

MOTIONS: (Continued)

184. (Continued)

and further that the capital contribution schedule be revised effective immediately to add on to the Senior Citizen Housing Category, the following words:

"and any senior citizens housing or retirement home units with 30 sq. m. or less of floor area".

CARRIED

Motion 184 as amended

185.

Moved by: Alderman Bedini
Seconded by: Alderman Mulkewich

- (A) THAT the Region of Halton be informed with respect to its Proposed Interim Waste Disposal Plan, that the Council of the Corporation of the City of Burlington OPPOSES any expansion of the existing Burlington site, but SUPPORTS both the increase of 1.4 million cubic yards in the permanent landfill capacity being sought by Walker-Wright, AND, the continuation and possible expansion of the Separation at Source Program;
- (B) and that the City of Burlington recommends to the Region of Halton the adoption of a variant of the Browning-Ferris Industries Ltd. proposal of June 7, 1983, for exporting 75% of the Region's solid wastes to the Occidental Energy Form Waste facility in Niagara Falls, New York, for an initial period of 5 years.
File: 75.01-1

CARRIED

A Recorded Vote on Part "A" to Motion 185 was requested by Alderman Cowman, resulting in the following:

For: Aldermen Mulkewich, Cowman, Whitworth, Roach, Whyte, Savoline, Forbes, Bedini, Toth, Ryan and Mayor Bird. (11)

Against: Aldermen Little, Pugsley, Quinn, Brechin and McLaughlin. (5)

Absent: Alderman Grieve. (1)

CARRIED

A Recorded Vote on Part "B" to Motion 185 was requested by Alderman Cowman, resulting in the following:

For: Aldermen Mulkewich, Cowman, Whitworth, Roach, Whyte, Savoline, Forbes, Bedini, Brechin, Ryan and Mayor Bird. (11)

Against: Aldermen Little, Pugsley, Quinn, Toth and McLaughlin. (5)

Absent: Alderman Grieve. (1)

CARRIED

Item No. _____

CITY OF BURLINGTON

CAO 55/83(Revised)

August 11, 1983

Chairman and Members of the
Solid Waste Management Committee

Subject: City of Burlington's Response to
the Region of Halton's Proposed
Interim Waste Disposal Plan

RECOMMENDATIONS

That the Region of Halton be informed with respect to its Proposed Interim Waste Disposal Plan, that the Council of the Corporation of the City of Burlington OPPOSES any expansion of the existing Burlington site, but SUPPORTS both the increase of 1.4 million cubic yards in the permanent landfill capacity being sought by Walker-Wright, AND, the continuation and possible expansion of the Separation at Source Program.;

And that the City of Burlington recommends to the Region of Halton the adoption of a variant of the Browning-Ferris Industries Ltd. proposal of June 7, 1983, for exporting 75% of the Region's solid wastes to the Occidental Energy From Waste facility in Niagara Falls, New York, for an initial period of 5 years.

REPORT

Purpose

Regional CAO Report 219/83 dated July 7, 1983, sets out a "Proposed 1983 Interim Waste Disposal Plan" for the period June 1984 to June 1988. By letter dated July 126, 1983, the Regional CAO has requested the City's comments on the plan within 30 days. This report is meant to constitute the City's response.

An earlier version of this report was considered at your meeting on August 5, 1983. It was deferred pending the preparation by Staff of a report showing the anticipated financial impact on Burlington taxpayers of the adoption of the export option. The requested financial impact information is incorporated into this revised report.

Summary of the Region's Interim Plan

The following is a summary of the Region's Interim Plan as set out in Regional CAO Report 219/83, which is attached.

The Region's proposal is to expand the capacity of the existing Burlington site according to a four-phase program designed by M.M. Dillon, Consulting Engineers, and detailed in a report entitled "Burlington Landfill Site-- Report on Possible Continued Use". The expansion is to proceed one phase at a time, and may end any time prior to the fourth phase with the opening of "permanent waste disposal facilities".

The four-phase expansion would provide landfill capacity from June-August 1984, which is the period in which the Burlington site is expected to reach its present approved desing capacity, to June of 1988.

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The second major element of the Interim Plan is to have Walker- Wright, the Region's Environmental Assessment Study Consultants, increase the 7.2 million cubic yard capacity of the permanent landfill component for which it is now searching by 1.4 million cubic yards. This extra capacity is reportedly needed "firstly, to ensure interim capacity until the commencement of the '20-year planning period'", and secondly, "to transfer any sanitary landfill use for the remainder of the interim period after the completion of [the second phase of the Dillon expansion] to the new permanent landfill facility".]

