan, this particular permitted uses section would
5 be acting as a holding mechanism within the context of
6 this by-law, shall we call it, until such time as
7 proposals came forward at which time the regulations
8 would be amended, and that is a common occurrence for
9 certain types of uses which are deemed to be
10 implementing the Parkway Belt Plan policies, and they
11 amend the regulations so they would be amending clause
12 4 to allow that particular type of use, and it is a
13 mechanism of controlling what does go on within the
14 Parkway Belt.

15 MR. LEDERER: Q. Perhaps it might
16 assist the questioning by referring to section 9 of
17 Regulation 482/73 and to the impact that Regulation
18 263/79 has on that section and then the meaning of the
19 words "providing a service to the public" at the bottom
20 of that section?

21 A. This is the clause I was referring
22 to and you have to read at the bottom sub-clause (g)
23 the Regional Municipality of Halton, but it says:

24 "Notwithstanding anything in this
25 Regulation the Regional Municipality may



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use land or erect any building or structure for the purpose of providing a service to the public."

DR. KINGHAM: I understood that, but that is permitting something to happen contrary to what contrary use is described and I wanted that to be clear.

THE WITNESS: I picked up that distinction and that is why I gave my explanation.

MR. LANCASTER: The by-law will be H-323.

---EXHIBIT NO. H-323: By-law 4000-3

MR. LEDERER: Q. Would you take us to the zoning by-law and review with us how it treats Site F?

A. A little history may help, Mr. Chairman. By-law 4000-3 was passed at the same time, and may even in processing terms have pre-dated Official Plan Amendment 49. The history of OPA 49 explains it as an Official Plan Amendment being enacted to effect this by-law which is coming into force.

So, they were done together by and large and I think that is the only point I wanted to bring to your attention. This by-law zones or shows the lands



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zoned as development B zone and that would be found in
Part VIII on page 142 and following.

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The list of uses -- I am sorry. The
list of uses which follow on 143 I think are pretty
clearly reflective of the policy for development area
designations in the Official Plan and the same basic
list of uses, or the same in my opinion basic control,
and these are the uses which were listed, for example,
as the interim uses in the development area
designations.

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To better understand what this by-law
means when it calls something a "development zone", I
would take you back in the by-law, if I may, to page 12
and this is section 2.4 of Part B and it is set up --
Part I, sorry. The definition on page 12, the third
one down is development zone and I would interpret for
the purposes of reading this in this by-law that this
is what development zone means:

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"Means lands which are awaiting
development or redevelopment pending the
availability of adequate municipal
services and detailed planning studies,
and shall require future amendments to
the Zoning By-law all in accordance with



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2 the Official Plan land use policies and
3 regulations. In the meantime until such
4 time as future amendments to the Zoning
5 By-law are approved, a development zone
6 will permit the use according to PART
7 VIII of this By-law and the uses which
8 are not restricted according to PART 1,
9 Section 2.19."

10 So it is a direct reference to the section I gave you
11 before and it is absolutely clear in my opinion that it
12 is being used as a holding zone and this would be
13 consistent with the designation of the development area
14 in the Official Plan and my interpretation of it.

15 Now, in my opinion, the thrust of this
16 interpretation would not be -- would not conform with
17 the policies of the Parkway Belt Plan which now apply
18 on this land so I would deem this by-law to be somewhat
19 out of date. Again I don't say that in a pejorative
20 sense, but I believe the zoning for these lands have
21 not been changed to reflect the Parkway Belt regulation
22 because, as it stands, the Parkway Belt does not intend
23 that these lands await development or redevelopment
24 pending the availability of adequate municipal services
25 and detailed planning studies.



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Q. Mr. Walker, can you tell me, are there uses which are prohibited by this zoning?

A. Yes, there are.

Q. Could you review those with the Board?

A. Section 2.14 on page 41 has a list of uses which are prohibited.

Q. Is landfill a prohibited use?

A. No, it is not.

Q. Is it in your opinion a permitted use?

A. In my opinion it is.

Q. Would you review this, how it is you come to that conclusion?

A. I am sorry to be jumping around, but the subject matter requires it. Page 24 has a definition for public authority ...

MR. LANCASTER: That is a characteristic of Official Plans?

THE WITNESS: ... and a zoning by-law. The last definition on that page where it says that public authority:

"Means Federal, Provincial or Municipal bodies and includes any Commissions,



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Boards, Authority or Department
established by or for any of them."

Then, I would take you to page 47 under section 2.19,
and the caption is "Uses Not Restricted" which is the
converse, if you will, to the prohibited uses and it
goes on to say:

"EXCEPT with respect to requirements for
parking, and EXCEPT AS otherwise
specifically provided or limited, the
provision of this By-law shall not apply
to:-

Public Authority in any zone EXCEPT with
respect to requirements for parking and
EXCEPT AS otherwise specifically
provided or limited, the provisions of
this By-law will not apply except in the
case of an 03 zone to:..."

and the public authority is excepted twice, but the
public authority is free to exercise what it has to
exercise and the only things excluded in an 03 zone are
schools, hospitals, places of worship, agricultural
farm uses, homes for the aged and miscellaneous uses.

Therefore, by use of the general
exception clause 2.19, which is similar to the one in



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2 the Parkway Belt regulation, if the Parkway Belt
3 regulation was not in place and if the Parkway Belt
4 West Plan was not in place then in my opinion a public
5 authority, the municipality, or the City of Burlington
6 or the municipality, the Region of Halton, could enact
7 what they had to enact and they could put into place
8 what they had to put in place.

9 I believe, judging from the reading of
10 this, and I don't believe the by-laws as they apply to
11 this land have changed, but this must have been the
12 mechanism whereby the City of Burlington inserted the
13 Burlington landfill on to the adjacent lands in 1972.
14 Otherwise, there does not appear to be any statutory
15 relief for why they did that.

16 MR. LEDERER: Q. Just to complete
17 this, I wonder if you might indicate to the Board
18 whether the term "public authority" is specifically
19 defined for the purposes of this by-law?

20 A. Yes, and I read that out, and it
21 is.

22 Q. Thank you.

23 A. All of this, and talking about
24 what the Burlington zoning by-law and the Burlington
25 Official Plan, this is only to indicate from a general



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2 policy and regulatory approach what Burlington might be
3 seen to be otherwise permitting, and clearly the
4 Parkway Belt Plan and the regulations apply and are
5 recognized as such within the City of Burlington
6 planning documents.

7 Q. Quite apart from that, Mr. Walker,
8 can you tell us whether or not there is anything within
9 the policies and requirements of the legislation which
10 would give you comfort with respect to the requirement
11 that a good planning process take place in this
12 situation?

13 A. Mr. Chairman, I think that any
14 planner would be concerned if there was a statutory way
15 of exempting even a public authority from all
16 regulations. However, the nature of this use,
17 especially now versus 1972, the nature of the process
18 which this use goes through gives me the comfort as a
19 planner that I would need the Environmental Assessment
20 Act and the regulations, the control under the
21 Environmental Protection Act, which I think is
22 sufficient for this particular use to give comfort if
23 all the regulations were exempted such as a public
24 authority could do it.

25 All I am saying is that in my opinion



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2 the use is allowed as long as it is a use that is owned
3 and controlled by the Regional Authority and the
4 regulations come from the whole process that supports
5 the use and allows it to go ahead.

6 Q. Now, Mr. Walker, I would like to
7 turn to the Town of Milton. Could you remind the
8 Board, are there any provincial policies which might be
9 said to apply to Site D?

10 A. Yes. I touched on one very
11 briefly when referring to the regional Official Plan
12 and the Food Land Guidelines are a provincial policy
13 which do apply to the Milton area as well as applying
14 to all municipalities within the province, particularly
15 those with agricultural farm lands, rural areas within
16 them.

17 Now, it is important I think to
18 understand, and this is just an aside to this and more
19 for the record than for your edification, but the
20 Parkway Belt West Plan policies are much more specific
21 and they are site-specific, if you will, and lay out in
22 large scale maps the whole area of the Parkway Belt and
23 there is an assignment of particular types of policy
24 orientation to each piece of land within the Parkway
25 Belt.



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2 The Food Land Guidelines are not that
3 way. I don't want to use in a bad sense the term
4 "fluffy", but there are guidelines which are the
5 principles and it is up to someone else to look at the
6 resource and to decide whether the resource fits the
7 guidelines or can be exempted from the guidelines. So,
8 they are quite a different kind of document, but they
9 are both in their own right a provincial policy
10 document, and in the same way the Region subscribes to
11 them, I believe as a general rule, Milton also
12 subscribes to the Food Land Guidelines.

13 Q. I have given the Board another
14 document entitled "Official Plan for the Town of
15 Milton" and are you familiar with that document and for
16 the record could you identify it for me?

17 A. As long as it says August, 1984 on
18 the outside, that's the one I have.

19 Q. That's fine. Can you indicate to
20 the Board -- perhaps it would be wise to exhibit this
21 now.

22 MR. LANCASTER: Yes. It will be H-324.

23 ---EXHIBIT NO. H-324: Official Plan for the Town
24 of Milton, 1984

25 THE WITNESS: The one I have is
certified and yours isn't. Mine is better. What was



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2 the number?

3 MR. LANCASTER: H-324.

4 THE WITNESS: Thank you. This was
5 adopted by By-law 60/84 in August of 1984 and approved
6 by the Minister December 6th of the same year.

7 MR. LANCASTER: Is that shown on the
8 document?

9 THE WITNESS: I don't believe that it
10 is.

11 MR. LANCASTER: Adopted when?

12 THE WITNESS: It is on the second page
13 in, December 6, 1984 by Minister Bennett and on the
14 first page is the by-law of the Corporation of the Town
15 of Milton of the 27th of August, 1984.

16 MR. LANCASTER: Thank you.

17 MR. LEDERER: Q. Can you tell us, sir,
18 how Site D is currently treated by the Town of Milton
19 Official Plan?

20 A. It is designated largely as an
21 agricultural designation and a little bit of
22 conservation hazard lands.

23 Q. Can you indicate whether or not
24 this plan permits landfill in any location?

25 A. Yes, it does. Under section 4 on



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page 22, and that is the section, and if you move to page 23, section 4.1.4 there is a specific paragraph which identifies:

"A Sanitary Landfill Site to be controlled and operated by the Regional Municipality of Halton... Tremaine and Britannia Roads, ..."

and it gives the lot and concession. This is the designation ascribed to the old Site F, former Site F, and very close to Site D in our candidate sites.

MR. GARROD: Site E.

THE WITNESS: I am sorry, Site E. I am sorry, it was Site E under our candidate sites.

MR. LEDERER: Q. What is the general area policies in which one finds Section 4.1.4?

A. Under section 4, agriculture.

Q. Can you indicate to us whether section 4.1.2 is of any assistance in understanding in principle whether or not landfill may be permitted in an agricultural zone?

A. The first clause under uses, 4.1.1, deals with the agricultural area and the agricultural uses in my opinion. Section 4.1.2 deals with other uses contemplated which includes forestry,



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2 farm-related residential, horse farms, home
3 occupational uses, group homes in existing dwellings in
4 a limited number of locations, commercial facilities
5 serving highway traffic and provided that any necessary
6 on-site services shall not unduly affect other lands in
7 the vicinity.

8 What it does in principle is says the
9 lands are not totally used for agriculture and then
10 lists the types of uses or other uses which are
11 permitted.

12 Q. Perhaps it is self-evident, but
13 under this plan can you have landfill in an
14 agricultural zone?

15 A. The principle of a landfill in an
16 agricultural designation is there. It is there in the
17 form of reference 4.1.4. I say the principle, but
18 section 4 is a policy section and I think that the
19 presence of section 4.1.4 within that indicates that
20 the principle was accepted that a landfill could be
21 within the agricultural section and it did specify the
22 location, mind you.

23 Q. I am now going to turn to zoning
24 in the Town of Milton and I show you a document which
25 is a series of extracts and I would ask you whether or



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not you recognize that?

A. Yes.

Q. What are they?

A. This is a series of extracts from By-law 61/85 which is a new by-law, relatively speaking, and passed in July of 1985 and by my understanding it was approved by the Board but I don't have the date.

Q. Perhaps you could confirm that for us later on?

A. Yes.

MR. LEDERER: Should we exhibit this?

MR. LANCASTER: H-325.

---EXHIBIT NO. H-325: By-law 61/85
Town of Milton

MR. LEDERER: Q. Are you able to explain to the Board from these extracts how Site D is treated within the zoning by-law?

A. It is zoned agricultural by and large with a small open space conservation, OSC zone attached to it. If you turn to the rear page, this is an extract from the zoning map on which I have outlined in the sort of lower right the area represented by the proposed Site D.

You will see that A1 is the underlying



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zone and the OSC zone comes in from the upper left-hand corner from First Line and goes back out to First Line. Also, on that map you can see ...

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MR. LANCASTER: I don't follow that. I see A in both cases.

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THE WITNESS: The only thing I can point you to is OSC which is the zoning designation within the creek which is defined as passing through the A1 area.

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MR. LEDERER: If you look towards the top right-hand corner you will see OSC circled next to one of the creek valleys?

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MR. LANCASTER: I see that.

THE WITNESS: I can mark it on here. I will mark in yellow in my copy coming in from the upper left-hand corner and going out about midway down the left side.

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MR. LANCASTER: It is just the area within the creek boundaries?

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THE WITNESS: That is correct and the rest is A1.

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DR. KINGHAM: While we are at it and to complete our understanding of this, how does the area you have marked on that map relate to the area



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2 described in 4.14 of H-324?

3 THE WITNESS: I was just about to
4 describe that. If you go to the left-hand side of this
5 zoning extract you will see an area which I have
6 outlined in green A1-10 and that is the area zoned for
7 that particular use and I will refer you to the
8 section.

9 Sir, if you would -- I am sorry, Mr.
10 Lederer.

11 MR. LEDERER: Q. Go ahead.

12 A. If you go to page 180, section 32,
13 about four pages from the back, agricultural A1 zone,
14 and this section as most sections are structured in
15 the sense of clause (i) which is the uses permitted and
16 clause (ii) is the zone provisions which are the
17 regulations, if you will, and clause (iii) on the
18 following page is special provisions and this is the
19 mechanism whereby this by-law allows itself to refer to
20 specific areas or to specific provisions which the
21 municipality wishes to apply.

22 The A1 zone under the Uses Permitted,
23 agricultural and complementary uses; this is a long
24 list but essentially within the context of the Official
25 Plan and the primary orientation is towards



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2 agricultural, and you can understand it I think and an
3 agricultural use, an existing Church, equipment storage
4 building, farm produce outlet, fish and wildlife
5 management use, a veterinary office, kennel without
6 animal runs, livestock buildings, a public use in
7 accordance with the provisions of section 3.(16), a
8 woodlot, a wayside pit or a wayside quarry.

9 Now none of those specific uses would vary very much
10 from the overall thrust of agricultural uses and of
11 course there are some residential uses allowed as well.

12 Then the Zone Provisions and they are
13 consistent with a rural or agricultural area and they
14 don't seem to worry too much about uses other than
15 residential in terms of regulating them. Kennels are
16 picked up near the end.

17 Then under the Special Provisions, if
18 you turn to page 184, which is two after what I was
19 just reading, but under (j) -- I have extracted all the
20 others, but you can refer to them and I can gladly give
21 them to you if it is of interest, but it is called
22 Sanitary Landfill District and then it lists the
23 specific reference area to the Tremaine/Britannia site
24 and gives it a zone A1-10 so that, Dr. Kingham, will
25 relate to the map and it goes on to say:



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"Notwithstanding any provisions of this By-law to the contrary, in the Sanitary Landfill District at the northwesterly corner of Britannia Road and Tremaine Road, which is designated 'A1-10' on Schedule 'A' hereto, no building or structure shall be erected, altered, extended or enlarged, nor shall any land, building or structure or part thereof be used for other than one or more of the following uses:

- (a) Sanitary Landfill and accessory uses;
- (b) Auxiliary buildings, structures, equipment and facilities which are incidental to the principal use of Sanitary Landfill, and/or
- (c) Agricultural Uses as permitted in Section 32(1) hereof."

which goes back to the original list. In the subclause (ii) under Sanitary Landfill District, it is described in subclause (ii):

"... a Sanitary Landfill use shall be permitted only if conducted by or on



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2 behalf of the Regional Municipality of
3 Halton and only until such time as
4 two million English Tons (one million
5 eight hundred and fourteen thousand
6 metric tonnes) of waste have been
7 disposed of on the said lands."

8 This is a specific reference without regulations to the
9 landfill which was approved under a different process,
10 under the Planning Act, and there is a specific
11 reference to ownership and to size.

12 In my opinion a specific reference to
13 landfill as an interim use with the possibility of
14 agricultural uses before, during and after all implicit
15 in sub-clause (i) and (ii).

16 DR. KINGHAM: Just so I understand that
17 in terms of Mr. Garrod's earlier correction, was that
18 zone A1-10, what was formerly called E?

19 THE WITNESS: I knew if I mentioned it I
20 would get myself in trouble too. Under the old process
21 this was a candidate Site F and it is referred to in
22 the environmental assessment process as the old Site F
23 or former Site F, but that site as defined here does
24 not totally resemble candidate Site E in the
25 environmental assessment process, only one piece of it



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resembled that, and at some point in time if you want clarification I can show you graphically what that is.

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MR. LEDERER: That has been discussed at other times and I don't know if you recall, and if my friends will permit me and Mr. Walker will refer to this briefly this afternoon, and I think it is a matter of public record, so I don't think anyone would mind...

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DR. KINGHAM: I guess we will find it eventually, but I guess the Board will have to think of this in terms of those six candidate sites and if this is one or part of one which already had some kind of blessing.

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THE WITNESS: I can help.

DR. KINGHAM: We will probably find it.