Finally, the Interim Plan incorporates the continuation and possible expansion of the Source Separation Program.

In arriving at its Proposed Interim Plan the Region considered and rejected the following alternatives:

1. Export to SWARU in Hamilton
2. Export to Maple Pits Landfill in the Region of York
3. Export to the Occidental Chemical Ltd. Energy From Waste (EFW) facility in Niagara Falls, New York (hereafter, the BFI proposal).

The Framework for Solid Waste Decision-making in Halton

Before considering the details of the Region's Interim Plan, we think it useful to present our view of the general framework within which decisions on solid waste must be taken.

Three features of the present framework make major decisions about solid waste disposal extremely challenging. The first of these is UNCERTAINTY which is relatively high in the matters of the PROJECTIONS of solid waste volumes requiring disposal in the future, the ACTIONS WHICH MIGHT BE TAKEN by the principal interested parties in pursuing their respective objectives (especially as those objectives relate to environmental approvals), and the long-term RELIABILITY AND SAFETY OF PHYSICAL PLANT whether for incineration, energy recovery, or the control of leachate and gas.

The second feature, which is in part an upshot of uncertainty, is the requirement to pursue two streams of thought and action simultaneously. LANDFILL and OFF-LANDFILL may be used to characterize these two streams. The Region's current preference in solid waste disposal appears to be for an OFF-LANDFILL policy. Mr. Walker, its Environmental Assessment Study consultant has been directed to find and to obtain approvals for 7.2 million cubic yards of landfill capacity; this capacity is predicated upon disposal principally by incineration with energy recovery. However, Region Staff are now engaged in a feasibility study of the EFW facility which will not be completed until next spring or summer. Should the EFW facility prove not to be feasible, or should it prove to be feasible but not get built for some reason, the Region would effectively have a LANDFILL policy for solid waste disposal. However, in that event, on Mr. Walker's projections the Region would not have sufficient approved landfill capacity. This is the reasoning behind our support for the provision in the Interim Plan to add 1.4 million cubic yards of capacity to Mr. Walker's mandate.

The third major feature of the present decision-making framework is the high SOCIAL COSTS which are associated with both the landfill and the off-landfill approaches to solid waste disposal. Social costs consist of the opportunity costs of resources used in an activity (e.g., land for landfill that might otherwise be agriculturally productive), together with the value of any loss in welfare or increase in costs to other individuals or to society caused by the activity. Examples of the latter social costs associated with landfill are leachate contamination of private wells, of watercourses, and of the environment in general. Another example is the legal costs incurred by third parties who support or oppose the disposal activity. Finally, there is the anxiety suffered by those whose "backyards" are close to existing or prospective sites and which we refer to as NIMBY-anxiety.

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Since many components of social costs cannot be rendered precisely in dollar values, social costs are typically not included in formal cost-benefit analyses.

As we see it, the decision between LANDFILL and OFF-LANDFILL approaches to solid waste disposal should turn on a comparison of BOTH the "true" dollar costs AND the social costs of their associated structures and activities. (In taking this position we are agreeing with an initiative promoted in the recent "Blueprint for Waste Management in Ontario" (p.13): "Serious efforts must be made to develop true costs, which include, among others, social, planning, approval and realistic replacement value of disposal sites. Only when this is done will the costs of reduction, reuse, recycling and recovery be cast in a true perspective".) In our calculus the relatively low dollar costs of expanding the existing Burlington site are outweighed significantly by its relatively high social costs.

With this as our basic premise, we shall attempt in the remainder of the report to show that the relatively high dollar costs of the BFI export option are worthy of serious consideration and further negotiation with BFI.

Reaction to the Proposed Interim Plan

The reasoning behind our support for adding 1.4 million cubic yards of landfill capacity to Mr. Walker's search mandate has been given above.

The separation at source component of the Interim Plan needs little comment here. The City of Burlington has actively promoted separation at source for several years now. We now have a multi-fraction City-wide program for which community support is growing. The higher costs associated with the export option can act only to increase support for the program. In fact, the incentive created by the export option is probably second only to making participation in the program mandatory, for testing the long-term viability of the program.

We are opposed to the expansion of the existing Burlington site for several reasons. As noted above, we think the social costs outweigh the financial benefits. We do not think it appropriate to make any judgements about the merits of the particular grounds advanced by the West Burlington Ratepayer's Association for opposing the expansion. However, it seems clear to us that their anxiety represents a significant social cost of the proposed expansion.