THE WITNESS: To the extent that planners should always be helpful or, if not, non-convoluted, I have a graphic which I would gladly reproduce and on this graphic for the record I have outlined in blue our Site E, or environmental assessment Site E, which is outlined and it is a reverse L which shows up. The former Site F which is outlined in red and labelled as such, former Site F is outlined, and you will see that one-third of candidate Site E was in fact approximately one-half or a little



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2 less than one-half of former Site F, so it is only the
3 one corner which is common to both of those sites.

4 I would gladly give you this just for
5 clarification and it is on the same base map as in
6 Exhibit H-325 and it might be of some help.

7 MR. LANCASTER: That would be helpful
8 and we will mark that as H-325A.

9 ---EXHIBIT NO. H-325-A: Map showing former Site F

10 MR. LEDERER: Is it clear that the old
11 Site F was the result of an earlier process which took
12 place before the Environmental Assessment Act applying
13 to Halton and that of course was jettisoned when the
14 Environmental Assessment Act was made to apply to this
15 situation.

16 Q. Mr. Walker, having regard to what
17 you have told us about the Official Plan designation
18 found in the Official Plan of the Town of Milton and
19 the zoning as found in the comprehensive zoning by-law
20 for the Town of Milton with respect to Site D, can you
21 indicate to the Board is it necessary for any action to
22 be taken to amend either the Official Plan or the
23 zoning by-law?

24 A. In today's context probably not.
25 There are a couple of things that need to be clarified.



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2 In today's context and at the time the environmental
3 assessment was done, by-law 61/85 was not in place and
4 therefore there were two by-laws, one from the City of
5 Burlington which covered old Site F and one from, I
6 believe, the Town of Oakville which covered the
7 proposed Site D and the Official Plan, the 1984
8 Official Plan was in place and it did designate under
9 agricultural the one site under section 4.1.4.

10 Since that time, by-law 61-85 has come
11 in place and I believe there are provisions in that by-
12 law which would allow a public authority like the Town
13 of Milton or the Region of Halton to put in place a
14 facility like a landfill as long as it is deemed public
15 use, which I believe that it is. That is
16 notwithstanding the fact that by-law 61/85 defines
17 sanitary landfill as it applies to subclause (j) of
18 section 32. I will be jumping around a little bit, but
19 I would like to take you to the agricultural zone, page
20 180.

21 The way the section is set up is very
22 important in terms of the interpretation of the by-law.
23 Under the clause Uses Permitted there is a reference to
24 a public use in accordance with the provisions of
25 section 3 (16) hereof. If you turn to section 3 (16)



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2 on page 42 of the extracts I have given you, Public Use
3 is defined.

4 Now, I don't even want to read all of
5 it, but I will read relevant parts of section 3 (16)
6 subclause (a) Public Services, and I will be reading
7 the first five lines and jumping to the last two and I
8 will break in the middle if somebody wants me to, but
9 it is irrelevant:

10 "Except as otherwise provided in
11 paragraph (c) of this subsection, the
12 provisions of this By-law shall not
13 apply to the use of any lot or the
14 erection or use of any building or
15 structure for purposes of the public
16 services by the Corporation or the
17 Region... provided that where such lot,
18 building or structure is located in any
19 zone;

20 (i) no goods, materials or equipment
21 shall be stored ...

22 (ii) any Zone Provisions of the zone
23 within which the use is located shall be
24 complied with;..."

25 and (iii) I don't think is applicable and:



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"(iv) the provisions of Section 3 shall
be complied with."

The reference to subclause (c) in the first line is
down to the one entitled Exceptions which reads:

"Where in this By-law, under the heading
of 'USES PERMITTED' ..."

and recalling section 32, but there is a list of uses
permitted under that caption which is in quotation
marks and so under the heading of Uses Permitted:

"...a use is specifically permitted in a
zone, which use without such reference
thereto would be permitted in any zone
pursuant to the provisions of paragraph
(a) of this subsection, then such use
shall be permitted only within the zone
or zones making reference thereto and
the said paragraph (a) shall not apply
to such use."

A lot of words in there, but what it says in my opinion
is that if something is listed under the section
entitled Uses Permitted, then it is no longer something
which can be applied across the by-law and can only be
applied in zones where once again it is noted.

One thing which is lacking from that



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2 list under the agricultural zone under the Uses
3 Permitted, they do not include under that list a
4 sanitary landfill. Therefore, the term sanitary
5 landfill in my opinion, within the context of this by-
6 law, only applies to section 4.1.4, and it does not
7 apply to preclude a public use of the same ilk, if you
8 will, as a use permitted by the clause a public use.

9 I went and I checked this entire by-law
10 just to see whether the operative words of subclause
11 (c) would apply in terms of public use as referred to
12 in that list. If you turn to the table of contents
13 page, Mr. Chairman, the term as used in the
14 agricultural list of a public use in accordance with
15 the provisions of section 3 (16) hereof, that reference
16 is found under sections 6, 7, 8, 9, 10, 11 and 12. It
17 is not found under 13, 14 and 15. It is found under
18 16, 17, 18, 19. It is not found under 20 nor 21. It is
19 found under all the others right down to and including
20 34, the agricultural Parkway Belt zone.

21 In terms of responding to subclause (c)
22 as I read under Public Uses, I think that the term
23 Public Uses:

24 "A public use in accordance with the
25 provisions of Section 3 (16) hereof..."



1 is in fact restricting public uses which otherwise
2 might have been provided in every zone to those ones I
3 have indicated so that it does comply with subclause
4 (c) -- subclause (iii) is applicable to restrict public
5 uses to the zones I have indicated.
6

7 The only thing remaining is to say
8 whether a sanitary landfill operated by the Region of
9 Halton and owned by the Region of Halton is a public
10 use and in my opinion it is.

11 So, within the provisions of by-law
12 61/85 a public use, therefore a sanitary landfill, is
13 permitted in an agricultural zone and since by
14 definition under the Act this by-law 61/85 has to
15 conform with the Official Plan for the Town of Milton,
16 I have to assume that my assumption about this type of
17 public use is permitted in the Milton Official Plan and
18 my assumption is borne out by going back into that Plan
19 and finding that the principle of a landfill in the
20 agricultural zone is in fact recognized by section 4,
21 agriculture, when it defines a specific site for one.

22 It is important to understand, I think,
23 that the Official Plan designation of agriculture and
24 the inclusion of the permission for sanitary landfill
25 within that particular designation was something which



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2 was under the control, in my opinion, of the Town of
3 Milton. They had to designate a site for sanitary
4 landfill in that location because the Ontario Municipal
5 Board under the Planning Act approved it, but the
6 choice of where it went was the Town of Milton's and
7 similarly within the zoning by-law, as long as it was
8 in conformity with the Official Plan, the choice of how
9 it was done was the Town of Milton's.

10 If Milton wanted to ensure that a
11 sanitary landfill as defined, and they do define it in
12 this by-law, but was specifically restricted to this
13 particular zone and then to that particular location,
14 then the term sanitary landfill should have been
15 included under the title Uses Permitted. Otherwise it
16 is a public use and it falls under that. So, to go
17 back and summarize your question, I believe it was is
18 it permitted under the existing documents and the
19 answer is that I think it probably would be permitted
20 under the existing documents. The matter is a moot
21 point in some respects because we have amendments
22 before the Board for the Official Plan and the zoning
23 by-law and they were done prior to this 61/85 being
24 enacted.

25 Q. All right. Mr. Walker, having



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2 referred the Board to applications, perhaps I could
3 show you a document or a series of documents really and
4 ask you if you are able to identify those documents?

5 A. I believe these are the amendments
6 before the Board. The top one is my letter to the
7 Mayor and Members of Council for Milton enclosing the
8 documents we felt were necessary for what they called
9 the initial application for a zoning by-law amendment
10 and the Official Plan amendment.

11 The second one is our authority to do
12 that. It is the extracts from the CAO report 203/85 of
13 July 23, 1985. I don't know if this is an exhibit, but
14 the Chief Administrative Officer's report of this date
15 was an operative document in that it brought the final
16 2C report to Council and it brought also work programs
17 for the technical studies which were to be done
18 following that and it brought, among other things, the
19 proposal that we would do this particular work for this
20 site and any that was necessary for Site F in
21 Burlington and these were all approved.

22 This was essentially the fulcrum point
23 for the end of the EA, if you will, from a technical
24 study report and a beginning of new work. That is what
25 that was and it goes on and beyond that is the



1 application and then the concept planned for the
2 landfill and there is a by-law in there to amend the
3 61/85 which was the one I just referred to. It was not
4 approved, but we brought one forward for that too out
5 of an abundance of caution and then there was a by-law
6 61/42 and is everyone following me?

7
8 MR. LANCASTER: Just a moment and we
9 will catch up with you.

10 THE WITNESS: After the map there is a
11 by-law to amend by-law 1642 of the Town of Burlington
12 and that is the part that covered Site E -- this was
13 the one that covered the former Site F.

14 MR. LEDERER: Q. Perhaps you might
15 indicate what the substance of that amendment was to
16 be?

17 A. We had discussions with the Milton
18 Planning Director and he asked if we were filing an
19 application for the new site, candidate Site D, would
20 we agree to submit an application to remove the zoning
21 from the old Site F. This was agreed to by the Region
22 and therefore the application was made in that way. It
23 was a separate application, but it refers to the old
24 by-law that covered that site at the time, and then
25 there is one that follows that, by-law 1965/136 of the



1 Town of Oakville. This was the by-law which was now
2 under the control of the Town of Milton as it applied
3 to Site D, but it still had the caption of the Town of
4 Oakville by-law and this was the by-law operative on
5 the site at the time.
6

7 Following that is the proposal to amend
8 the Official Plan and to replace section 4.1.4 as it
9 was written with a new 4.1.4 which re-designated the
10 site and so we were complying with the framework the
11 Milton Official Plan had set up in replacing sites, if
12 you will.

13 There is a lot of basis and explanation
14 as to what it was all about and then the amendment
15 followed. In the Official Plan amendment we had tied
16 the removal of the one site to the institution of the
17 other and following that amendment to the Official Plan
18 there was a series of documents or a list of documents
19 which went to support the application which effectively
20 were the environmental assessment documents, all of
21 which I believe or most of which are in evidence before
22 you, and also the final technical reports which are
23 probably also -- I don't know this for sure -- but I
24 assume that these are in evidence before you as well,
25 and then a sheet on the on-site landowners and an



1
2 outline of the ownership map as taken from the
3 assessment roll.

4 DR. KINGHAM: Your new section 4.1.4
5 goes a lot further than the old one and can you tell us
6 why that is if there is some reason?

7 THE WITNESS: Until I get to it we are
8 calling that an update.

9 MR. LANCASTER: We will mark this
10 collectively as H-326. Mine is coming apart already.

11 ---EXHIBIT NO. H-326: Update to Section 4.1.4

12 MR. LEDERER: Q. Perhaps you could deal
13 with the question Dr. Kingham just posed to you about
14 section 4.1.4?

15 A. Yes. I am not sure exactly what
16 you are referring to but let me take a swing at it.
17 The middle part seems to be talking about recreation
18 uses and at the time we were making this amendment the
19 final after-use had not been determined and therefore
20 from our generic work we had done in 2C we had come to
21 the conclusion it would either be recreational or
22 agricultural use and we were covering both of them off.

23 At this point in time if the Board was
24 dealing with this particular amendment for this
25 particular site, we would be scratching that out, but



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that is the way that it was filed.

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DR. KINGHAM: I see, thank you.

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MR. LEDERER: Q. I wonder if you might indicate to the Board the status of these efforts to amend the zoning by-law and the Official Plan of the Town of Milton?

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A. Yes. The Official Plan amendment was referred by the Region when Milton did not proceed to deal with it completely and the amendment for Site D has been appealed by the Region when the Town deferred dealing with it. The Town split the application, however, and they did deal with a fairly lengthy planning report with the by-law to amend old Site F and they did adopt that by-law.

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In other words, in very plain terms they agreed with the application to take the landfill zoning off the old Site F but they deferred dealing with Site D, the new Site D that was before them. To be fair to Milton, the reasons for deferral were that they thought it was premature to deal with the application at this point in time until such time as the Consolidated Hearings Board had made a decision. So I am not attributing anything sinister to the Town.

25

Q. Mr. Walker, by way of formalizing



1
2 that, I have given to my friends and the Board copies
3 of two letters, the first one dated the 23rd of October
4 1986 to the Honourable Bernard Grandmaitre, Minister of
5 Municipal Affairs and signed by David Varley, Regional
6 Clerk, and the second a letter dated the 29th of
7 October 1986 addressed to Mr. J. Malcolm, Secretary of
8 the Ontario Municipal Board and again signed by David
9 Varley. Are you able to identify those two letters?

10 A. Yes. The first one, 86/10/23, is
11 the OP referral letter.

12 MR. LANCASTER: That will be H-327.

13 MR. LEDERER: You will have that as part
14 of the applications exhibit and the letter dated the
15 23rd of October is found at Tab 11 and the second
16 letter, the one dated the 29th of October 1986, is
17 found at Tab 12.

18 MR. LANCASTER: Thank you.

19 THE WITNESS: The latter letter is the
20 Region's zoning by-law appeal.

21 MR. LEDERER: Q. Just by way of putting
22 before the Board some of the history behind these
23 applications I would like to file, and I will show you
24 a letter on the stationary of the Corporation of the
25 Town of Milton and addressed to Mr. Rash Mohammed, the



1
2 Director of Planning for the Region of Halton, and
3 signed by Mr. R. J. L. Zsadanyi, the Director of
4 Planning. Are you able to identify this document
5 and the material behind it?

6 A. Yes. This is the letter which
7 outlines to Mr. Mohammed -- he is enclosing his report
8 and notes he is not making any recommendations on a
9 Site D landfill except that they will continue to
10 process it and there was a two-staged approach used by
11 Milton and one was a sort of preliminary look at it and
12 then a more detailed look at it.

13 MR. LANCASTER: Has this been previously
14 filed?

15 MR. LEDERER: Not to my knowledge.

16 MR. LANCASTER: H-327.

17 ---EXHIBIT NO. H-327: Letter of February 13, 1986
18 To Region of Halton from
Town of Milton

19 MR. LEDERER: Q. I am now showing you
20 another document and this is entitled public meeting
21 concerning proposed zoning by-law amendment, Official
22 Plan amendment, and are you familiar and can you
23 identify this document for us, sir?

24 A. Yes. Flowing from H-327 there was
25 an announcement of a general committee meeting to be



1
2 held on February 24, 1986 and I did attend that meeting
3 as requested by Mr. Zsadanyi as did -- I think
4 Mr. Mohammed was there or at least some of the staff
5 was there. This one represents Council or the outcome
6 of the Council meeting and Council dealt with this
7 again on July 21, 1986. This is the notice of the
8 public meeting for it, with an explanatory note. This
9 was -- essentially this was the statutory public
10 meeting or it appears to have been the statutory public
11 meeting under the Planning Act and it refers therefore
12 to both the zoning by-law and the Official Plan
13 amendment, and in the minutes it is actually designated
14 as a public meeting on that date.

15 MR. LANCASTER: We will mark the notice
16 as H-328.

17 ---EXHIBIT NO. H-328: Notice of Public Meeting

18 MR. LEDERER: Q. Mr. Walker, again I
19 have distributed to my friends and the Board another
20 document and this one entitled Report to His Worship
21 Mayor Krantz and Members of Town Council on the
22 stationary of the Town of Milton and can you identify
23 this document for us?

24 A. The Planning Department report of
25 the date shown July 14, 1986, and dealing with the



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proposed site for the new landfill or the proposed new site for the landfill, Site D.

Q. Who is the report from?

A. Mr. Zsadanyi to Council and presumably this was in preparation for the public meeting.

MR. LANCASTER: That will be H-329.

---EXHIBIT NO. H-329: Report of July 14, 1986
to Council from Planning
Department

MR. LEDERER: If I could just have a moment, sir.

MR. LANCASTER: Mr. Lederer, I think the Board will take its break now and we will have to rise slightly before 12:30 as we have a meeting.

MR. LEDERER: Thank you.

MR. LANCASTER: Fifteen minutes.

---Recess

MR. LANCASTER: Please be seated.

MR. LEDERER: Q. Mr. Walker, just to continue the history leading to the referral of the amendment to the Milton Official Plan and the appeal of the application to amend the Milton zoning by-law, I am referring you to a document entitled "The Regional Municipality of Halton" and in handwriting on the upper



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right-hand side "Schedule C = report to Chairman and Members of the Planning and Public Works Committee." Are you familiar with that?

A. Yes.

Q. What is it?

A. This is the report of Director Mohammed to the Planning and Public Works Committee, which is the committee he reports to, and the subject matter being the appeal and the referral of the OP and zoning by-laws respectively which had been submitted by the regional consultant, by me, to the Town of Milton.

Q. What are the recommendations with respect to the appeal?

A. He is recommending that the appeal of the OP be made and the referral, the zoning by-law be made by the Region.

MR. LEDERER: Perhaps that could be exhibited?

THE WITNESS: Chronologically this resolution predates ...

MR. LEDERER: Since I have completely messed up the chronology at this point, let's now exhibit the report and then we will come to the resolution.



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2 MR. LANCASTER: H-330.

3 ---EXHIBIT NO. H-330: Report DPD 177/86 (Schedule C)

4 MR. LEDERER: Q. Finally the document
5 entitled "The Council of the Corporation of the
6 Town of Milton - Resolution" and would you identify
7 that?

8 A. This was a resolution passed the
9 same night as the public meeting which was earlier
10 advertised by Exhibit H-329, and on that same night
11 Council passed the resolution No. 292 which noted that
12 the Official Plan and zoning by-law applications for
13 Site D were premature and that both should be deferred.

14 MR. LANCASTER: H-331.

15 ---EXHIBIT NO. H-331: Resolution 292

16 MR. LEDERER: I apologize to you and my
17 friends, I had organized all of this into a
18 chronological order and for mechanical reasons I won't
19 bore you with, I did not distribute them in that
20 fashion and I apologize, but I think you can follow the
21 history by placing them in chronological order and
22 following them through.