To raise the possibility of harmful long-term effects flowing from the expansion of the existing site (or from previous deposits of garbage in the site), is to invite the accusation of scare-mongering. Any who may be tempted to make such accusations must face the facts that we have an environmental problem at the closed Bayview site, albeit of undetermined size and remedy, and that the long-term effectiveness of the leachate control system at the Burlington site is intrinsically unknowable. In sum, any harmful long-term environmental effects that may flow from any expansion can only increase these social costs. If after consideration of all relevant factors the Region decides to expand the Burlington site, the least that might be done to respect the fears of the members of the West Burlington Ratepayer's Association would be to delay the actual expansion until Dr. Cherry's conclusions about Bayview have been acted upon.

We are also opposed to the expansion of the Burlington site for its potential to distract the Region from its task of securing permanent landfill capacity. The very availability of four years' interim capacity must make permanent capacity a lower priority. In saying this we are not making any judgement about the resolve or the abilities of any person or party involved in the process; we are simply saying that the logic of the situation makes the securing of permanent capacity less pressing. We would prefer to construct a situation in which the logical solution is to secure permanent disposal capacity, be it landfill or incineration with or without energy recovery.

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The BFI Proposal

We recommend that the Region take the relatively expensive BFI proposal in some form as its interim remedy.

The Region rejected the BFI proposal mainly for the reason that its per ton costs of \$38 -- comprised of \$25-30 to BFI and \$8-13 to a local contractor for transfer operations -- would be very high in relation to the unit cost of landfilling only. (Also cited as disadvantages are the 5-year renewable term of the contract proposed by BFI, the lack of control over border closures, and the lack of effective remedies for breach of contract.)

In his report the Region CAO considered two export sub-options, one in which 100% of the Region's waste is exported, and one in which 75% is exported and 25% is landfilled at the Burlington site. The main reason given to us by Mr. Perlin for not exporting 100% of the Region's waste is that it does not make financial sense to export the portion of solid waste which cannot be incinerated at the Occidental plant, and which would have to be landfilled anyway. Old fridges and bed springs were cited as two examples of non-burnable items.

In Schedules 1 and 2 we have costed the financial impact on Burlington for 1984 of the 75%/25% and the 100% export options respectively. For each option we have provided two financing scenarios, one in which the costs are recovered fully from tipping fees, the other in which the increased costs of the export option are funded from the Regional tax base. The Financial analyses reflected on Schedules 1 and 2 were developed in consultation with Regional staff members, Mr. George Woodburn and Mr. Dave Burkett. (Note that these financing options are only two of many which may be designed by the Region to accomplish its objectives. See our attached "Assumptions".) Also, for each scenario in each option we have provided for waste volume reductions of 10% and of 20%. These percentages represent somewhat nominal reductions from several sources such as increased separation at source activity and increased recovery and recycling by industry, in response to higher tipping fees.

Schedule 1 shows that the increased costs to the City of Burlington of the 75%/25% option with full tipping fee recovery vary between \$7.67 and \$10.57 on an average per household basis. It is perhaps worth noting that we have made no allowance for any revenue from the expected recovery through at-site separation of materials, such as fridges and bed springs, to be found in the 25% portion of waste that is not exported.

How such an increase would be perceived by our taxpayers cannot be answered with any confidence at this point. From the comments made by Mr. Chumley at the Committee's meeting of August 5th, we judge that the West Burlington Ratepayer's Association would be very receptive to such an increase if it precluded any expansion at the existing site. The doubling of the tipping fee for Halton Hills to \$31 per ton with the closing of the Oakville landfill site at the end of December 1982 may serve as something of a local precedent in the matters of waste disposal increases and citizen reaction to them.

The difficulty of anticipating ratepayer reaction to the projected increase needn't constitute an insurmountable obstacle. The five-year agreement we are proposing as an interim solution, would constitute a rigorous "market test" as it were. It would give taxpayers a serious opportunity to weigh their financial costs against their social costs of solid waste disposal. At the end of the 5-year trial, the Region would have a very good reading of the collective balance, on which to base its long-term solid waste disposal policy.