23 Q. Now, Mr. Walker, having said that
24 and putting the documents before the Board, although
25 not in the best order, could you advise us of what the



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status is of the applications, the application to amend to Official Plan of the Town of Milton and the application to amend the zoning by-law?

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A. As it effects Site D, they are before this Board.

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Q. Thank you.

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A. I think for the record I may have gone too far on the by-law for Site E. I have the staff report in front of me and all they did was direct that staff prepare the by-law and I think I said earlier they had adopted the by-law for Site E but they have not yet done that; the one to rescind the zoning on the old Site F, they haven't dealt with that.

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DR. KINGHAM: I think you told us they decided to rescind Site F but not approve Site D, and you are telling us they had not in fact gone as far as you were saying.

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THE WITNESS: That is correct. They directed their staff to do it, but it has not yet been done.

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MR. LEDERER: Q. Mr. Walker, there is one aspect of the planning which we have not touched on which is the matter of site plan control. Perhaps you could describe for the Board generally what site plan



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2 control is and what it is designed to do?

3 A. Site plan control as defined by
4 the Planning Act falls under section 40 of the Planning
5 Act and it is intended to give to the municipality the
6 right to enact agreements between the municipality and
7 the applicant for a certain broad range of class of
8 uses and to control matters such as the location of the
9 buildings or structures on the site, the location of
10 access points, the location and degree of landscaping.

11 It does not allow control of aesthetics
12 in the true sense of the word. It does not allow the
13 height or density of development to be controlled.
14 That is done by section 34 by-laws under the Planning
15 Act, zoning by-laws, but it is an attempt using the
16 Planning Act to give control over what happens on the
17 site from an arrangement and a view standpoint.

18 I could go to section 40, if you want me
19 to, but that is the general thrust of it.

20 Q. Thank you. Now, considering this
21 process and what has happened here and these proposals,
22 can you tell the Board whether or not the usual site
23 plan control processes are required as you see it in
24 your planning view?

25 A. If we are dealing with the



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2 Planning Act, the answer would be yes and if we are
3 dealing with the Environmental Protection Act, then I
4 don't think they are. The types of matters which would
5 come out of the environmental assessment process and
6 which are before you under the Environmental Protection
7 Act, the type of controls which you are able to enact,
8 I think, are virtually duplicating. except for some
9 very minor points, the controls which the strictly
10 Planning Act or site plan controls would allow. I
11 don't think they are necessary.

12 Q. Can you indicate to us what the
13 status of site plan controls is with respect to these
14 two sites?

15 A. Burlington had site plan control
16 over the whole municipality so therefore these lands
17 would fall under site plan control according to the
18 City of Burlington.

19 Q. For "these lands" you are
20 referring to?

21 A. Site F. For Site D, Milton does
22 not have site plan control over these lands, Site D.

23 Q. Can you tell us whether or not any
24 effort has been made to start the site plan control
25 process with respect to these proposals?



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2 A. Yes, we did. We were directed at
3 the end of 2C and the work we were doing was to find
4 and to determine, if you will, the types of planning
5 approvals which might be necessary for these two
6 applications, and working under the Planning Act I
7 thought that site plan control would likely be
8 necessary for both sites.

9 I didn't realize -- at that point in
10 time I didn't realize the extent of the details that
11 would be coming out of the other studies that were
12 underway because obviously we were making the proposal
13 at the outset when everyone else was making the same
14 sort of proposal, and I certainly wasn't aware of the
15 implications of the Environmental Protection Act as to
16 the nature of the controls and the other matters to
17 which you as a Board could deal with.

18 Under that guise of just the Planning
19 Act we did proceed to get site plan control and in fact
20 in the Official Plan amendment we made to Milton there
21 was a request to put the site under site plan control.

22 Q. Can you indicate to the Board how
23 you envisage the controls or the protections foreseen
24 by a site plan control process being dealt with in the
25 context of this hearing?



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A. I think these matters can be dealt with under the Environmental Protection Act by this Board.

Q. And failing that?

A. Well, if it can't be done, and I think it can be done, then, failing that there would be site plan control.

Q. Is this Board in a position to apply and deal with site plan control in that context?

A. Yes, I believe it is.

Q. Now, we are coming to the end of the land use portion of this and I just have a few questions I hope by way of underscoring some significant points.

First with respect to Site F, can you tell us if landfilling in your opinion is an urban use?

A. No.

Q. Is Site F in or adjacent to an urban area?

A. No. It is in the Parkway Belt. Specifically, Mr. Lederer, it is not next to an existing built-up area and the Parkway Belt as a whole, if you cross 403 and sometimes if you cross the Hydro Electric Power Commission corridor you get to some



1
2 designated or planned Burlington lands, the industrial
3 lands south of 403, but it clearly is not adjacent to
4 any existing built-up area.

5 Q. All right. With respect to Site
6 D, can you comment on how the proposal for that site
7 responds to any of the applicable agricultural policies
8 from a provincial, regional or municipal level?

9 A. All three levels of government are
10 seriously concerned in preserving and conserving the
11 agricultural lands for future use for agriculture, and
12 I think that is clear from all the documents that those
13 government levels have put out.

14 As I have said, the province and the
15 region are probably most adamant about that and Milton
16 is only slightly less so. However, I believe that all
17 three levels recognize that there may be occasions when
18 the use of agricultural lands, that is those lands
19 which in terms of most appropriate use are designated
20 for agricultural or restricted to agricultural types of
21 use, when they have to be otherwise used.

22 In all cases, in my opinion, the key is
23 being able to show the need and the operative framework
24 for this is the Food Land Guidelines which do indicate
25 what I have illustrated. There is not a total



1
2 preclusion of use, but clearly the identification of
3 need is an absolute necessity. For the Region it is
4 the same way and I believe that Milton is very much the
5 same way.

6 So, you have to show need in order to
7 put yourself in a position to claim to have other than
8 agricultural use on the lands. In my opinion in the
9 case of Site D, the need for landfilling is clear from
10 the material which has been brought before the Board
11 and from the material that I dealt with in the
12 environmental assessment process the need for landfill
13 was clear. The need to utilize D as a site for the
14 landfill has also been shown, in this case, as an
15 alternate to F, which is the preferred site, but I
16 think as an alternate site the utilization of what
17 would otherwise be seen I think in a general sense to
18 be agricultural land has been dealt with in a very
19 responsible way.

20 The screening process of the
21 Environmental Assessment Act I think in a proper manner
22 brought this site into play as a potential candidate
23 site. The additional technical work that was done
24 subsequently shows that not only is it needed to be
25 taken for landfill but in the opinion of Dr.



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2 Mackintosh, a respected man in this field, the land can
3 be rehabilitated for agriculture and so I believe that
4 landfill is an interim use and you are taking land out
5 which is needed, but you are also feeding it back in
6 for agricultural purposes at the end of the landfilling
7 period. There is an end to the landfilling period
8 because there is a capacity limitation to it and the
9 after-use is being put forward as something which this
10 site will be used for.

11 I think there has been an indication
12 that the soils will not be absolutely the same as what
13 were taken out, and that is probably true, because
14 obviously a landfill has gone in there, but still
15 within the framework of the best soils, classes 1 to 4,
16 the reuse of the site in large part for agricultural
17 use will be for the lower end of the range admittedly,
18 but at least for good agricultural soils. They will be
19 back again.

20 So, as an interim use as an alternate,
21 and it is an alternate, as a preferred site, but this
22 site in my opinion does conform to the agricultural
23 policies which all three levels of government have put
24 into place and therefore if the Board does not agree
25 with F as a landfill for reasons which will be clear



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2 from the Board, then, all things being equal, the need
3 for D has been shown and in my opinion the Board could
4 take E and not be concerned about the agricultural
5 policies of the province, the Region of the
6 municipality.

7 Q. Can you take the work which has
8 been done here and place it in the context of a more
9 typical planning process or proposal and summarize for
10 us your planning opinion with respect to these
11 proposals?

12 A. This a fairly -- it is an
13 interesting thing to undertake to try and explain at
14 least, and awesome might be one word you might want to
15 use to describe it. In my opinion as a planner and as
16 a co-ordinator over a number of years of a large number
17 of people, I think that a planner was appropriately in
18 charge of at least part of the process.

19 In my opinion this exercise has been on
20 the one hand a comprehensive project and yet, on the
21 other hand, a site-specific project. It has been site-
22 specific, and for the record I will explain I am using
23 the distinction that if I come up with an application
24 for a particular use at a particular site, then in some
25 context of planning that would be a site-specific thing



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17 of people, I think that a planner was appropriately in
18 charge of at least part of the process.

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20 the one hand a comprehensive project and yet, on the
21 other hand, a site-specific project. It has been site-
22 specific, and for the record I will explain I am using
23 the distinction that if I come up with an application
24 for a particular use at a particular site, then in some
25 context of planning that would be a site-specific thing



1 and I am not coming to the appropriateness of the use
2 from a comprehensive study of the whole municipality
3 or some larger or smaller area and saying here is where
4 the commercial should be and here is where the
5 residential should be and here is where the land use
6 should be.

7 After stage one, the waste needs and
8 systems analysis, we were searching for landfill, which
9 is a site-specific use, but in order to get to it I
10 would say we had a very comprehensive process and when
11 you have to screen from the Region right down to
12 particular sites and you have to go through the massive
13 timeframe and the massive amount of documents, the huge
14 amount of people involved from the general public
15 through the agencies over time, this in my opinion
16 leads me to conclude the comprehensiveness of the
17 project.

18 From a planning point of view we are
19 used to dealing with comprehensive projects and site-
20 specific projects, but I am tying them together and
21 saying it was a comprehensive site-specific planning
22 project.

23 A planner, as I said on Thursday, a
24 planner at a certain level of application would be able



1 to speak on behalf of or to the matter of visual and
2 even sometimes to servicing, as long as he is not
3 giving an engineer's opinion, to scale, to location, to
4 height, all of which in some respects a planner would
5 do if he was doing a zoning by-law and also if he would
6 do that when they are applying for Official Plan
7 amendment for a specific project and I have done that.
8 I have done that at a whole lot of levels right from a
9 site-specific thing, for a house, right up to a
10 regional shopping centre, but the larger you get in
11 terms of a project, a project of this scale, or a
12 project dealing with liquid natural gas, a project
13 dealing with a town centre, you have to bring in
14 experts on different aspects of it and sometimes they
15 are in from the very beginning and other times they
16 come in over the scope of the process, and usually the
17 ladder of the process is extremely long and if it is a
18 relatively short process then often they are in at the
19 beginning.
20

21 Now, we started this project or a group
22 of consultants started it and we were not the group
23 that ended up being there. There was one group who left
24 and a lot more came in. So, in this particular case
25 there is no aberration with this project in terms of



1 what happened, it is just a huge project. I believe it
2 is a planning project not under the Planning Act but in
3 this case under the Environmental Assessment Act, but
4 still a planning project.
5

6 Therefore, I think that at the end of
7 all of this and in the way that I would under normal
8 circumstances use other experts who were consulting
9 with me to come to a conclusion, I believe I can come
10 to a planning conclusion, if you will. On the basis of
11 this being a comprehensive and yet a site-specific
12 project, I believe that from the planning standpoint
13 Site F is the most appropriate use for sanitary
14 landfill in the Region of Halton and that is based on
15 the scope of the studies and type of studies undertaken
16 and from the standpoint of good planning. This is a
17 type of use which no one wants but everybody needs. It
18 is not an easy type of land use to locate and it is not
19 an easy type of process for a land use. It is very
20 much an obnoxious land use to many people, but, within
21 that context of not being seen to be a simpleton and
22 thinking this is like a single family residential
23 neighbourhood when I say it is good planning, I think
24 within the context of good planning we have brought to
25 the Board the proper site or sites, and I say that not



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2 as a paired thing but one or the other, for landfill as
3 it was determined it should be in Halton, and I think
4 that sounds a bit convoluted but I am trying to put it
5 in context.

6 There have been a whole lot of decisions
7 that have come out of the process as to what should
8 happen in Halton in terms of solid waste disposal and
9 landfill is part of that and landfill on a single site
10 is part of that, so when I say landfill determined as
11 it ought to be within the Region of Halton, it should
12 be in those terms. There is a certain scale for it as
13 well.

14 In the context of those criteria and
15 within the scope of the studies brought before you, I
16 think that Site F is the preferable one from the
17 planning standpoint but, if the Board does not find in
18 favour of Site F then in my opinion and to a lesser
19 degree, Site D is also good planning for the landfill
20 as it ought to be in the Region of Halton.

21 I also believe from a planning
22 standpoint and in my opinion that the planning
23 approvals which confirm this project are before the
24 Board for their consideration and are not major
25 alterations to the proposed documents in place or at



1
2 least the policy permissions which are already in place
3 within those municipalities, whether that comes from
4 the Region, the provincial or the municipal level.

5 Now it is not the normal process I would
6 go under under the Planning Act but it is under the
7 Environmental Assessment Act and given all of that I
8 believe from a planning standpoint that the proposals
9 before you are good planning to the degree I have
10 indicated or in the places I have indicated.

11 Q. I have one more question for you
12 in this area and perhaps before I ask it you could
13 place these two exhibits up?

14 A. I don't know if I have room.

15 Q. This is H-277 and H-278. Could
16 you tell us as a planner in your professional opinion,
17 and perhaps also explain the reason, but what lands
18 should the Region be purchasing with respect to these
19 two applications?

20 A. Purchasing?

21 Q. Yes.

22 A. With reference to Exhibit H-277
23 which is Site D, I believe the Region should purchase
24 obviously the Site D as outlined in deep blue. I also
25 believe the Region should purchase the four properties



1
2 which I am sure have been referred to as the remnant
3 properties, and they aren't really remnants but they
4 are four properties from which a piece is taken on the
5 westerly end because it sits within Site D. I am not
6 talking about expropriation as a point or as a
7 principle here, but I believe that there are other
8 reasons why those lands should be purchased by the
9 Region or why the Region should control them, put it in
10 that fashion.

11 Q. What are those reasons?

12 A. This is an ideal opportunity as
13 there is some interference with those lands by the
14 taking on the rear pieces. In addition, these are four
15 what I would call rural residential lots and they work
16 about 20 to 30 acres apiece, and they are residential
17 and are usable for residential lots I would think, and
18 it may take a bit of convincing, but they are lots of
19 record and although there is only one house on them
20 right now, there are four in number. I think it is an
21 ideal opportunity for the Region to put its money where
22 its mouth is, in effect. They have policies in the
23 regional plan which talk about or give direction to the
24 Land Division Committee to watch against fragmentation
25 of land and looking to consolidate land wherever



1 possible, and we have four parcels here which if you
2 consolidate them make roughly a 100-acre piece of
3 agricultural land and it is usable for agricultural
4 purposes. It has one house on it and in fact you have
5 a 100-acre farm and usable as a farm in any event.
6 There is also a policy in the Regional Official Plan
7 which says that farmlands owned by the Region will be
8 leased over the long-term and not sold and I think
9 therefore the policy direction under which they would
10 have these lands, they could consolidate them and lease
11 them out and in effect they could start or have a
12 nucleus of the farming operation which could carry on
13 subsequently at the end of the landfilling when the
14 after-use took place or occurred or when the
15 agricultural use of the property was permissible again,
16 whether in total or in pieces.
17

18 The front, for a while, as I understand
19 it, is not usable, but it will be usable and will not
20 be touched, will not be used by and large for actual
21 landfilling itself. So when it becomes available it is
22 cheek by jowl with the 100-acre consolidated parcel and
23 it seems to be an opportunity to live up to what they
24 have been saying and to take away from the four lots
25 the ability to put a house on there, on the one hand,



1
2 or claim they are adversely affected on the other by
3 landfilling being close. It makes eminent sense, if
4 you will, and it is consistent in my opinion with the
5 regional policies.

6 Q. You have distinguished between
7 purchasing and expropriation. Before we get to that,
8 can we look at the area marked in red to the south of
9 this site and can you help us with that?

10 A. I believe it should be purchased
11 in the same way. It is a piece off the larger portion
12 which has been expropriated and in the same way the
13 Region would be able to lease that. It would be of
14 relatively low value because it is all land-locked in
15 any event, but it is an attempt or an ability to avoid
16 confrontation and it is also a chance to consolidate it
17 with the adjacent lands as well.

18 Now, you must remember the policies of
19 the Food Land Guidelines but the Region as well, their
20 protection of agricultural land is not for immediate
21 use necessarily but for the long-term protection of
22 agricultural property. So as long as the land is there
23 and usable, it conforms to those policies.

24 So, again it is they can easily put
25 their money where there mouth is and conform to their



1
2 own policies and I think that would be of benefit.

3 Q. You have distinguished between
4 purchasing and expropriation and can you help us in any
5 way with the limits of expropriation?

6 A. I am not sure whether I understand
7 your question. The limits of expropriation would
8 probably preclude these being expropriated probably but
9 not necessarily ...

10 Q. "These" ...

11 A. The four properties from being
12 expropriated.

13 Q. What about the fifth property?

14 A. I think that that would probably
15 be expropriated. It would need to be expropriated
16 because it is a piece off a larger parcel which is
17 being expropriated.

18 Q. Why the distinction with respect
19 to the properties to the northeast, the northeast
20 section of the quadrant?

21 A. They can survive as properties,
22 but the potential for claim for injurious affection I
23 think is quite high. If you look at them in the sense
24 that some of them aren't being used right now for rural
25 residential but in fact they are rural residential lots



1
2 in my opinion, 20-acre parcels; unless you are sitting
3 on very valuable fruitland, it is not cropland and they
4 are not being used, for instance, in a consolidated
5 way.

6 So, I think that potentially you are
7 just looking for a claim for injurious affection from
8 one or other or all of the four properties.