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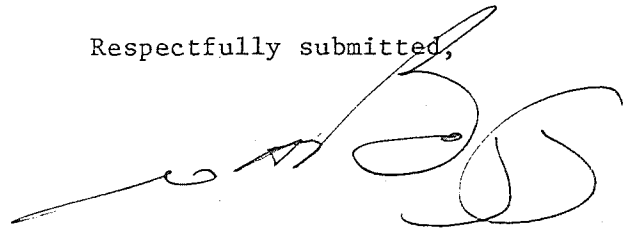
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Summary

We are recommending the 75%/25% BFI export option as an interim solution to the Region's waste disposal problem because:

- the social costs of expanding the existing site outweigh the financial benefits
- it represents a significant test of the off-landfill approach to waste disposal, which approach is being actively promoted by the Province of Ontario
- it provides an opportunity for Burlington's citizens to weigh the financial and social costs of waste disposal as individuals
- it provides an effective incentive for the expansion of separation at source and other waste diversion initiatives

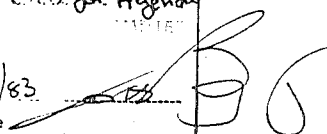
Respectfully submitted,



M. H. Boggs
Chief Administrative Officer

MHB:GV/gv
0014v
Att.4

APPROVED BY C.A.O. for Agenda Aug 15/83 Date



SCHEDULE 11984 FINANCIAL IMPACT - 75% EXPORT/25% LANDFILL OPTIONUNDER VARYING WASTE QUANTITY PROJECTIONSScenario 1 - Full Cost Recovery Tipping Fees

	(A) Projected Waste Volumes	(B) Projected Volumes Less 10%	(C) Projected Less 20%
Required Tipping Fee per Tonne	\$ 35.45	\$ 36.19	\$ 37.08
Increased Direct Costs to Burlington Private Haulers (vs. Landfill Costs)	684,128.00	591,704.00	498,213.00
Increased Burlington Municipal Costs (vs. Landfill Costs)	598,776.00	517,883.00	436,056.00
As a Mill Rate	1.64 mills	1.42 mills	1.19 mills
On an average residence with \$6,448 assessment	10.57	9.16	7.67

Scenario 2 - Tipping Fees at Level of Landfill CostsIncreased Costs due to Export financed from Regional Tax Base

	(A) Projected Waste Volumes	(B) Projected Volume Less 10%	(C) Projected Volumes Less 20%
Tipping Fee per Tonne	\$ 17.50	\$ 18.94	\$ 20.74
Increased Direct Costs to Burlington Private Haulers (vs. Landfill Costs)	0.00	0.00	0.00
Increased Burlington Municipal Costs (vs. Landfill Costs)	1,179,048.00	1,015,795.00	861,612.00
As a Mill Rate	3.22 mills	2.78 mills	2.36 mills
On an average residence with \$6,448 assessment.	20.76	17.93	15.22

SCHEDULE 21984 FINANCIAL IMPACT - 100% EXPORT OPTIONUNDER VARYING WASTE QUANTITY PROJECTIONSScenario 1 - Full Cost Recovery Tipping Fees

	(A) Projected Waste Volumes	(B) Projected Volumes Less 10%	(C) Projected Less 20%
Required Tipping Fee per Tonne	\$ 37.96	\$ 38.85	\$ 39.95
Increased Direct Costs to Burlington Private Haulers (vs. Landfill Costs)	797,792.00	682,947.00	585,721.00
Increased Burlington Municipal Costs (vs. Landfill Costs)	682,505.00	597,742.00	512,656.00
As a Mill Rate	1.87 mills	1.63 mills	1.40 mills
On an average residence with \$6,448 assessment	12.06	10.51	9.09

Scenario 2 - Tipping Fees at Level of Landfill CostsIncreased Costs due to Export financed from Regional Tax Base

	(A) Projected Waste Volumes	(B) Projected Volume Less 10%	(C) Projected Volumes Less 20%
Tipping Fee per Tonne	\$ 17.50	\$ 18.94	\$ 20.74
Increased Direct Costs to Burlington Private Haulers (vs. Landfill Costs)	0.00	0.00	0.00
Increased Burlington Municipal Costs (vs. Landfill Costs)	1,342,084.00	1,177,523.00	1,005,649.00
As a Mill Rate	3.67 mills	3.22 mills	2.75 mills
On an average residence with \$6,448 assessment.	23.66	20.76	17.73