9 Q. All right. Now, let's turn our
10 attention to Site F and can you indicate to us there
11 from a planning context what the Region should be
12 looking to purchase. Let's start with that first. What
13 should the Region be looking to purchase?

14 A. In my opinion the Region for the
15 same basic principle, although we are not talking about
16 agricultural land, but it should be purchasing anything
17 which could otherwise be seen to conflict with their
18 policies and/or the sorts of protection which Council
19 has agreed ought to be part and parcel of landfilling
20 as a facility or as a use within the Region.

21 I would say everything from King Road
22 westerly should be purchased and everything right to
23 the north of all of the lands outlined, at least within
24 the Site F boundaries, and if there is a remnant piece
25 of Azova lands at the top, I think it should also be



1 purchased and taken under regional control --
2
3 purchased, because otherwise it becomes a natural
4 severance and I don't think that that's within the
5 policy, the overall policy thrust of the Region to
6 allow severances to take place.

7 DR. KINGHAM: Did you say a natural
8 severance or unnatural?

9 THE WITNESS: Natural in the sense that
10 by taking the lands to the south it becomes a natural
11 severance.

12 MR. LEDERER: Q. What about
13 expropriation at Site F. Is it a different thing or is
14 here a potential for anything different?

15 A. In my opinion all of Site F should
16 be expropriated.

17 Q. That really concludes the first
18 part of Mr. Walker's evidence, the land use planning
19 part, and before we move into the process section of
20 his evidence I indicated to the Board last week and the
21 material before you shows that when the Region sought
22 the order under section 9 subsection (2) of the
23 regulations to the Parkway Belt Plan, the deeming order
24 showing that landfill was a permitted use within that
25 section, that comments had been made not only by the



1
2 City of Burlington but by the Canadian Environmental
3 Law Association but unhappily at that time I didn't
4 have a copy of their comments. Ms. Vigod has provided
5 me with a copy of that and I have it to complete the
6 record with regard to that part of the evidence and I
7 wonder if I might exhibit that now?

8 MR. LANCASTER: Very well. Exhibit H-
9 332.

10 ---EXHIBIT NO. H-332: Canadian Environmental Law
11 Association letter of
March 12, 1986

12 MR. LEDERER: Q. Mr. Walker, perhaps
13 you could hand me those two exhibits I gave you and I
14 could get them out of the way.

15 Mr. Walker, I wonder if you might remind
16 the Board as to what your responsibilities were in the
17 area of the process or co-ordination which is what I
18 think you referred to it as earlier?

19 A. The part I just finished, I was
20 the land use planner and also the project co-ordinator
21 in charge of proposals and the implementation of the
22 study methodology, the staffing and the level of
23 expertise and the timing control.

24 Q. Now, you have put on the stands
25 behind you a blow-up of the document which was



1
2 originally found behind the witness statements in
3 Exhibit H-8B and can you indicate first of all where
4 this chart was prepared and who prepared it?

5 A. It was prepared in my office. It
6 was prepared by one of my senior planners and I.

7 Q. Could you just remind the Board,
8 please of the distinction between what we have here
9 blown up and the amended chart which was provided to
10 the Board at the outset of your evidence?

11 A. Well, if the room was high enough
12 this would be up on top of that (indicating) and this
13 would have been the precursor to Exhibit 316 which is
14 the revised chart. I think that that's the number.

15 Q. What is the essential revision on
16 the revised chart, H-316?

17 A. The essential one was that we had
18 listed in the square brackets we had listed -- where
19 can I find an example? We had listed the various
20 reports and here is one here, No. 12, the evaluation
21 and summary reports; and we have replaced those numbers
22 with the exhibit numbers that have fallen out from the
23 process of this Board hearing and, in addition to that,
24 we have added a few more pieces which I would be glad
25 to explain where they are. They are in addition to



1
2 some other things we found that had happened.

3 Q. I am sure those will be developed
4 as we go through the hearing of your evidence. What I
5 would like you to do, if you could, is let's take chart
6 number 1 as it appears in this form so you have
7 something to speak to, and could you review with the
8 Board please the stages of the process you went through
9 and the steps taken through each stage. Just give us an
10 overview of the process?

11 A. Yes. Across the top, in the top
12 boxes, went the stages of work that we went through and
13 there were effectively five stages up to the end of 2C;
14 the Phase 1 which was the actual work program. You
15 will recall in my evidence we said that we had proposed
16 a work proposal to do our work and once we were hired
17 the Region decided they wanted a new one obviously
18 because there were ongoing thoughts.

19 In addition to that, under Phase 1 we
20 started doing what we really continued to do all the
21 way through and that was to do something, send it out,
22 get comments, and then redraft it and go on to the next
23 phase of work. Phase 1 where it says work program,
24 there was in fact a whole time period where we were
25 assembling a new proposed work program and sending it



1 out to agencies and redrafting it.

2
3 Now, we have put in this box the first
4 stage of Phase 2 so Phase 1, therefore, the work
5 program, all of it, and Phase 2, Stage 1, the waste
6 needs and systems analysis, and within that box in very
7 summary form is all the types of work that went on or
8 the happenings, if you will, that went on and
9 continuing on to the second panel. Those happenings
10 are described on the left-hand side of the panel in the
11 column, and there is a blank at the top, but the next
12 one is the draft work program/evaluation factors and
13 that is one element we did and the key is "draft" and
14 that would apply also to the draft evaluation factors.
15 Either a draft work program or evaluation factors were
16 being handled laterally or horizontally across in that
17 box under each of the stages.

18 Where it is not shown, it is for reasons
19 which I will explain, not deemed to be necessary, but
20 as a rule it was always considered to be necessary.

21 The next one is the public forums and
22 the work program evaluation factors. This was moving
23 from the draft and would be what happened with the
24 draft, either from the work program or evaluation
25 factors.



1
2 The next one was submissions report, the
3 work program evaluation factors, and what is portrayed
4 horizontally across the board is what happened after
5 the public information centre and whether it was an
6 open house or public meeting, this is what happened and
7 in this particular case under Phase 1 and Phase 2,
8 Stage 1, it says:

9 "Submissions (agency and public) to
10 draft work program included as
11 appendices to Revised Work Program."

12 Which tells you where it is and:

13 "Submissions to Draft Evaluation
14 Criteria Included as appendix to Stage 1
15 Final Report."

16 So it tell you where that is at all.

17 The next one is the final work program
18 and that is the resolution of what started here and is
19 happening four boxes down and that goes across and it
20 identifies under each stage or each phase what was
21 happening on the final work program and evaluation
22 factors.

23 Then there is the draft report under
24 that, the next lateral column, if you will, and that
25 identifies what it was called and what date it was on



1 the report and what happened to it. In this case it
2 was issued in March of '83 and received April 20, 1983
3 and that describes -- that draft report box, it
4 describes what happened to all of those draft reports
5 right across the phases shown here.
6

7 The next one is the public forums re the
8 draft report. We are again going into the cycle and
9 this is really the cycle here, and again the draft
10 report would have been sent out and this describes what
11 happened at each stage to the draft report. It was
12 being sent out for information purposes, for
13 submissions, and there were other things happening as
14 well and we have identified here there was an
15 information centre and then a date and then a public
16 meeting of the SWM Committee and that describes what
17 happened to the public forums or the draft report.

18 Then in the same way the cycle is back
19 again and as a result of the public forums, whatever
20 was happening there, this is the submissions document
21 and it is described under the five stages what the
22 submissions document was all about. In this case there
23 was a report of the public information centre which was
24 mentioned and a report of the SWM Committee and a
25 document issued addendum to Stage 1 report,



1
2 submissions, of May of 1983 and it tells you when it
3 was received.

4 The next one is the final report and the
5 cycle goes around and from the draft report we are to
6 the final report and this is what it is called, and
7 here is where it was dated and here is what happened to
8 it, and this is for all the stages going across as
9 well.

10 Then there is a box called other
11 documents/activities and this is if there was something
12 in addition to the cycle which is described here down
13 to the issuance of a final report, it is described
14 under the other documents activities box. In this case
15 for Phase 1 and Phase 2, Stage 1 there was a summary
16 environmental assessment process landfill component,
17 and that's a document and there is the date and who did
18 it in this case, because it was something different
19 because it was prepared by Halton staff and then
20 another document issued in March, an addendum with
21 revisions and telling you where it is and then the
22 public meetings issued as well, particular public
23 meetings, and as I said earlier it was not usual for
24 Regional Council to hold meetings for -- specifically
25 to deal with these reports, except in the normal course



1 of events going through.
2

3 Now, project consultants, the final box
4 illustrates what I have mentioned on a couple of
5 occasions, but I will draw specific attention to it
6 here and that is there was an original group of
7 consultants which got larger as the detailed
8 requirements got larger and the scope got narrower as
9 the geographic scope got narrower, so the final two
10 boxes represent the review and supplement Stage 2B and
11 the Phase 2, Stage 2C, which is the very detailed
12 analysis, they had the full complement of consultants
13 for the EA process. There were more consultants added
14 for the EPA work later on, but the 2C is the right-hand
15 side of the column and that is when from an
16 environmental assessment standpoint our involvement
17 ceased for this type of thing.

18 Then there is a Phase 3 environmental
19 assessment document which ended up including
20 essentially all of the reports that were done and we
21 did a covering framework document for that, if you
22 will, and that is off the chart and then ongoing beyond
23 that point were all the technical studies, the EPA work
24 as it has been called or whatever they call it, and at
25 the end of all of that was the comparative analysis



1
2 which is something we did at the end of all the
3 technical work.

4 DR. KINGHAM: Could I ask you at this
5 point if you foresaw the three stages in Phase 2 at the
6 time you were doing Phase 1?

7 THE WITNESS: No, no. In fact it
8 shows here Phase 2, Stage 2 draft work program, and I
9 don't believe we even had the words in there, but I
10 could check on it. We didn't envisage the scope of
11 each of those sub-stages going through, and at this
12 point we were preparing a Phase 2, Stage 2 draft work
13 program and subsequently, as it is noted here, it was
14 broken up so that after the public forum it was broken
15 up into Stage 2A, and there were evaluation factors
16 done in June, and you can see the date difference in
17 here, but in April we were at Stage 2, Dr. Kingham, and
18 it was circulated and we started to get feedback so
19 that by June we were talking about the 2A draft
20 evaluation factors.

21 DR. KINGHAM: You can appreciate this
22 has caused some difficulties to the Board for the last
23 few months and I am sure for all counsel and the public
24 to follow Phase 2, Stage 2B as opposed to Phase 2,
25 Stage 2B supplement or Phase 2, Stage 2C, and it would



1 have been better had we known from the beginning if we
2 knew they were six steps and they were called 1, 2, 3,
3 4, 5 and 6. However, we are used to it now and it is
4 not likely to change it at this stage.
5

6 THE WITNESS: There is something I have
7 buried here.

8 MR. LEDERER: I think, sometimes as has
9 been said before, that hindsight is 20/20 and I am now
10 saying hindsight with respect to all of the work, not
11 with respect to the hearing, because we would have to
12 go back four or five years to restructure a lot of
13 material.

14 DR. KINGHAM: I think it is a lesson for
15 all of us.

16 THE WITNESS: In some respects, yes, I
17 would agree. This led to, I won't say a second
18 coming, but a second opening. I wouldn't want to swell
19 his head too much. But as a result, I think of your
20 concern, or at least you were speaking on behalf of the
21 Board, but this was prepared and it tried to give some
22 graphic illustration at least as to how the phases and
23 steps were broken up and it also did a few other things
24 as well.

25 MR. LEDERER: Q. Before you describe



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2

that, you just said "this" and perhaps you could

3

indicate what "this" is?

4

A. H-0, Exhibit H-0.

5

Q. Can you use that exhibit to put

6

this whole process, again with hindsight. into context

7

for us?

8

A. Phase 1 is noted at the far end

9

and we had it as the preparation of the work program

10

and I believe I have described that. I put it in

11

dotted lines because it really wasn't the landfill

12

component aspect but part of the environmental

13

assessment process obviously and importantly it set up

14

a lot of the cyclical type of activities we were going

15

to go through. Similarly the waste needs and systems

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analysis, Phase 2, Stage 1, is in dotted lines because

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again although it was the precursor and the launching

18

pad, if you will, for the fact that landfill was needed

19

and is part of the system that Council had adopted, it

20

is dotted as well.

21

Importantly again, this reinforced the

22

cyclical nature of the activities which took place

23

starting with Phase 1. Now, the hard line or the

24

inverted triangle which has been referred to so many

25

times, it represents the landfill, the search for the



1 landfill sites, and the wide scope was intended to
2 indicate in a very simple graphic form, but useful,
3 that the geographic scope of the area was the Region,
4 and it doesn't say Region but that is the widest part
5 of the whole search geographically, which was at the
6 top of the triangle. That was Phase 2, Stage 2A, the
7 general overview analysis. At the end of that we had
8 moved inward on the inverted triangle and by the time
9 we arrived at Phase 2, Stage 2B, we had the candidate
10 areas identified from Stage 2A.
11

12 In the Phase 2, Stage 2B there was a
13 wider area because there was a dotted line which we
14 call a refinement. We took the candidate areas and
15 moved them on a mini screening or another screening
16 level down to the candidate sub-areas before we moved
17 through the dotted line into the candidate sites which
18 we had derived by the end of Phase 2, Stage 2B, the end
19 of that operation or work. So, at this line we had the
20 candidate sites and we then moved to Phase 2, Stage 2C,
21 selection of preferred sites.

22 In that particular case we had another
23 refinement in that we took the candidate sites which
24 had been identified and moved them through a dotted
25 line to the extent that we defined within the candidate



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sites the site plan areas, and that was the movement through the dotted line and the refinement, if you will, a screening process within this particular Stage 2C.

At the end of that, and that line is shown here, but that is really this line on the right-hand side of this chart, H-316.

Q. The blow-up of what is now H-316?

A. H-316. The next and most narrowing effect, if you will, was the Phase 3 operation which was the preparation of the environmental assessment document, and it says the technical phase and the comparative analysis, but that effectively was something which evolved over time and that was not something that we specifically set out to do.

As we went through this system it was clear that the type of work that was necessary would lead to some additional work having to be done afterwards, and it was intended for the EP level of analysis for the application and it turned out also to be used for the environmental assessment versions to resolve some of the concerns which had been raised as part of the circulations of the Phase 3 document.



1
2 Now, that was graphically intended to
3 show the Board and anybody else who was interested in
4 looking at it at this hearing, that it was a scoping
5 process, a screening process, and when we got to the
6 landfill search part of the whole work, and I do
7 apologize for not being here earlier.

8 DR. KINGHAM: That is fine. I just
9 hope that we can understand clearly what this is. The
10 way we would understand this is that your Phase 2, if
11 it had one objective it was the selection of a
12 preferred site bracket "s", for site or sites?

13 THE WITNESS: Yes.

14 DR. KINGHAM: Within that you have given
15 yourself sub-categories A, overview analysis, B, the
16 top ten or whatever, and C would be the preferred site
17 or sites?

18 THE WITNESS: Yes.

19 DR. KINGHAM: That is the way we
20 understand that, that Phase 2 is just the selection of
21 a preferred site and you have chosen to break that down
22 and you happened to call those various stages and gave
23 them the same number along with a letter at the same
24 time and it proved to be a bit confusing at the outset,
25 but if you can confirm that, that is the way we would



1

2

understand your inverted trapezium.

3

4

THE WITNESS: Stage 2 was always to be
the site selection stage.

5

6

7

MR. LEDERER: Mr. Chairman, you had
indicated you wanted to rise shortly before 12:30 and
this might be as appropriate a moment as any.

8

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11

MR. LANCASTER: All right. We won't be
back until before 2:00. So, two o'clock I think is a
good estimate. Two o'clock then.

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---Luncheon Adjournment at 12:20 p.m.



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

2
3 MR. LANCASTER: Thank you, please be
4 seated.

5 MR. LEDERER: Q. Mr. Walker, just
6 before the break you were reviewing with the Board
7 Exhibit H-0 and before we move on I wonder if you have
8 anything further to say with regard to that schematic
9 drawing?

10 A. In a representative way, Mr.
11 Chairman, the width of the bands within the solid lines
12 are intended to portray schematically the level of
13 detail of the analysis so that Phase 2, Stage 2A was
14 the narrowest and 2B was wider than that, 2C was wider
15 than 2B and 3 was fairly extensive in a graphic form.
16 So, while the geographic scope is narrowing, the amount
17 of detail is increasing. If anything 2C, should have
18 been wider than that, but it isn't.

19 Q. With that background, Mr. Walker,
20 I would like to take the Board through the process
21 which you undertook in this case and if we could begin
22 with Phase 2 -- sorry, Phase 1 as it is described in
23 the first column of Exhibit H-316, Phase 1 and Phase 2,
24 Stage 1 and beginning with Phase 1, could you indicate
25 to the Board what you were instructed to do and what



1 you were retained to do in this phase of the study?

2 A. For this we were retained, and I
3 briefly mentioned it, to prepare a work program to set
4 out in general terms the approach to the environmental
5 assessment and specifically to set out what the next
6 step should be.

7 Q. Could you indicate to the Board
8 then what it is you proposed and what was the nature of
9 the task?

10 A. The task was set out in the draft
11 work program and essentially it was to scope the
12 Region and over a series of tasks -- and in answer to
13 your earlier query, Dr. Kingham, Stage 2 was in fact
14 just identified as a single item, but by the time we
15 had gone from the draft to the final it indicated there
16 would be at each stage additional work programs which
17 is an indication, if you can see the glint in the eye
18 at the time, that more detail would be necessary. It
19 is hinted at in there, but not specified.

20 It was to be a screening process over
21 the whole region and the work was to be preformed on
22 the basis of approved work programs and this would be
23 approved by Regional Council and Regional Council would
24 only be approving those after they had been circulated
25 for comment to various agencies who had indicated an



1 interest or who the Region wanted to have an interest
2 and to the various citizenry and municipalities within
3 the Region.

4 The steps were three in number by phase
5 and Phase 1 was the work program, Phase 2 would be the
6 site selection and Phase 3 would be the environmental
7 assessment. We were specifically directed, as alluded
8 to earlier with regard to the circulation, that it was
9 to be as open and public a process as possible and one
10 which would allow the concerned public and agencies to
11 be aware of and to have the opportunity to comment as
12 we went through. I believe it was beginning to dawn on
13 the Region that it as a much more extensive processes
14 than they had otherwise been led to believe up to that
15 point in time.

16 Q. At the outset did you prepare a
17 work program?

18 A. Yes, we did, a draft.

19 Q. Could you review with the Board
20 how you prepared a work program in this case?

21 A. This was the first one after we
22 had been retained and we had some ideas as to what we
23 thought would be appropriate as a consulting team in
24 discussions with the Region and the staff of the local
25 municipalities, with MOE, former consultants, because



1 as I mentioned there had been a process of sorts under
2 the Planning Act and the Environmental Protection Act
3 earlier.

4 This was all put together into a draft
5 report which was sent out to the first, as it turned
6 out, the first of many circulations over the process
7 and a public open house was held at the Regional
8 Council Chambers to discuss the draft work program.

9 Now, the mailing list at this point in
10 time was the smallest it ever was throughout the
11 process. There were a number of concerned groups from
12 the old process, in other words, this actually turned
13 out to be fairly important, but this Region was no
14 neophyte in terms -- the public were no neophytes in
15 terms of dealing with the issue of waste disposal and
16 there were already several ratepayers' groups who were
17 known to Regional Council and they were sent the
18 information and all the municipalities in the Region,
19 plus, I think, most of the relevant provincial
20 ministries as well. From that circulation and from the
21 open house there were responses, and again the first
22 time within this particular situation, within this
23 particular cycle.

24 I mentioned earlier that it was a cycle,
25 and I hope I stressed it enough, because in my opinion



1 moving through the draft and the public forums and the
2 submissions, the final work program to the draft report
3 through the public forums on the draft report to the
4 submissions plus the final report really was a complete
5 cycle. Now that is not a circular cycle as I have
6 described it perhaps in some people's minds, but to me
7 it was an incredibly detailed cycle and went to the
8 earlier expressed concern that the Region did want
9 people to have the opportunity to comment, and they
10 certainly did have the opportunity to comment and they
11 did take advantage of that.

12 As I said, this was no innocent area.
13 Later on when we got to some detailed areas, and I will
14 mention those when we come to them, we had to take a
15 few extra steps to make sure that new groups involved
16 were brought up to speed, but the citizens who had had
17 experience in having sites designated in their areas
18 were right up to snuff right away.

19 Q. Could you indicate to the Board,
20 please, Mr. Walker, what it is you proposed in your
21 revised work program?

22 A. After submissions came back we did
23 a revised program and that is Exhibit H-9 and it was
24 issued November 1982 and adopted December 9, 1982.
25 There was a fairly fundamental reorientation or



1 reordering, a different emphasis of the revised work
2 program than the old one or that the draft had had,
3 because it was decided to jettison the Dillon 11 as
4 they had been called.

5 The revised work program or the draft
6 work program had been put together still based upon the
7 use and the starting point of the sites selected under
8 the earlier consulting process and by the time we had
9 had submissions, it was agreed that the whole change --
10 or the whole approach should be changed to wipe out
11 reliance on that and go behind that earlier process.

12 Therefore, we were not able to and in
13 fact it was our advice that we no rely on the existing
14 information about the site selected under the old
15 process because we thought that that would be a problem
16 if we relied on it because it had gone into too much a
17 detailed level of activity, and this came back -- it
18 was raised a number of times throughout the process.
19 We also saw clearly that the moment we abandoned or
20 jettisoned the Dillon 11, we had to go back to
21 alternate technologies and alternate methods right back
22 to the very beginning, if you will, and so the
23 revisions clearly drove the process back into time to
24 determining waste needs and also the different ways of
25 handling wastes other than by landfilling.



1 Critical in that too, and this came out
2 of the assessment we had and the discussions we had
3 with the earlier consultants, it would be critical to
4 have a common level of information to the extent we
5 could because one of the problems we found with the
6 information collected for the earlier study was that it
7 appeared to us in looking back that the information was
8 not equal for all of the candidate sites that were
9 being brought forward under that process and that under
10 the Environmental Assessment Act process we saw as
11 being a very critical omission.

12 That was another thing we were trying to
13 build in when we were heading back right to the
14 beginning of time if you will, to the EA. It was clear
15 also, and I mentioned this before, but it was clear
16 that the Regional staff and subsequently the Regional
17 Council would be extremely wary of signing contracts or
18 setting a work program today that would last for a
19 number of years or at least a number of months. So
20 individual work programs had to be put in place at the
21 time the particular work was being proposed.

22 That didn't mean the overall phasing
23 would change, but clearly they wanted to know at the
24 time that we were proposing to do the next stage what
25 we saw had to be done. This was fair I think because



1 in an evolving process like the environmental
2 assessment is, it is fair for somebody to say there may
3 be some changes that might take place tomorrow that you
4 don't think will happen today, and so there is fairness
5 in that but that ended up being a lot of work and it
6 added a great deal to the process in terms of time.

7 Our basic principle stayed intact in
8 terms of how it should be approached. We still had the
9 three phases in place, but as I mentioned, it looked
10 like there were going to be more details in the stages.

11 Q. Mr. Walker, in looking at the
12 place of this within the framework you discussed and
13 what is now Exhibit H-316, can you point out for the
14 Board where one would find Exhibit H-9 so we can
15 understand where in the cycle that takes us?

16 A. Exhibit H-9 is the revised work
17 program which is the fourth box down on the left-hand
18 side.

19 Q. Could you help us by looking at
20 Exhibit 316?

21 A. It shows up in the same place and
22 there are some additional words. You will notice there
23 are only three lines here, but you will notice on
24 Exhibit H-316 it goes on to say:

25 "Final Phase 2, Stage 1 evaluation



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criteria are in text of Waste Needs &
Systems Analysis Final Report.."

And that was added.

DR. KINGHAM: Where are you reading
from?

THE WITNESS: The same box here, but I
am reading it on the revised H-316. I will try and
point out the additions to H-316 as I go through.

DR. KINGHAM: The words are the same
here I think as they are -- you are reading alongside
"Final Report - Stage 1 Waste Needs and Systems
Analysis?"

THE WITNESS: The fourth box down, the
final work program. I gave you -- no, I gave it right.

MR. LEDERER: Q. If you look opposite
final report you also see a reference to H-9?

A. Yes.

Q. Were there a series of public
forums and a submissions report before that exhibit was
finalized?

A. Yes.

Q. Would you take us through that
stage, the stage of what happened after you prepared
the draft?

A. For Phase 1?



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Q. Yes.

A. Once the work program had been approved, the Phase 1 then proceeded into the work that had to be done and we proceeded into Phase 2, Stage 1, the waste needs and systems.

Q. Can we then move on to that level of study?

A. I don't mind giving the answer, but I think we have jumped a bit.

Q. What I would like you to indicate to the Board is whether or not there was any difference between H-9 as it is referred to opposite box 4 and and as it is referred to opposite the box entitled "Final Report" and if anything was done to amend that in between those other phases of the cycle?

A. The other boxes here, and no, there is nothing except to add H-9.

Q. Can you indicate to the Board the framework within which this work program fits in relation to the rest of the studies? Is this the only work program that was done?

A. For all the work?

Q. Yes.

A. No. There was a work program done for every one of the stages that we went through.



1 There was a phase for Phase 2, Stage 2A, Phase 2,
2 Stage 2B. There was none or no draft work program for
3 the review and supplement, but there was, however, a
4 supplementary work program which shows up, and we only
5 did one on this because this was something when I come
6 to it where we were reiterating which under the Act is
7 something you are supposed to do, and it was a
8 different element. Now I will explain it in time, but
9 we did not issue a work program and did get approval to
10 proceed with the work program and then under Phase 2,
11 Stage 2C we also had a work program which went through
12 the draft and the final phases before we undertook the
13 reports which again went through draft and final.

14 For Phase 3, the environmental
15 assessment work, we also had a work program approved in
16 July of 1985 by Council and for the comparative
17 analysis we also had a work program approved by Council
18 prior to proceeding with that work.

19 DR. KINGHAM: I am having a bit of
20 difficulty understanding what happened between your
21 final work program evaluation factors and your final
22 report, both of which are represented by H-9, and what
23 appears to have happened from the exhibit you are
24 reading from now, H-316, because you presumably
25 injected along the line and about that time,



1 submissions and am I right in reading it that way from
2 H-316?

3 THE WITNESS: The draft work program
4 went out, sir, and you will see as well that there were
5 draft evaluation criteria set out as well. What is
6 being reported on is either or or both as we go
7 through. So there was a public information centre held
8 regarding the work program which had been issued here
9 and then submissions to the draft work program included
10 as appendices to the revised work program, so the
11 submissions were reported upon in the revised work
12 program, and also submissions to the draft evaluation
13 criteria included as an appendix to Stage 1, final
14 report.

15 They were reported on but later on and
16 so we have two elements going through here but I was
17 only asked about the one. For Phase 1, the work
18 program for Phase 1, there was no draft evaluation
19 criteria. They related to the Phase 2, Stage 1 aspect
20 of it.

21 MR. LEDERER: I think the confusion is
22 in relation to the numbering and also in relation to
23 the fact that, as you can see, there are two phases of
24 study and you have the compilation of the work program
25 and then Phase 2, Stage 1 and Exhibit H-9 is the final



1 report with respect to Phase 2, Stage 2, I believe,
2 which has in it reference to the work program, but the
3 work program is also a separate document which has
4 never been exhibited, and if you wish it exhibited
5 separately we can certainly do that.

6 DR. KINGHAM: My question was just
7 related to the fact that before the final report we
8 note H-61, the addendum to the Stage 1 report
9 submissions, and that looked to me from this side of
10 the table as though what had happened was that you had
11 gone down in time and at some time you had received and
12 took account of submissions, and I was curious to know.

13 MR. LEDERER: We will come to that in a
14 moment if you will just bear with us.

15 Q. Mr. Walker, can we look at the
16 second component of the first column, the Phase 2,
17 Stage 1 part of the study. Can you indicate what it is
18 that you were instructed to do and what was it you were
19 seeking to achieve through the preparation of the waste
20 systems needs study?

21 A. Stage 1 was intended or we were
22 intending to collect and prepare information on the
23 projection of the volume of waste, the 20-year period
24 for planning, to restrict it to Halton as a whole and
25 not to accept waste and not to contemplate as part of



1 the Environmental Assessment Act review going beyond
2 Halton. We were to have or to look at general
3 alternate means and technologies available to deal with
4 the volume of waste and to look at generic site options
5 to provide a basis for the examination of geographic
6 implications or geographic possibilities of the various
7 options. Also, and this sounds very convoluted, but
8 that is the way the Act reads in simple terms in my
9 opinion. We are to look at various options which are
10 single options, whether it was resource recovery or
11 whether it was landfilling, and we were also to look at
12 a package of options, in other words, combinations of
13 them.

14 In essence, Mr. Lederer, this was the
15 first part of Halton's response to the first part of
16 the Environmental Assessment Act where they have to
17 look at other ways of handling waste and to do that you
18 had to know how much you were looking after and you had
19 to know what the various locations within the Region
20 meant in terms of assessing those alternatives.

21 Q. Can you review with the Board the
22 methodology you proposed to undertake in the waste
23 needs and systems analysis?

24 A. Yes. For Stage 1 there was a two-
25 part work program and one part was to deal with the



1 waste needs analysis documenting existing waste
2 quantities, documenting the ways that waste was handled
3 in the Region in the recent past, a rejection of future
4 waste quantities for 20 years to the year 2001 at that
5 point in time.

6 A second part was a waste systems
7 analysis and it was an evaluation of the future
8 potential methods of solid waste disposal, to identify
9 generic waste systems, that is to say, a package of
10 different ways of dealing with waste which would
11 include one or more of the potential methods of waste
12 management. To present a limited list of the systems
13 to Council, and Council was not looking at endless
14 combinations and permutations and they wanted some
15 scoping done here and with enough information to allow
16 them to make a decision between the alternatives put
17 forward.

18 The information at this level was to be
19 relatively general and I used the term "generic" to
20 indicate that. We were not looking at specific
21 locations, but real locations, if you will, although
22 there were some hypothetical locations within the
23 Region used, but we were not looking at that with any
24 sort of indicative idea that that is where it ought to
25 be, but for some calculations representative sites had



1 to be created.

2 Then, if Council chose one of the
3 systems or adopted it, if you will, and it had a
4 landfill component, then we would continue on with the
5 landfill study, the environmental assessment for the
6 landfill component. If there wasn't any, then we would
7 not be employed on this matter anymore.

8 Q. Can you review with the Board how
9 the work that you proposed was in fact carried out and
10 what is it that you did?

11 A. Yes. There were a series of
12 meetings set up with staff, regional staff to obtain
13 the regional data including population estimates and
14 results of the industrial wastes survey which they had
15 undertaken at the time. There was discussion with
16 experts and because it was at a general level such
17 discussions were relevant in our opinion, and in that
18 respect we talked to Metropolitan Toronto who have a
19 lot of the various systems either in place individually
20 or in combination.

21 We talked to Regional Hamilton-
22 Wentworth, Peel, Durham, Leferink Disposal, which is a
23 firm which runs a transfer station in Halton Hills,
24 Provincial Sanitation, which is another private
25 operation, and Dr. Ham, a waste systems expert and a



1 Professor at the University of Wisconsin and he was
2 familiar with a number of the different aspects of some
3 of the generic methodologies.

4 Now, this gave us the general
5 information on the various waste systems that were in
6 place. Mr. Watson, who I believe you have heard from
7 already on this, was responsible for the waste
8 quantities generally at that time and the costing of
9 the alternative systems being put in or the alternate
10 methods, and, if necessary, the alternate systems.
11 Hydrology Consultants were assisting him and they were
12 involved at that time and they were one of the original
13 consulting team, as was Mr. Watson, and they were
14 advising him in terms of the technical aspects of it.
15 Hydrology Consultants were on the team and were
16 responsible for waste management's methods and systems
17 with Giffels in tow, or Giffels helping out on the
18 transportation aspects, and originally Giffels was
19 helping out a little bit with hard core municipal
20 servicing, but that was eventually taken over by
21 Hydrology Consultants.

22 We, as the project co-ordinators, were
23 co-ordinating overall with the report preparation and
24 we gave some assistance in the waste types analysis
25 and collected information for the other people. As a



1 result of doing this, and as a sort of general
2 conclusion, we found significant changes had taken
3 place in the waste management system in the years
4 preceding 1983 and we were at that point by this time.

5 Oakville had had a site which had been
6 closed. Georgetown had a site which had been closed,
7 and they were in 1972 and 1979 respectively. There
8 was, therefore, only one site left for landfilling
9 operative in the Region and that was the Burlington
10 site, which has been called the Burlington site and
11 that was operated by the Region as the other two had
12 been since 1973 when regional government came into
13 place.

14 So, we had gone from a multi-site system
15 starting in 1979 and it had narrowed down to a single
16 site system within the Region by 1982. There was
17 currently some source separation in place in the Region
18 and some recycling, but it was taking a very small
19 proportion, about 1.7 per cent according to the figures
20 we had at that point in time.

21 Q. Mr. Walker, I wonder if you might
22 describe for the Board the context in which this study
23 was carried out and review with us generally the
24 methods and systems that were examined?

25 A. If you will, the context was two-



1 fold, Mr. Chairman. There was the Regional Official
2 Plan which had the waste management policies and which
3 I had said today I think are adequate certainly in
4 1983, and I thought they were quite progressive. In
5 addition to that there was a Council resolution from
6 1980 that said something -- it had set up a four point
7 system in Halton and that the principle of a long-term
8 solid waste management program would consist of four
9 elements, reduction at source, that is source
10 separation and resource utilization; transfer stations
11 where necessary; and sanitary landfill sites for the
12 disposal of non-putrescible waste and residue from
13 resource utilization and general waste disposal in
14 emergencies when resource facilities were unavailable.

15 Those were the elements plugged in to
16 the Official Plan and this goes back to 1980 and they
17 also called as a fifth point in the resolution for
18 continuing research to reduce the further reliance on
19 the sanitary landfill which was again progressive and
20 certainly part of the Regional Official Plan policies.

21 Therefore, this resolution sets out at
22 that date Council's intent to proceed with sanitary
23 landfilling as a method of waste disposal but did
24 establish these other ways of handling waste and trying
25 to deal with wastes so that landfill was not all-



1 important.

2 Importantly, I think, we gave credence
3 to Council's resolution and we gave credence to
4 Council's policies, but we did not think it precluded
5 the range of options which we were asked and required
6 to provide to Council. In other words, just for the
7 record, if you will, we didn't see ourselves being
8 hamstrung by anything which was in place in terms of
9 regional policy or regional Council thoughts that would
10 jeopardize a full environmental assessment.

11 Having started up with Dillon 11, I
12 think it is useful when we have gone back to make that
13 point, that Council had not precluded that option.
14 They may have been a bit naive in thinking that they
15 could start with the Dillon 11, but their policy base
16 did not have the same limitations at all.

17 Our evaluation, therefore, went on to
18 include as sort of part of the global opening that this
19 resolution of the policies allowed, we did include an
20 analysis of the potential for incineration with or
21 without energy recovery, composting, which was trendy
22 but not necessarily effective at that point in time.
23 That still is trendy but not always very effective, but
24 we did look at it as an element for the reduction of
25 waste. We also looked at the export of waste outside



1 of the Region. As an example, we looked at Hooker
2 then-called and now Occidental, and I am sure that that
3 has been before you as part of the existing system. If
4 things don't happen, there will be a deep path worn in
5 the road to Occidental, but when you read Hooker, it
6 means Occidental and they had the largest EFW facility
7 around at that point in time and still probably do.