ASSUMPTIONS

- (1) Impact calculations are based upon the information contained in Region of Halton CAO Report 219/83. Assumptions and limitations noted in that report, unless modified by the following items, apply equally to these calculations.
- (2) Quantities of Burlington private hauled and municipal waste estimated on basis of Regional total tonnage projections, and municipal breakdown taken from Stage 1 - Waste Needs and Systems Analysis by Walker Wright Young Associates Ltd.
- (3) Total costs for landfill and export options are assumed not to vary with volumes of projected waste except for the following:-
 - (a) Landfill operations costs at a rate of \$4.54 per tonne.
 - (b) Transfer station costs at a rate of \$5.00 per tonne for the 100% Export Option, \$6.00 per tonne for the 75% Export/25% Landfill Option.
 - (c) B.F.I. contract costs at a rate of \$25.00 per tonne.
- (4) Volume reductions of 10% and 20% are shown to demonstrate the sensitivity of the results to reduced volumes due to separation at source, conservation and waste diversion, which are encouraged by higher waste tipping fees.
- (5) Impacts are shown for the year 1984 only. Burlington urban area assessment for 1984 estimated at 1983 levels + 2%.
- (6) The analyses reflect two alternate methods of financing the required costs. Other combinations of tipping fee and tax revenues ranging from 100% tipping fee to 100% tax based system would also be possible.
- (7) Mill rate estimates in Scenario 2 are based upon funding of revenue shortfalls (cost less revenues from landfill level tipping fees) through the Region's general tax levy.
- (8) Impact calculations under reduced volume alternatives (B) and (C) do not reflect any increased per unit export contract charges that might result from volume reductions.

REGULAR MEETING OF COUNCIL NO. 24

BURLINGTON SOLID WASTE
MANAGEMENT COMMITTEE

REPORT NO.6-83

NOVEMBER 14, 1983

To: The Council of the Corporation of the City of Burlington.

Report of Meeting No. 11-83

DATE AND PLACE OF MEETING:

Friday, November 11, 1983 in
Committee Room 2, Eighth Floor
at 9:00 a.m.

MEMBERS PRESENT:

Aldermen Mulkewich (Chairman),
Little and Cowman and Mayor Bird

MEMBER ABSENT:

Alderman Pugsley

STAFF PRESENT:

M. Boggs, G. Vance, B. Davy and
M. Campbell

DISCLOSURES OF CONFLICT OF INTEREST:

None.

DELEGATION:

1. Mr. S.J. Chumley and Mrs. D. Pocock, c/o 595 Kingswood Place, Burlington, representing the West Burlington Ratepayers' Group appeared to speak in reference to Items SWM-32-83 and SWM-33-83, the City's response to the Region's Proposed Interim Waste Disposal Plan.
File: 75.01-1

RECOMMENDATIONS:

A. ITEMS FOR RECEIPT:

THAT the following item, having been considered by the Solid Waste Management Committee, be received and filed:

SWM-32-83 Chief Administrative Officer's Report CAO-82/83
re: the City of Burlington's response to the
Region's Proposed Interim waste Disposal Plan,
dated November 4, 1983.
File: 75.01-1

B. STAFF DIRECTIONS:

None.

CITY OF BURLINGTON

CAO 82/83

November 8, 1983
File: 60-75-1.2

Chairman and Members of the
Solid Waste Management Committee

City of Burlington's Response to Region's
Proposed Interim Waste Disposal Plan (as
revised in Region CAO Report #319/83)

RECOMMENDATIONS

1. THAT, in the event that the Council of the Region of Halton decides on November 9, 1983, to petition the Minister of the Environment to grant exemption and/or to waive the statutory hearings required under the Environmental Assessment Act and/or the Environmental Protection Act in the matter of the Region's proposed expansion of the Burlington Landfill Site, the City of Burlington request the Minister of the Environment to order a hearing under the E.A.A. or the E.P.A., as he is required to do under Section 34 of the E.A.A., since urgency does not apply, since there are several parties concerned about the proposed interim expansion, and since a public hearing is the best forum in which to determine the merits of the proposal;
2. THAT, should the Region of Halton petition the Minister of the Environment for relief, and should such relief be granted with the effect of depriving the City of Burlington and other interested parties of the opportunity to present their views on the proposed expansion of the Burlington landfill site at a statutory public hearing, the CAO be directed to recommend to Council forthwith a preferred course of action, and that the City Solicitor be directed to take any interim legal steps Staff may deem necessary to protect the City's interests prior to Council's adoption of this course of action;
3. THAT should the Region of Halton Council decide on November 9, 1983, to adopt as its Interim Waste Disposal Plan the export of 75% of the Region's solid waste as generally described in Region CAO Report #319/83, the City of Burlington advise the Region that it supports the export option and recommends a guaranteed minimum annual volume in the order of 120,000 to 125,000 tons rather than the 150,000 tons now proposed; and

4. THAT the Region of Halton be informed that the City of Burlington should not be presumed to support: (1) the proposed expansion phase(s) at the Burlington site deemed necessary by the Region to receive the 25% of waste that will not be exported, should it adopt the Export Option, (2) the proposed open air transfer station, or (3) the adoption of the Burlington site tipping fee at any Regional disposal site including the Halton Hills transfer station, and that the City will make its decision on these matters in conjunction with the public hearing(s) required under the environmental legislation, the consideration of the final Walker-Wright long-term waste disposal plan and/or the report of the Transfer Station Task Force, whichever is/are appropriate.