8 Each of the potential methods we have
9 set out of solid waste disposal were described in terms
10 of two things, the characteristics and the advantages
11 and constraints, and they were evaluated against 12
12 criteria that had been developed through consultation
13 with agencies and interest groups. Therefore, it is
14 important to say that the alternates were looked for
15 and they were reviewed in the context of 12 criteria
16 and there was consultation.

17 Now, the 12 criteria are shown, and I
18 will give you the reference here. I am learning.
19 This is taken from pages 74 and 76 of Exhibit H-9,
20 Stage 1 Consolidation Report and I have restructured
21 this for my purposes, but it comes from that table.
22 This is entitled "Evaluation Criteria for Waste
23 Disposal Options" and criteria 1 through 7 on this
24 sheet, the time required to implement, -- should I read
25 these into the record or what?



1 Q. I think for the purposes of the
2 direct examination you could simply read into the
3 record each of the 12 and leave it to others to examine
4 on them in more detail if they so require.

5 A. Just the titles?

6 Q. Yes.

7 A. Criterion 2 is "Desirability to
8 the Public". Criterion 3, "Net Costs (Costs per Ton of
9 Waste Handled) including generated revenues from energy
10 and resource conservation".

11 For the record, Mr. Nethercut, I should
12 have put the bracket in, it should have read "Net Costs
13 (Cost of Ton per Waste Handled) Including Generated
14 Revenues from Energy and Resource Conservation."
15 Criterion 4, "Amount of Waste Handled". Criterion 5,
16 "Technological Reliability". Criterion 6, "Availability
17 of Markets." Criterion 7, Siting and Land Use."
18 Criterion 8, "Environmental". Criterion 9, "Requirement
19 for Landfill Component". Criterion 10, "Flexibility."
20 Criterion 11, "Conservation of Energy and Resources and
21 Criterion 12, "Administrative Complexity."

22 These were in the report, Mr. Chairman,
23 and these effectively in my opinion would stand as
24 definitions for those terms and I don't want to mislead
25 anybody by not reading them, they are there.



1 As I noted, each waste disposal option
2 was evaluated and rated with respect to each criterion.
3 This was done in chart form and these charts are found
4 on pages 77 to 98 of the same Exhibit, H-9. I have an
5 example here just to show what it was all about and for
6 cross-examination purposes I will gladly turn to the
7 book as well as everybody else.

8 This represents chart 2 of the report
9 dealing with criterion 1, time required to implement.
10 Now, the options that we were looking at are listed
11 down the left-hand column under the title "Options" and
12 are landfill, which was the first; secondly,
13 incineration with energy recovery; thirdly,
14 incineration without energy recovery; fourth, resource
15 recovery plant (RDF); fifth, source separation; sixth
16 was composting and seven was hauling out of the Region
17 or exporting.

18 The rating column on each of the charts
19 would vary depending upon the criterion being assessed.
20 In this particular one, rating refers to years and it
21 is the estimate of time required to implement each
22 option, years being the measurement. So you would move
23 across and landfill we thought would take 4 to 8 years
24 to implement.

25 Under the third and right column, right-



1 hand column, under the heading of "Comment" -- here we
2 were using this as a location to make comments to help
3 qualify or clarify what we were talking about here and
4 this provides background and sources of information for
5 each rating where that information was required.

6 Now, the actual ratings, in this case
7 the years, were explained at the bottom of the table
8 and on this one the years, the rating was years and
9 that is explained at the bottom of the table with
10 explanation being the timing ultimately required due to
11 the availability of markets and the reliability for
12 options 2 and 4 especially and for all 12 it would
13 obviously be different. Chart 8 or criterion 7, siting
14 and land use, that is one I would have dealt with
15 directly from a land use planning standpoint.

16 The results of the evaluations or the
17 waste options as were shown on those aforementioned
18 charts 2 to 13 in that exhibit, were compiled on Figure
19 4 of the exhibit which is on page 99, a figure entitled
20 "Halton Environmental Assessment-Comparison of Waste
21 Management Options" and this was an attempt to lay out
22 before Council the nature of the options and the
23 information we had on it in a summary chart form, but I
24 think you will find throughout this process that we
25 felt that the summary chart form sometimes was a good



1 way of portraying information when it was a large
2 matrix type of data base.

3 Now, if you read the evaluation criteria
4 along the top -- so the 12 criteria are there, and you
5 read the options down the left-hand side. From this
6 point once this information had been compiled we
7 figured we had our background knowledge of what the
8 waste volumes were from Mr. Watson's work and the
9 methods of handling that waste. In other words, one or
10 other of these options or a combination thereof would,
11 in our opinion, work to handle this matter and the
12 study team then went on to an evaluation of the
13 alternate solid waste management systems, that is to
14 say a system being a combination of methods to meet the
15 Region's requirements.

16 We added almost as a footnote but as
17 part of the system, a footnote to the system, that all
18 systems included source separation and recycling of
19 waste and we upped the ratio from 1.7 per cent which we
20 found at the time to a projected level of 5 per cent.
21 We were building an automatic inherent increase in the
22 source separation and recycling of waste, 5 per cent of
23 the waste stream total.

24 Now, the systems selected for review
25 were mass burning with energy recovery, EFW; system 2



1 was resource recovery plant, refuse-derived fuel, RDF;
2 system 3 was export of waste to Hooker Chemical as one
3 that had to be looked at and fourth was sanitary
4 landfill. Mass burning would have landfill and so
5 would the resource recovery plant and sanitary landfill
6 was a landfill on its own.

7 These four systems then, if you will,
8 were subjected to an analysis on costs which Mr. Watson
9 undertook and which I believe has been described to
10 you. The cost analysis took hypothetical locations for
11 the location of waste management facilities. It also
12 took hypothetical markets for steam and electricity
13 into account for the purposes of comparison.

14 It is worthwhile noting, Mr. Chairman,
15 as I have said, the people in the Region who have had
16 the experience with landfill proposals in the past were
17 extremely sensitive to that whole issue and we sort of
18 in doing this analysis of the systems and picking
19 hypothetical points, locations within the Region, we
20 ran into a bit of a hornet's nest because we utilized
21 what we considered to be hypothetical points, two of
22 the locations anyway which had already been put forward
23 and that raised quite a brouhaha right at the outset
24 and from that point in time it was clear that there was
25 a feeling that it was a foregone conclusion where the



1 results were going to come. Now, that was an
2 indication which we picked up on and tried to ensure
3 that people did not feel that, but I think it is fair
4 to say that throughout there was a feeling by some
5 people that it was a foregone conclusion that we would
6 sit in their backyard right off the bat, starting with
7 this level of analysis.

8 Now, in this review of the systems, we
9 were reviewing the haul costs and Mr. MacLeod, who has
10 been before you, did that work and we also did the cost
11 implications of operating a waste transfer station, and
12 Mr. MacLeod and Mr. Watson did that work, the cost and
13 revenues of incineration and resource recovery and
14 costs associated with the waste export. Therefore the
15 costs of all these specific alternatives were
16 calculated and indicated on Table 26 which is pages 146
17 and 147 of Exhibit H-9.

18 In summary, the sanitary landfilling was
19 found to be the cheapest option followed -- it was the
20 cheapest option followed by resource recovery, RDF, and
21 then the energy from waste with landfilling attached to
22 it, and by "attached" I mean functionally not
23 physically attached to it, then export to Hooker and
24 then incineration without energy recovery much like the
25 City of Toronto does in part now.



1 Q. Mr. Walker, could you indicate
2 what you were trying to give Council when you were
3 doing this work; what was the intent?

4 A. As a consulting team the purpose,
5 as I said right at the beginning, was to try to provide
6 them with enough background information or enough
7 discussion of the alternatives that had gone on to
8 allow them to make an informed decision or a decision
9 informed enough at that level based on the facts which
10 we did put into our report and, given the
11 receptiveness, if you will, or the stated commitment
12 and the preparedness of Council to look at alternates
13 to landfilling. In all of this work we were trying to
14 give them enough information for them to make a
15 decision as to which system they should pursue and, as
16 I said, to the extent it had landfilling attached,
17 which all but the export solution did, we would then
18 proceed with the landfilling options.

19 Q. Was there a consultation process
20 involved in doing this work?

21 A. Yes, there was.

22 Q. Would you review that with us?

23 A. We did draft evaluation criteria,
24 or what was shown on Table 4 and they were up out in
25 draft form. These were circulated to agencies and



1 interest groups.

2 Q. Could I interrupt you and have you
3 refer to the blow-up of what is Exhibit H-316 showing
4 where these things took place?

5 A. This is the draft evaluation
6 criteria stage and they were issued here and
7 circulated, and they went for written submissions and
8 they did not go to the public information centre to my
9 knowledge. They then had submissions on those
10 evaluation criteria included in the final report. We
11 did not report on the submissions until that time.

12 After the draft evaluation criteria had
13 been circulated and we got approval to proceed with
14 them, the draft Stage 1 report was undertaken and
15 essentially gave the results as I have indicated
16 verbally. It was prepared in draft form and circulated
17 to the mailing list and, in addition to that, there was
18 an information centre held on March 10, 1983 and also
19 there was a public meeting of the Solid Waste
20 Management Committee in April, in the next month.

21 I think I mentioned it, but it would be
22 useful to mention it again, that one element of public
23 consultation and the ability of the public to speak was
24 each time a document was generated or a report was
25 finished, we made a presentation to the Solid Waste



1 Management Committee which is one of the committee's --
2 actually a sub-committee of the Planning and Public
3 Works Committee, and to that meeting the public could
4 attend and make presentations if they wished. It was a
5 fairly frequent occurrence that that would occur. This
6 was specific and on April 14, 1983 this was a specific
7 committee meeting the SWMC had called to listen to
8 deputations on the draft report. We did a submissions
9 report which is Exhibit H-61 to try and answer the
10 comments and concerns which had been raised in the
11 submissions as a result of our draft and as a result of
12 the circulation.

13 Q. Would you show us that please on
14 the blow-up of H-316?

15 A. It is here, the submissions
16 report, and we did an addendum to the Stage 1 report,
17 submissions May, 1983.

18 DR. KINGHAM: That leads me to the
19 question as to whether or not this contains the
20 modifications -- "this" being H-9.

21 MR. LEDERER: If you look at the final
22 report...

23 DR. KINGHAM: That is where I got the
24 earlier question from. The submissions are in H-9.

25 MR. LEDERER: We would have to ask Mr.



1 Walker.

2 Q. The question is as a result of the
3 submissions you received, were any changes made to what
4 is now H-9, the final report for the Phase 2, Stage 1
5 report?

6 A. Yes, there was. Your Exhibit H-62
7 is an addendum to the Stage 1 report and it has the
8 revisions to the Stage 1 report in it which are
9 revisions based upon the consultation process.
10 Dr. Kingham, the actual issuance of a report like that
11 was the preliminary to a series of reports which got
12 more detailed as we went through the process. As the
13 process itself got more detailed and the reports became
14 more complicated, we got to the point of issuing the
15 comparison document which compared one with the other
16 so people could better understand.

17 I would like to say that we did it all
18 of our own accord, but it became clear about halfway
19 through that if we didn't do that it would be an
20 impossible situation and we at this point in time
21 several years later would be looking at a final report
22 and not know where the changes were and certainly the
23 public and the committees were having the same trouble.

24 So, it was an evolutionary process and
25 this was the first kick at the can, if you will.



1 Q. As I recall, I believe we
2 exhibited one of those comparison reports, a Stage 2C
3 comparison report last week and that would be an
4 example?

5 A. Yes.

6 Q. Could you indicate to the Board
7 what was the outcome of this stage of study, the work
8 represented by Phase 2, Stage 1?

9 A. Council adopted H-9, the
10 consolidation report on June 23rd, 1983 and they
11 resolved to proceed with it -- on the one hand they
12 were going off and this was a fulcrum point and they
13 were going off under the EFW program because it was
14 that system they adopted, but on the other hand they
15 were allowing the landfilling component to go off on
16 its own and they were running parallel as parts of this
17 system.

18 You have heard this, but it was 7.2
19 million cubic yards we were looking at to confirm size
20 of landfill volume and we were allowed to proceed to
21 the site selection stage, or Stage 2.

22 Q. With that, can we then move to
23 Phase 2, Stage 2A and could you indicate to the Board
24 in the context of the co-ordination, could you tell the
25 Board what it is that you were asked to do?



1 A. We were asked to carry out the
2 first step in the selection of the sanitary landfill
3 component and an important thing was finding a
4 reasonable technique to do that. It was to involve
5 screening of the entire region at the outset and the
6 idea was to identify areas that were potentially
7 acceptable for the purposes of sanitary landfilling.

8 The method we decided upon and which was
9 circulated and which was discussed, and we will get to
10 that in a minute, but it was to use available
11 information and, importantly in that, going back again
12 and always trying to remember this, was the element of
13 keeping it as common a level of information as possible
14 so that all areas at the level you were investigating
15 had relatively the same level of information available
16 to it.

17 We were to use Ministry of the
18 Environment terminology and we were to do a desktop
19 study really, which was to use available information
20 which was already printed and you were not supposed to
21 go out and do a lot of field work. It was to be
22 region-wide, comparable.

23 We went ahead and outlined this
24 methodology in the Phase 2, Stage 2 draft work program
25 for the site selection in April of 1983, and that would



1 be the first two lines of this box (indicating), the
2 draft work program coming from the left and Phase 2,
3 Stage 2 coming in from the top. This was circulated to
4 the mailing list on May 18, 1983, and comments were
5 solicited from it.

6 In addition, in June of 1983 draft
7 evaluation factors were circulated, again for comments.
8 There was a public information centre on July 20, 1983
9 and a final work program issued for 2A, issued in May
10 of 1983 and adopted in June of 1983, a month later, and
11 this included comments from the circulation of the
12 draft.

13 In addition, and this is your Exhibit H-
14 52, but the final evaluation factors report which was
15 flowing through slightly behind this was issued in
16 August of 1983 and adopted in November of 1983 and
17 included submissions from the circulation of the draft
18 report, and that is Exhibit H-57.

19 Now, I draw your attention as I did
20 before but now it is in the record in this context, but
21 we started out with a Phase 2, Stage 2 draft work
22 program and by the time we finished we were talking
23 about Stage 2A. That is the breakup your referred to.

24 Q. Mr. Walker, can you describe for
25 us the evaluation factors that were used at Phase 2,



1 Stage 2A?

2 A. Yes. These were -- I have fallen
3 down on what I said I would do because I can't give you
4 the page, but I can get it for you. This is taken from
5 the evaluation factors report, final report. We had
6 four categories of factors, the physical factors, the
7 social factors, the economic factors and the cultural
8 factors.

9 This was not a prioritization list at
10 this point in time, but a listing of the types or
11 categories, the clustering of the factors. Under
12 physical, and I have referred to one of these before,
13 land use in my earlier evidence, but it related to
14 topography, landforms, hydrology, hydrogeological,
15 biophysical and soils or geology. Social factors dealt
16 with population density and community services and
17 institutions because these were two things which were
18 thought to be important for social aspects at a very
19 region-wide or generic level, at a general level.

20 The economic factors, and we are into
21 generic haul costs and land costs for the various types
22 of options we were looking at and category 4, the
23 cultural factors, we were dealing in a very general
24 level with the historical features and the
25 archaeological features. In addition, we were also



1 looking at pits and quarries. We were undertaking a
2 supplementary evaluation of pits and quarries in the
3 Region to identify pit and quarry sites for further
4 evaluation at the next stage in order to assess the
5 potential for avoiding agricultural lands and the
6 potential for rehabilitating damaged lands.

7 From the very early time we had
8 circulated the work programs we had been receiving
9 comments back about the utilization of good farmland
10 and at the regional level it was decided and identified
11 in the work program and in the evaluation factors, it
12 was identified that this is what we were going to do.

13 So, the general thrust of it was that we
14 were coming back in to look for the pit and quarry
15 areas within the Region and to identify those which
16 would at the next level have a detailed assessment.
17 This was consistent as I said with submissions we had
18 received and it was also consistent with pre-1981 MOE
19 guidelines for landfill called "Guidelines for
20 Establishment, Management, Maintenance and Closure of
21 Landfilling Sites in Ontario", page 29, where there was
22 a requirement to look for this type of solution.

23 As I said, the work program had said
24 that this was going to take place.

25 Now, with regard to the evaluation



1 factors, the consultants who had been working, or who
2 had been working at this stage for the Region had
3 identified these initial evaluation factors within
4 their own disciplines. So, under physical factors,
5 soils and geology would have been generated as an
6 evaluation criteria -- as an evaluation factor by
7 Hydrology Consultants and biophysical would have been
8 Miss Hellas identifying the validity of looking at this
9 sort of thing at this particular time and she would
10 also be responsible for identifying the availability of
11 data and also the validity of her level of analysis at
12 this stage.

13 As the co-ordinators we compiled these
14 and edited the draft evaluations factors report for
15 circulation and review and obviously we were looking at
16 the land use as well from a consultant standpoint.

17 Now, each factor incorporated measures
18 or levels or potential impact that would determine
19 whether a particular area would meet the requirements
20 under that factor. I am assuming that these have been
21 discussed with the respective experts since all of
22 those experts have appeared here and so I am not going
23 to go into them.

24 Some factors were obviously more
25 critical or important in the selection of potential



1 areas for sanitary landfill and therefore we did move
2 to arrange them in order of priority after discussion
3 among the team members and discussion and circulation
4 of the consulting process.

5 MR. LEDERER: Before we get to the
6 priortizing of these evaluation factors, I might say
7 that the chart which is marked here as evaluation
8 factors Stage 2A is found on page 6 of Exhibit H-10 and
9 the only thing that is missing is the heading,
10 "Evaluation Factors" and the substance of the chart is
11 there.

12 DR. KINGHAM: And also pages 3 and 4 of
13 H-57 and presumably you are going to go to that?

14 MR. LEDERER: I am sorry?

15 Q. Mr. Walker, how did you prioritize
16 these evaluation factors or the priority system you
17 used?

18 A. Actually I said they weren't
19 prioritized at the time, but they actually were
20 prioritized by this listing, and I can't find the next
21 chart I need here.

22 The essence of it was, and I don't have
23 the exact information I put together, but we felt for
24 the time being the physical factors were the ones that
25 at this level of detail we could get the most



1 information for and they were the ones from a region-
2 wide standpoint were the most relevant ones to assess.

3 So, that is why in terms of the land
4 use, for instance, I had excluded the urban areas and
5 that in my opinion was a physical aspect which was
6 critical to remove at that point in time. The social
7 factors were identifying the population densities and
8 that was relatively important but not as important in
9 our opinion as getting to a point where the soils --
10 the topography, hydrology and hydrogeology and certain
11 biophysical aspects had been utilized to reduce the
12 areas.

13 If you recall the map, the series of
14 screening maps which we had, it was largely a physical
15 aspect that was driving the screening at the time and
16 the top priority was in fact the physical, the idea
17 being to not harm the natural environment and at this
18 point in time at the very general level of the region-
19 wide screen, the idea was to protect the natural
20 environment which included the landforms, the natural
21 habitats, aquifers or major aquifers and the
22 conservation areas.

23 The team in order to proceed into this
24 stage had had to agree that there was enough
25 information at this stage of study to exclude areas of



1 land where there was potential for these types of
2 effects. Again the physical was driving it because
3 they were the ones which dealt with the natural
4 environment.

5 The next, if you will, in terms of the
6 physical were the natural resource lands, agricultural,
7 recreation, aggregate and forestry, and these areas
8 were considered at this level of priority to make sure
9 that the potential to displace the future use of
10 natural resources was given a high priority but it
11 wasn't the top priority at this point in time and the
12 natural environmental areas as we defined them -- I
13 don't want to mislead, but I will get hung up in terms
14 because when I talk about natural environment at a
15 region-wide level, it means so general a concept that
16 it is hard to equate that with what information I am
17 sure you have heard about the natural environment down
18 to a certain type of plant in an area and I am trying
19 to explain what I mean by that and when I say landforms
20 I am talking in generalized terms, the Niagara
21 Escarpment, for instance, and natural habitats would be
22 major swamp areas which would have been identified on a
23 macro level of map and major aquifers, major stream
24 systems identified and I hope the nomenclature doesn't
25 mislead here.



1 So, when I go from the natural
2 environmental areas which are defined by geological or
3 physiographic terms to natural resource areas which are
4 defined by use, use terms like agricultural lands,
5 recreations lands, aggregate resources areas and
6 forestry areas, they are more like a use area and they
7 were a second priority and hopefully the distinction is
8 clear.

9 The third priority would have been the
10 social and cultural aspects and they were fluffier at
11 this regional level. They were a fluffier type of
12 concept and harder to get hold of and harder to define.
13 We tried to define them as it says here population
14 densities and community services, including recreation
15 and institutions, but even that at a large scale, a
16 region scale is a hard thing to comprehend, I guess.

17 Finally, the fourth priority was costs
18 and it was during the discussions where we actually
19 posed this question in the earlier discussions so
20 people could understand where we were coming from and
21 why we were suggesting that costs should be relatively
22 low. It goes to the sensitivity of the populous that
23 had been involved with landfill and when it came down
24 to whether a landfill should be in your backyard or
25 not, it seemed that people didn't care a lot about the



1 costs, they were quite content and happy to think there
2 was a generalized discussion of the natural environment
3 and the natural resource area and they did agree that
4 at that point in time, and subsequently they did
5 continue to agree, that costs should not be a reason
6 for proceeding -- costs alone, or as a high priority--
7 should not be a reason for proceeding with any one
8 particular position or recommendation.

9 So, costs almost categorically
10 throughout most of the process took a relatively low
11 position in terms of the prioritization of categories or
12 factors and that is the reason. I think we did ask and
13 we put to Council the reasons why we were doing that
14 and it was accepted that that was a valid place for
15 that factor to be.

16 Now, that obviously led to some
17 questions and some work for Mr. Watson later on when he
18 had to determined affordability, whether the things
19 coming forward were actually affordable, and as it
20 turned out they were, but this was not allowed to drive
21 the environmental assessment. I would say, through
22 all of the environmental assessment process itself that
23 I was heavily involved in, costs were not allowed to
24 drive the weighting or the ranking and this shows up in
25 2A.



1 Now, I hope from that comment that it
2 wouldn't be taken that Mr. Watson was advising anything
3 that was fiscally irresponsible or that the team was
4 undertaking anything which they felt would be fiscally
5 irresponsible because the Region obviously must be
6 responsible in how it spends its money, but as we went
7 through, starting with 2A, and as we went through we
8 were conscious to keep costs down as an element in
9 terms of the ranking and in the same way as I mentioned
10 earlier, and it will come up throughout, I was
11 conscious to keep the level of detail as common as I
12 could. There were some thing that flowed through the
13 whole process and cost is a relatively low priority and
14 that was one of them.

15 Q. Now, Mr. Walker, having identified
16 the evaluation factors and having prioritized them,
17 could you remind the Board how you proceeded in
18 undertaking this level of analysis?

19 A. The consultants except for the
20 Institute for Environmental Research have all given
21 evidence here at the hearing, as I understand it. They
22 assembled, or the group that were at the first Stage
23 2A, they assembled the information they felt was
24 required to address each of the evaluation factors for
25 the Region as a whole. As I said, it was a desktop



1 type of analysis and we weren't running around the
2 Region in cars or buses or anything of that nature, but
3 we were using available information.

4 We used reports and official documents
5 and other records available to us. For instance, the
6 hydrogeological mapping of Halton which was available.
7 It was incomplete, but we were able to augment it with
8 a relatively comparable level of information.

9 Agricultural mapping, the CLI mapping which is a
10 federal document was utilized and Official Plans,
11 planning studies which were able to get hold of,
12 environmentally sensitive area information, and you
13 will remember we said we were looking for these on a
14 macro level but the Region had done its own assessment
15 of environmentally sensitive areas across the Region
16 and so it was available to us, and Miss Hellas had
17 access to other biophysical information and mapping.
18 Topographic mapping was available to us across the
19 Region.

20 It is important to realize that this
21 data came from a whole lot of sources and it was not a
22 constant source for all this information and there were
23 differences in the details and accuracy and even the
24 scale and sources. The consultants went to some
25 considerable effort to ensure that the level which they



1 reported to us as the co-ordinators was a common level
2 of detail, or certainly as close as they could get to a
3 common level of detail, so Miss Hellas might be
4 reporting on one element of her job and it would be
5 across the Region as common as it could possibly be.

6 We mapped this information, or at least
7 the various consultants mapped the information
8 according to the evaluation factors, and these maps
9 were submitted to us with the supporting text. Now, in
10 this, one thrust that was behind a significant part of
11 the work was that the screening process was intended to
12 pick up and eliminate sites where natural attenuation
13 was not possible, and this again would be at a regional
14 level, but one of the things that was -- one of the
15 elements behind this work was to as easily as we could
16 and at the regional level to determine which sites
17 would qualify using this level of information.

18 Now, that did not apply for the pits and
19 quarries which were obviously not inherently relying
20 upon natural attenuation. They might be, depending
21 upon the circumstances, so that right from the very
22 beginning it was clear that by going back to the Region
23 as a whole and looking at the pits and quarries that
24 were there and trying to assess them to see whether any
25 of those could accommodate the landfilling facilities,



1 we were going with the supplementary analysis which did
2 not go for natural attenuation, it sort of went in the
3 reverse, and it would be engineering with perhaps a
4 natural attenuation back-up, but it was clear and made
5 clear at the outset that that is what we were doing and
6 I think the rationale for why we were doing that was
7 also made clear. It was a clear attempt to try and not
8 use agricultural land if that was at all possible, all
9 other things being equal, and it was an attempt right
10 from the outset to try and pick up on the desire to
11 rehabilitate otherwise disturbed landscape.

12 I make the distinction because someone
13 will anyway if they haven't already, and I might as
14 well get it in the record and on the table right here.

15 Q. Mr. Walker, could you indicate to
16 the Board was all the information obtained in the
17 course of carrying out your Stage 2A work applied in
18 the screening analysis that was undertaken?

19 A. No. I have hinted at that and I
20 am sure others have as well, but in the screening
21 process the hydrogeological maps and biophysical
22 mapping and land use mapping were really the ones that
23 were used to define the areas.

24 Now, if you check, and I believe I have
25 one here, and that is oversimplifying it -- not by a



1 mile, but it is oversimplifying it a little bit. This
2 is really a terrible map in terms of what you can see.

3 Q. Can you tell us what the source
4 is? Can you just move it further down?

5 A. This is Phase 2, Stage 2, Figure
6 6, and this is the areas hydrogeologically favourable
7 for sanitary landfilling and it comes from Stage 2A or
8 Exhibit H-9.

9 I just put it up here to flag to you
10 because it does not seem to be an oversimplification
11 when I say the hydrogeological information was
12 utilized, the hydrogeological mapping, and this
13 included, and it is listed on the side of Figure 6, the
14 map of soil attenuation capabilities, map of overburden
15 thickness, map of the Niagara Escarpment face, slope
16 map, drainage map, infiltration map, type and
17 distribution of aquifers, map of buried valley aquifer
18 complexes. This map might be seen as an
19 oversimplification if it is not read with the source of
20 information flagged as well.

21 As I mentioned earlier, this map was
22 issued and then the biophysical and land use mapping
23 was added to it to yield map No. 7. This map was in
24 the report, and as I explained by example, the area
25 where my finger is pointing which is the south part of



1 the built-up area of Milton was excluded by the overlay
2 of the land use planning map which showed it as an
3 existing built-up area. Also there are two pieces down
4 in the lower part, lower left-hand part of the map in
5 the City of Burlington and they were excluded because
6 they were part of the Burlington urban area, as I
7 recall.

8 Also on that map were added back in the
9 7 pits and quarry sites which had survived the Stage 2A
10 assessment.

11 Q. Mr. Walker, could you put that
12 exhibit back up for a moment and could you indicate for
13 the Board, or perhaps make clear to the Board, how you
14 integrated the separate analysis undertaken by the
15 various consultants at this level of study?

16 A. The 8 maps had been generated from
17 the information that had been gathered and they had
18 been used -- I don't know if anyone is familiar with
19 the McCarg technique, but the McCarg technique of
20 overlay of impact assessment is to take the various
21 elements and lay one map over the other and that is
22 literally what happens so the information that for
23 instance showed up on Figure 6, the hydrogeologically
24 favoured areas for sanitary landfilling, that had been
25 a result of overlaying the various components listed on



1 there and then those areas had remained as an area of
2 low impact and those areas of low impact were brought
3 forward and then, as I said, the other two were put on
4 top.

5 Q. Where you do find the results of
6 that combination of mapping?

7 A. Figure 7.

8 Q. Could you indicate to the Board
9 what were your conclusions, or what conclusions did you
10 draw at the end of the 2A stage of the program?

11 A. We had identified within the
12 Region areas which were relatively more suitable for
13 landfilling of solid wastes and these were the
14 candidate areas. These were relatively more suitable
15 than others were based upon the overview level of
16 detail that we had looked at and with the use of the
17 data that was available and with a relatively common
18 level of detail of information and applying the agreed-
19 upon evaluation factors.

20 In our opinion, the candidate areas were
21 then available for the next level of screening, the
22 candidate site selection level.

23 Q. In undertaking this work or in
24 finalizing the conclusions, did you seek any outside
25 information?



1 A. Yes. We prepared a draft report
2 and a summary report in this case which is Exhibit H-63
3 which was circulated for public review and advertised
4 locally and there was a public open house held on
5 September 20, 1983.

6 Following from that there were
7 submissions that were reported upon in Exhibit H-65,
8 the submissions report which itself was circulated to
9 the mailing list and with the final version of the
10 report, the 2A report called general overview analysis.
11 Council adopted that final report November 19, 1983.

12 Q. Did that input in any way change
13 your conclusions or what impact did it have on the
14 studies?

15 A. We clarified the report content
16 somewhat, but the conclusions, the identification of
17 the candidate areas and the pits and quarries, these
18 had remained the same and they were derived from the
19 general level of information and they flowed from that
20 screening process and it was an analysis based on
21 factors which had been established by a public process
22 and agreed upon by Council and we thought that the
23 submissions we got were not sufficient to make us
24 change those conclusions, although, as I say, they did
25 change some of the facts.



1 Q. With respect to Phase 2, Stage 2A,
2 could we go back to Exhibit H-0 for a moment and could
3 you now put that level of study in the context we see
4 on that exhibit?

5 A. We had reached the second solid
6 line and have narrowed the scope from the Region to the
7 candidate areas and we are at this level (indicating).

8 Now, one comment if I may. This was the
9 first time we had a report, an actual report on the
10 details of the site selection, and we started right off
11 the bat in the submissions we got and the comments we
12 got and there were people looking for far more detailed
13 information than we had undertaken or which we thought
14 would be provided at this level.

15 This was something, and it is not meant
16 in any way to be damning or critical, but it was a fact
17 that people felt more comfortable the more facts they
18 had and it started to evidence itself at this point in
19 time. We were starting at this point to say that that
20 was another level of detail and we will try and look at
21 that at the next level and if it is not there, then it
22 will be at the next level.

23 I hope and I believe that we did address
24 that as we got through the system, but it was a natural
25 reaction but something worthwhile mentioning because it



1 was at this stage where it really first occurred.

2 MR. LEDERER: That concludes my
3 questions with respect to Phase 2, Stage 2A and I think
4 we are already past our normal time.

5 MR. LANCASTER: Yes. It would be a good
6 time for a break now. A ten minute recess.

7 ---Recess

8 MR. LANCASTER: Please be seated,
9 please.

10 MR. LEDERER: Q. All right, Mr. Walker,
11 can we turn now to the third column of Exhibit H-316,
12 Phase 2, Stage 2B, and could you indicate to the Board,
13 sir, what were you asked to do at this level of study
14 in respect of your co-ordination role?

15 A. We were at the outset, having
16 obtained the candidate areas, we were now into the
17 selection of candidate sites, and the basic purpose was
18 to identify a manageable number of candidate sites that
19 would fulfill the requirements for the landfill
20 component.

21 We had the volume that we needed, but it
22 wasn't yet decided whether that volume would be met by
23 a single site or multiple sites, part of a system, but
24 we were charged with finding candidate sites which
25 would answer the requirements of the system.



1 Q. Can you explain for the Board the
2 level of detail of work that was undertaken at this
3 level of study and perhaps relate it to the kind of
4 detail we saw in our examination of Phase 2, Stage 2A?

5 A. We were screening again and it was
6 a more narrowed scope geographically because the
7 candidate sites had been identified. We were intending
8 and we did go to a greater level of detail, an
9 intermediate level, if you will, and we were now
10 allowed to go out and do what was still a fairly
11 cursory examination, but we still went out on to the
12 candidate areas or into the candidate areas and get
13 surveys of those areas.

14 There was no access to sites or land at
15 this point in time, but we were at least getting a feel
16 for what was in the candidate areas. We also
17 supplemented what we found by continuing discussions of
18 clarifications with Ministry agencies staff. We were
19 still trying to maintain a common level of information
20 and again this was one of the strategies, if you will,
21 one of the things that was paramount, and an example of
22 the type of information, the hydrogeological
23 investigations for 2A had utilized a lot of the
24 existing information for the Region that was available
25 until they were allowed to, as they say, punch holes,



1 until they were allowed to get on to the site and start
2 sampling.

3 So, in 2B it was intended there would be
4 some investigative reconnaissance, if you will, by the
5 hydrogeologists for the sites they had identified other
6 than the pits and quarries and they would utilize the
7 2B phase to go into detailed information on the 7
8 quarries they had identified as potentially able to
9 accommodate the landfill.

10 From a hydrogeological extent -- let me
11 start over. From a hydrogeological standpoint, there
12 was an indication they were doing somewhat the same as
13 we were doing in the field and they were also looking
14 specifically in more detail at the pits and quarries
15 than they had been able to do in 2A.

16 In this particular case, and I didn't
17 draw attention to it but I will now, but in 2A we had
18 been unable to utilize the agricultural data because it
19 wiped out all areas that had fallen out from the
20 otherwise hydrogeologically suitable areas. Therefore,
21 2B had a very important component added into it, if you
22 will, or emphasized in it and that was the agricultural
23 aspects and an agricultural consultant, Dr. Mackintosh
24 was hired, Dr. Mackintosh and his firm, and it was
25 their job to make distinctions in the information



1 available and through the field checks which had not
2 been possible when we were applying that information to
3 in 2A and to take the CLI information and another level
4 of more detailed information and make a distinction --
5 make a distinction such that they could say within the
6 candidate areas which were good and which were bad or
7 anything in between for agricultural purposes.

8 This is something which would have been
9 an impossible task to make this distinction at the
10 regional level but it clearly was a large task but not
11 an impossible one at the 2B level. As a result it was
12 at this point, from this point on, the refinement of
13 the candidate areas and the sub-areas that came out of
14 that right down to the sites and site plan areas, it
15 was a winnowing down or screening down so that by the
16 time we go through the screening process of the sites,
17 any site that remained on land which might be
18 considered to be agriculturally suitable would have
19 been screened through, so in a relative sense it was
20 the least important and that was the beginning -- that
21 happened to start in 2B and it was Dr. Mackintosh's job
22 to do that and he did it.

23 Q. As we examine Phase 2, Stage 2B,
24 could you review with the Board the methodology that
25 was proposed to be carried out?