REPORT

Background and Purpose

At its meeting of August 22, 1983, Council approved a response to the Region's proposed Interim Waste Disposal Plan which:

1. Opposed any expansion of the existing Burlington site;
2. Supported the addition of 1.4 million cubic yards to the permanent landfill capacity being sought by the Region's Consultant, Walker-Wright;
3. Supported the continuation of the separation at source program; and
4. Recommended that the Region adopt the BFI 75% Export Option in some form, for an initial period of 5 years.

The Region has considered the responses received from Burlington, from the other area municipalities (all three of which support the expansion of the Burlington site), and from other interested parties (e.g., residents, industrial generators and haulers, and the Ministry of the Environment). In a staff report dated October 21, 1983, the Region has modified its initial proposed Interim Plan somewhat.

The purpose of this report is to respond to the proposed Interim Plan as detailed in Region CAO Report 319/83.

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The Revised Interim Waste Disposal Plan In Summary

Region CAO Report 319/83 is a 30-page report with nearly 100 pages of attachments. In the interests of conserving the reader's time and concentrating upon the central issues, only the first 11 pages of the report, and page 121 (a utility cost comparison), have been attached to this report. Complete copies of Region CAO 319/83 may be requested from the City Administrator's office.

The Region continues to prefer the expansion of the Burlington landfill site, now termed the "Continuation Option", mainly on the grounds that it would be much less expensive to operate than the Export Option. However, when the Region takes into account the financial and social costs of contested statutory approvals under environmental legislation for the expansion of the Burlington site, it prefers the Export Option. [That is, the Region is prepared to proceed with the Export Option ONLY IF it is not successful in getting the Minister of the Environment to exempt the expansion from approvals, or to waive the required hearing(s), under the Environmental Protection/Environmental Assessment Act.]

Should it fail to obtain the requested relief from the Minister of the Environment by December 9, 1983, then the Region proposes to implement the Export Option by entering into a 3-year agreement (with the option of two 1-year renewals) with Browning-Ferris Industries and Robran Construction Ltd. The tipping fee at the Burlington site would rise from the present \$16.00 per metric tonne to \$17.50. This rate would also apply at the Halton Hills transfer station. The additional cost of the Export Option, which the Region estimates at \$24.25 per metric tonne, or a total of \$4.2 million in 1984 dollars, is proposed to be collected through the property tax as a special Waste Disposal charge. This is estimated to cost the average residential taxpayer with a \$6500 assessment about \$33.

As conditions of adopting the Export Option the Region wants agreement from the City of Burlington, from the Burlington site's neighbouring property owners, and from the West Burlington Ratepayers Association:

- (1) not to object to the placement of an open air transfer station at the Burlington site; and
- (2) not to object to the continuation of landfilling at the Burlington site "on a phased basis provided that only so many of the phases will be used as is necessary to supplement the Export Option pending the commencement of operation of the long-term landfill component".

Finally, the revised Interim Plan calls for the addition of 606,050 cubic yards of landfill capacity to be added to the capacity being sought by Walker-Wright, and for an experimental reforestation program at the Burlington site.

Comments on the Revised Interim Plan

General

Burlington Staff are heartened by much of the thinking behind the revised Interim Plan. Region Staff have managed not only to embrace the Export Option as a serious alternative, but also to plan its implementation in a way that makes it both financially viable and relatively acceptable to a wide range of interests.

In particular, we support the recovery of solid waste disposal costs through a mix of tipping fees and user fees processed through the property tax system. The treatment of the proposed Waste Disposal fee as a "household utility" like water, sewer, gas, electricity and telephone, and the inclusion of a systematic cost comparison for each area municipality (see Appendix A, attached), should have the medium-term effect of legitimizing waste disposal as a visible essential service. Along with this legitimacy should come support for waste reduction and recovery programs at the levels enjoyed in recent years by electrical and fossil fuel energy conservation programs.

We share the desire of Region Staff to minimize conflict and confrontation between and among the Region and the area municipalities on solid waste issues. In recent months, and most notably in the preparation of the co-ordinated response to the "Blueprint for Waste Management", inter-municipal staff relations in Halton in the traditionally contentious area of solid waste management, have been distinguished by co-operation and compromise.