1 A. Yes. The methodology was set out
2 in the work program, your Exhibit H-53, and it is
3 something which I mentioned before. This was
4 submitted, or our draft work program, H-53 -- was that
5 a draft? No, it hasn't been made an exhibit. The draft
6 work program, if you refer to this, September, 1983,
7 that has a relevance and a relationship to the date
8 when the draft report -- excuse me, the final report.
9 Yes, here it is. This is where it should have been and
10 this is where it is.

11 When the draft report was submitted in
12 September of 1983, at that time the draft work program
13 for the next stage was submitted and I think if you do
14 that visual connection you will find that if not at the
15 same time at each stage and very shortly thereafter,
16 the draft work program for the next level of work was
17 submitted. When the draft report for 2A went in,
18 similarly the draft work program for 2B went in as
19 well.

20 The methodology set out in that draft
21 work program was developed by ourselves in conjunction
22 with the other study team members, and there were a
23 number of steps in there which I have taken from page 2
24 of the 2B work program, October 1983, and this is the
25 final version of the report, but it didn't change.



1 This is page 2 which is identified at the top.

2 The following steps were proposed in 2B,
3 the selection of candidate sites: the circulation and
4 review of more detailed evaluation factors and process
5 for the selection of candidate sites; more detailed
6 analysis of candidate areas; analysis of multi-site
7 versus single site approach; identification of proposed
8 candidate sites for circulation and review; public
9 review of proposed candidate sites and final selection
10 of candidate sites for Stage 2C and that is what was
11 required in general terms.

12 Q. Now, did you prepare evaluation
13 factors for this level of study?

14 A. Yes.

15 Q. Could you review with the Board
16 how you proceeded with the preparation of those
17 factors?

18 A. Each consultant prepared factors
19 relating to the goals which had been defined at the
20 outset. At the outset of the whole of the evaluation
21 factors report there are the goals we are striving to
22 achieve in this phase and each consultant took those
23 and prepared factors which related to and responded to
24 that from their own discipline.

25 These factors were edited by us and



1 assembled into a draft report which was issued in
2 November of 1983, and that was put into the cycle and
3 comments from the public and agencies were solicited.
4 They arrived and the traditional way is they would be
5 sent to the Region and forwarded to us and we took them
6 and responded to them in the form of Exhibit H-59, a
7 submission report on the evaluation factors, and we
8 gave written responses to the submissions.

9 Prior to that report there was three
10 public open houses, one in Milton, Burlington and
11 Georgetown each toward the end of November 1983, and
12 they were reported on in the submissions report as
13 well. As a result of that, we came up with final
14 evaluation factors which is Exhibit H-58.

15 Q. Can you outline for the Board your
16 objectives in setting or defining evaluation factors at
17 this point of the study?

18 A. We felt we needed a set of
19 evaluation factors which responded to the increased
20 level of detail that was required and we also felt that
21 having defined where we were trying to get with the
22 goals we had set out and which Council adopted by
23 adopting the final evaluation report, we were concerned
24 that we had something against which to assess whether
25 we were attaining those goals or not.



1 Q. Did you priortize the evaluation
2 factors at this level again?

3 A. Yes, we did.

4 Q. Could you review with us what you
5 did and perhaps you could show us the evaluation
6 factors and the priorities that were set for them?

7 A. These are the evaluation factors
8 taken from page 6 of H-58 and these were intended to
9 shift the weight for this stage from the emphasis --
10 the paramount emphasis on hydrogeological aspects, as I
11 have mentioned, and shift it to natural, social and
12 cultural. That doesn't mean we were negating the role
13 of hydrogeological factors and the main concern of
14 public health and safety, but it does mean that we were
15 trying to allow those other factors to come forward.

16 We arranged in this case for four
17 essential priorities and the first priority was public
18 health and safety, the second priority combined two
19 categories of factors, natural environment and social
20 environment. The third priority had one, cultural
21 environment category of factors, and the fifth one
22 combined the costs and engineering and operations
23 category of factors and the first priority, of course,
24 was intended for I think obvious reasons and it was a
25 priority which had become clear early on and which we



1 reflected in our first region-wide screening and now we
2 were defining it slightly differently.

3 These flowed from the categories from
4 Stage 2A but they were not exactly like them. We tried
5 to define what we meant by those categories of factors
6 by the right-hand column which are the generalized
7 factors that made up those categories.

8 As I said, this ranking wasn't something
9 that we dreamed up. This was something which we
10 thought we had detected something like this during the
11 initial aspects of the process and so when we put it
12 down this was run through the cycle and confirmed by
13 the people who responded and as a rule this was the
14 order of priority for these categories and what they
15 felt comfortable with.

16 Public health and safety we never had
17 any arguments with really. Cultural environments;
18 people had some concerns with; natural and social,
19 there was some debate as to whether they should be
20 different rankings but they seemed to be equal, and
21 costs, and everyone felt that that should be at the
22 bottom and they agreed for different reasons or the
23 same reasons that engineering and operations ought to
24 be at the bottom. This may have been a reflection of
25 some of the concerns that some of the existing



1 ratepayer groups had with some of the earlier
2 applications. Certainly some of them were quite vocal,
3 one in either direction for either one of those
4 aspects.

5 Q. The evaluation factors having been
6 prioritized, how did you proceed with the selection of
7 the candidate sites?

8 A. Firstly we removed from the
9 candidate areas, those areas in which landfilling would
10 be impractical due to physical constraints which were
11 identified. The first deletion, and not in order of
12 priority but in terms of a list, was that we felt as a
13 team, and this was confirmed by the engineers involved,
14 that the minimum 100-acre size was the smallest
15 practicable site for landfilling. It happened to be
16 quite consistent with the basic farm parcels that were
17 available within the region, but it was considered that
18 if a multi-site system was going to be set up, that a
19 100-acre site would take roughly one-third of the total
20 capacity and still leave enough room for buffers and
21 the necessary structures, buildings, that made up a
22 working landfill.

23 So, as a rule, anything below 100 acres
24 was deleted from the candidate areas. Now, these were
25 on the till plain sites only and we did not reject and



1 we stated in there that we did not reject quarries, any
2 of the 7 pits and quarries on this basis until the
3 investigation which was to fall out at the end of 2B
4 was done.

5 The actual circumstances -- you will
6 recall that I said that we had plugged back into the 7
7 to do this more detailed analysis of each of those 7
8 pits and on the basis of the engineer going in and
9 doing the investigation, but we did not have the
10 information at the front-end of this stage and
11 therefore we could not plug in anything from the size
12 standpoint. A lot depended upon the depth and/or the
13 configuration of the pit or quarry.

14 It was concluded that a minimum size for
15 a single site landfill would require something in the
16 order of 229 or 230 acres and that is where I came to
17 the 100-acre size representing one-third. It would be
18 because there would be additional buffers required.

19 Also dropped from the candidate area
20 outline were areas which were small and ineffective for
21 landfilling due to road configurations and railways.
22 If you recall the layering technique which had taken
23 place, it did not take into account man-made facilities
24 like roads and railways and because they were not part
25 of the basic mapping on which this information was



1 recorded.

2 So, if any of the candidate areas
3 survived and had a road cutting across it or a railway
4 cutting across it, we kicked those out as well and
5 that's only if it is carved it up in such a way that it
6 had two small pieces on either side. If there was one
7 big piece and one small piece, then the small piece
8 would be deleted and the big piece would remain. At
9 least for the time being.

10 Properties required for future Highway
11 403 and Highway 407 including the major interchanges,
12 rights-of-way and even the commuter parking areas which
13 are part and parcel of that system were deleted as
14 well. I suppose somebody has indicated to you, but
15 just so I can feel I have made this as clear as I can,
16 the existing Highway 403 which went up the west side,
17 there is an extension which isn't shown on here, an
18 extension of an expressway which runs up the west side
19 -- the east side of the region through Oakville and
20 that is currently known as 403, but that would not be
21 403 in the long run, that would be 407. 403 will
22 ultimately link up right across to the existing 403
23 around Burlington now.

24 Anything that had to do with those new
25 feature highways and rights-of-way, they were kicked



1 out as well from consideration and also any rights-of-
2 way for utility and service corridors such as gas, oil
3 and hydro. They were removed as well.

4 Now, this early exercise, if you will,
5 this early screening within the 2B stage yielded a
6 total of 55 candidate sub-areas which was the
7 terminology used, and there were 48 of these plus 7
8 pits and quarries which were still in because the
9 investigations had not been done of them. They were
10 still in at the beginning, at the outset.

11 Q. Perhaps you could take us back to
12 Exhibit H-0 before you proceed and show us where the
13 decision was made, or where on the triangle we see that
14 decision with respect to the 55?

15 A. Certainly.

16 Q. The 55 candidate sub-areas.

17 A. This is the dotted line in the
18 middle of 2B and this is the refinement area and it was
19 screening through this dotted line where we would have
20 sub-candidate areas underneath the dotted line. This
21 was basically, in fact almost exclusively, the desktop
22 type of exercise which I outlined before.

23 Q. Could you take us on then from the
24 55 candidate site areas down to the end of 2B?

25 A. The next thing was to define the



1 areas around the candidate sub-areas and this is
2 something that was picked up and identified in the
3 final evaluation factors and rationalized to be a one-
4 half mile around the edge of the candidate sub-area.

5 In the final evaluation factors they
6 were referred to as the candidate area. We had
7 screened through to the sub-area level and we put a
8 half a mile around the candidate sub-areas. This was a
9 half mile approximately from the potential area of the
10 landfilling and this was rationalized on the basis of
11 considering off-site effects at this level, the impacts
12 from the landfilling operation somewhere on the
13 candidate sub-area.

14 We wanted to know and to be able to have
15 an area in which we could assess what sorts of impacts
16 landfilling within the candidate sub-area might have.
17 Now, this could be -- the need for this, and how will I
18 describe this? I will do it here and then show them in
19 a minute. This is very conceptual.

20 Q. Just one moment. More, please.

21 DR. KINGHAM: You may have to turn it
22 around.

23 THE WITNESS: I can't move it around.
24 There. That is the candidate sub-area and that ends up
25 being the candidate site and then we believed there



1 should be an area roughly a half mile around it and
2 that was rationalized at half a mile at this level. If
3 this was not totally the candidate site at the end of
4 the day, or at this stage but rather the candidate site
5 was like this, then we felt there should still be this
6 area around so we would know in the same way what we
7 were dealing with off the site. If we were only
8 studying the site, that would not be suitable in our
9 opinion to get an idea of what the impact might be off
10 the site.

11 At this point in time it was an area in
12 which you could get off and look back at what you were
13 doing on the candidate sub-area. I told you it was
14 conceptual. It really is.

15 I think the use of the term through some
16 of the earlier literature was a buffer which is
17 probably misleading in landfilling terms, because in
18 landfilling terms a buffer is something which is on-
19 site and which is utilized to help ameliorate the
20 landfill itself. We weren't looking to the study areas
21 to ameliorate the effects of the landfilling operation,
22 but rather to recognize the context within which the
23 candidate area was being put forward. From a planning
24 standpoint that was in my opinion a relatively
25 important thing to do.



1 Now, the half mile as a distance, plus
2 or minus, but the half mile concept we as a group
3 thought was the distance which would likely encompass
4 most of the effects that would be identifiable from the
5 operation of a landfill should a site be designated
6 within the candidate sub-area. From a planning
7 standpoint, and this is small "p" planning, but, as I
8 have said, it would give an area within which you would
9 determine the context or the potential effect that the
10 landfill might have if it was put in this sort of
11 location or this sort of location and so it really was
12 a study area and not a buffer.

13 In retrospect, later on -- not in
14 retrospect but later on -- it becomes clear that the
15 Ministry of the Environment at least thinks that
16 something less than that has the same basic potential
17 to pick up most of the adverse or potential adverse
18 effects emanating from a landfill, and the 500-metre
19 standard which the Ministry is talking about today is
20 intended in my opinion to serve the same purpose as we
21 defined the .8 kilometre slightly larger area.

22 The third step in this methodology was
23 to collect the data. Now that we have sort of screened
24 out some of the details of this aspect and put in a
25 study area, the idea then was to go out and collect the



1 data, recording and analysis by each of the consultants
2 for the candidate sub-areas. Each of them did their
3 own work, biophysical, agriculture, land use,
4 transportation, and during this 2B section as a rule we
5 did not have property access so it was still a fairly
6 generalized data gathering exercise, but we were, as I
7 said, able to get out into the candidate site-areas and
8 begin collecting some more sub-specific or area-
9 specific information.

10 We also used aerial photo
11 interpretation, discussions with the various agencies
12 like the Conservation Authority and the agricultural
13 community. Dr. Mackintosh was very much in
14 conversation with the agricultural community and also
15 the area municipalities.

16 The candidate sub-areas were compared by
17 rating them against the evaluation factors which had
18 been set up and the ratings we used were high, moderate
19 and low and the idea was to go progressively through
20 the categories removing the severe ratings and possibly
21 the high ratings from the overall picture.

22 Fourthly, we were describing any
23 residual impacts in the candidate sites and identifying
24 where mitigation measures should be addressed in Stage
25 2C. This whole issue of mitigation is one which the



1 Ministry of the Environment was quite concerned about
2 because the Act requires mitigation to be considered
3 and at the 2A and 2B levels to differing degrees
4 mitigation had to form part of your inherent analysis
5 and it was very difficult if not impossible when you
6 didn't have anything you could get your teeth into in
7 terms of a concrete proposal to talk about mitigation
8 of any specificity.

9 We believe that the method by which we
10 approached the data gathering and the analysis had
11 built into it the mitigation aspects that were possible
12 at this point in time and if mitigation had been
13 plugged in in any more overt or specific manner, then
14 we would still be at one or other of those general
15 levels and would not have come to a resolution of the
16 problem, if you will, and would not have got down to
17 candidate sites even in the length of time we did.

18 Critical in all of this is the intent
19 behind 2B. It was not intended, nor was it stated that
20 the 2B candidate sites, at the time we came to this
21 level, at the end of 2C...

22 Q. The end of 2C?

23 A. At the end of 2B. By the time we
24 had resolved which were our proposals for the candidate
25 sites, it should be clear I think that we had never



1 indicated this would be a detailed analysis. There
2 will be the next level of screening and the next level
3 of detail, and I only say it because once again when we
4 got to the public forums everybody wanted to go to the
5 level of detail they could understand, and that was
6 very difficult for us and for them and for the Region.
7 The Region was involved in this throughout and also --
8 whatever it is I was going to say I forgot.

9 Q. Mr. Walker, now looking at Phase
10 2, Stage 2B, and having identified the 55 candidate
11 sub-areas, and having defined the study areas around
12 them for consideration and having collected the data
13 with respect to them, can you indicate to the Board
14 what you did to actually carry out the selection of the
15 candidate sites that would proceed on past the 2B level
16 of study?

17 A. Yes, I can do that. Just one
18 thing I should make note of which has been covered I am
19 sure very heavily by Mr. Watson because he was the co-
20 ordinator of this, but there was the analysis of the
21 multi versus the single sites and that was undertaken
22 at this particular point in time.

23 Q. That was reviewed by Mr. Watson,
24 but if you have anything else you wish to say about it,
25 by all means?



1 A. No, but before we get into the
2 selection of the candidate sites it is important to
3 have decided that there would only be a single site
4 system and not a multi-site system for landfilling
5 within the region.

6 Q. With that in mind, could you
7 review with us how it is you carried out your selection
8 of the candidate sites?

9 A. Yes. This is found at page 150
10 and following in H-11. The consultants working within
11 their own disciplines rated the candidate sub-areas in
12 terms of impact and this was done on the basis of their
13 assessment from the standpoint of the evaluation
14 factors, their assessment from their discipline of how
15 those candidate sub-areas would stand up in terms of
16 the impact from a landfill.

17 We held meetings of the study team on
18 January 1 and in February of 1984 to discuss the
19 selection of the candidate sites and then there was a
20 determination based on the ratings they had given and
21 the judgments of those people as to which of the
22 candidate sub-areas should be rejected or removed from
23 further consideration.

24 These were removed on the basis of being
25 unsuitable for landfilling at this stage and there was



1 a consensus reached. The impact ratings were reviewed
2 by the consultants in the context of the system of
3 priorities I have outlined, this one here, and the
4 categories of factors as they were prioritized and the
5 generalized factors within each of those categories.

6 The analysis regarding these categories,
7 the physical, social, cultural, economic factors were
8 synthesized in chart form as we have said in the work
9 program they would be and they were issued in a report,
10 H-11, which is the Consolidation Report 2B Site
11 Selection. I see the acetates are not here.

12 MR. LANCASTER: Mr. Lederer, whenever
13 it is convenient we could break for the day.

14 MR. LEDERER: Let's do that now and we
15 can locate those acetates overnight. We have just a
16 little bit left to complete 2B and we will be saying a
17 bit about the 2B review and supplement and then Phase
18 2, Stage 2C and a short bit about the environmental
19 assessment document, and Mr. Walker referred to it
20 earlier in the comparative study and I would expect
21 that it would take the morning.

22 MR. LANCASTER: Nine-thirty tomorrow
23 morning, and I would also ask counsel to attend us in
24 our room upstairs or at least one counsel for each
25 party, just for a moment.



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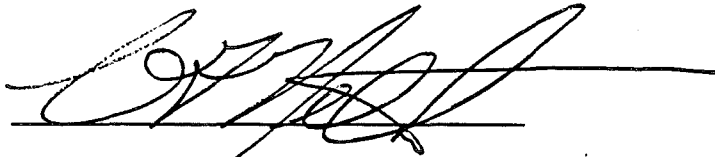
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Walker, ex (Lederer)

MR. LEDERER: Thank you, Mr. Chairman.

MR. LANCASTER: Just for a few minutes.

---Adjournment at 4:25 p.m.



C. F. Nethercut, C.V.R.

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