However, as important as we acknowledge the objective of conflict avoidance to be, we do not think the Export Option should be adopted only to avoid confrontation (and the associated costs). In our response to the Blueprint we supported the initiative to develop the true costs of solid waste management. One of these costs is the cost of obtaining approvals. As the Region puts the case for the Continuation Option it must be understood to read "least costly" net of approvals and other costs. While the cost of approvals would probably not offset all of the difference between the two options, to appraise the options on different terms is to prejudice the outcome (in this case in favour of landfill expansion).

The Export Option

In our previous response to the Interim Plan (see CAO 55/83 Revised) we built a positive case for the Export Option on four grounds: (1) reducing social costs, (2) reinforcing the off-landfill objective of the Provincial Blueprint, (3) testing individual citizen's reaction to the costs and benefits of an off-landfill program, and (4) encouraging separation at source and other waste diversion initiatives.

We continue to believe that the Export Option has more merit than the Continuation Option, all things considered, and have put forward Recommendation 3. This is to say that we are not convinced by the Region's analysis of comparative advantages and disadvantages (pp7-9 in Region C.A.O 319/83).

We object, in particular, to the notion that one of the advantages of the Continuation Option is that "It can be done with no significant increase in environmental impact beyond the environmental impact that already exists with the existing site." If we do not know with certainty what is happening underground at the existing site, and if we cannot predict with certainty what will happen in the future, then there are no grounds for the Region's claim that there will be no significant increase in environmental impact. In our view the benefit of any doubt (which doubt is significant on our part) should go to the environment and the people who would be most directly affected were our doubt to be confirmed. It appears to us, moreover, that our analysis is supported fully by disadvantage # 8, "Controversy and uncertainty regarding the handling of the leachate issue".

There is one aspect of the Export Option, namely, the guaranteed yearly minimum exportable volume of 150,000 tons, to which we are still opposed. We argued in our earlier report (CAO 55/83) either that the guaranteed minimum should be much lower, or that no minimum should be guaranteed. Our main reason is that attempts to export the guaranteed minimum volume of waste would probably run counter to attempts to maximize separation at source volumes. Another reason is the recent reduction in the projected 1983 volume to be disposed of at the Burlington site to 167,800 tonnes or 184,580 tons (M.M. Dillon revised "Report on Possible Continued Use", dated October 20, 1983). This compares to 205,116 tons disposed of by the Region in 1982. Seventy-five percent of 184,580 tons is 138,435 tons, which is about 12,000 tons short of the proposed 150,000 ton guarantee. To allow for a further decline of 12% in solid waste volumes to be disposed of within the Region of Halton in 1984, we propose a minimum in the order of 120,000 to 125,000 tons.

continued.../6

The Need for a Hearing

As noted in Region CAO Report 319/83 at p.11, Region staff have not been able to convince MOE staff that a hearing under the Environmental Protection Act is unnecessary. The Region's arguments for having the hearing waived are, first, that the proposed four-phase expansion is relatively small against the past volumes of waste disposed of in the area, and second, that the Region's need for approval is urgent.]

The reasoning behind the rejection of the Region's arguments by MOE Staff is set out in the letter dated October 3, 1983, from G. Mierzynski, the Regional Director, to Alderman Mulkewich. Mr. Mierzynski notes, in part, that "The Ministry could not sanction plans to request approval of alterations to the Burlington site on an emergency basis and without a public hearing, as the need for such alterations is foreseen now." Were the Region to adopt the 75% export option effective January 1984, the projected closing date for the Burlington site of July 1984 would be extended by 18 months to the end of 1985.

In another place he emphasizes that "the best forum in which to determine an equitable review of the short-term disposal options is a public hearing", that is, at "an expansion hearing for the Burlington Landfill site". As indicated to you previously, Staff presume that the hearing referred to is a hearing under the Environmental Protection Act.

The Region acknowledges (at page 9 in Region CAO Report 319/83) that a confrontation at a hearing with an opponent of its proposed expansion could be be "prejudicial and damaging to any future hearing(s) required for the long-term landfill component". This possibility is one of the factors which is used to support the adoption of the Export Option if a hearing cannot be avoided. However, the Region does not acknowledge the strengthening of opposition resolve at the long-term EAA hearing, that would likely flow from the securing of the requested relief from the Ministry at the expansion stage.

While we think it quite inconceivable that the Minister of the Environment would grant the relief sought by the Region, for safe measure we are recommending that the City of Burlington petition the Minister to reject the Region's request. [In our petition we should advise the Minister that there is time to accommodate a hearing, and that rather than issue an exemption under the E.A.A., that he make his decision as he is required to do under Section 34 and opt for a hearing under the E.A.A. or under the E.P.A. We should also advise him, in support of the need for a hearing, that there is a range of issues to be resolved, and a number of interested parties in addition to the City of Burlington.

In the unlikely event that the Minister grants the Region's request, effectively depriving the City of Burlington of the opportunity to oppose the expansion of the Burlington landfill site at a statutory public hearing, we are recommending that the CAO be directed to prepare forthwith a preferred course of action for Council's consideration. Since time may be of such an essence that City action cannot await Council consideration, we are also recommending that the City Solicitor be directed to take any interim legal steps Staff may deem necessary to protect the City's interests.

Support for the Expansion, and for an Open Air Transfer Station

The Region presumes (CAO Report 319/83, p.11) that, should it proceed with the Export Option, the City of Burlington will agree to any expansion of the existing site deemed necessary by the Region to handle the 25% of collected waste that is not exportable. It also wants the City to agree not to object to an open air transfer station at the Burlington site. We regard the public hearing on the proposed expansion as the appropriate time and place to make the City's views known on these issues.

Proposed Uniform Tipping Fee

Should it proceed with the Export Option the Region proposes to adopt a uniform "blended Regional tippage fee...at each of the disposal site(s) in Halton, including the Halton Hills Transfer Station...of \$17.50 per metric tonne" (CAO Report 319/83, Recommendation 2.3).

The objective of adopting a uniform tipping fee is presumably to eliminate what is described in CAO Report 319/83 (pp. 7-8) as the outstanding "confrontation with Halton Hills over transfer station responsibility being Regional and not local". The elimination of this confrontation is claimed as part of one of the main advantages of the Export Option.

In our view there is nothing inherent in, or implied by, the Export Option that necessitates or invites the adoption of a uniform tipping fee at this time.

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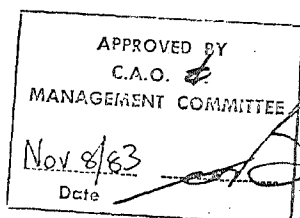
The confrontation referred to by the Region is the intervention by the City of Burlington late in 1982 to prevent the City from subsidizing Halton Hills' disposal costs through the Regional levy. Halton Hills' costs were to increase in January 1983 when Halton Hills began to haul its solid waste to the Burlington site following the closure of the Oakville site. To offset these cost increases the Region proposed to have a private contractor build and operate a transfer station in Halton Hills at Region expense, save for the tipping fee which Halton Hills would pay to the Region for dumping at the transfer station.

This intervention by the City of Burlington led to the establishment of the Transfer Station Task Force of Region and Area Staff. The work of the Task Force was suspended indefinitely in late spring pending the final long-term waste management plan being developed by Walker-Wright, which plan is expected to deal with the matter of transfer stations. Should Walker-Wright recommend a multiple-site program, or a single site situated in District D, a transfer station would probably not be necessary.

While there may be certain circumstances associated with a particular Export Option that may be adopted by the Region, which make a uniform tipping fee reasonable from Burlington's point of view, Recommendation 4 indicates that we should not be presumed to support it at this time. In the normal course of events, we would expect to resolve the matter of transfer stations and their tipping fees in conjunction with the Walker-Wright long-term plan or with the Transfer Station Task Force.

Respectfully submitted,


Michael H. Boggs,
CHIEF ADMINISTRATIVE OFFICER



Systems

FERRIS INDUSTRIES LTD.

Item SWM-32-83

20 SEP 1983

HALTON REGION
PUBLIC WORKS

BRIDGELAND AVENUE • TORONTO, ONTARIO M6A 1Z1 • 416/789-7341

September 28th., 1983.

The Regional Municipality of Halton,
Post Office Box 7000,
2316 South Service Road W.,
Oakville, Ontario.
L6J 6E1

Attention: Mr. George Woodburn, P.E.
Manager of Waste Disposal

Subject: Addendum # 1 Proposal for Solid Waste Management Services

Gentlemen:

On June 7, 1983, Browning-Ferris Industries Ltd. (BFI) submitted a proposal for management of the Region's waste. Since the submission, BFI, our joint-venture partner Robran Construction Ltd. and Regional staff have had numerous conversations regarding the subject proposal. The purpose of this letter is to incorporate the substance of those conversations by addendum into our June 7, 1983 proposal.

As suggested in the initial proposal a temporary transfer station will be permitted and constructed at the City of Burlington's landfill by the Region of Halton with support from our joint-venture company. All costs associated with permitting, construction and operation of the temporary transfer station would be borne by the Region and in addition to the prices quoted herein.

It has been decided and we agree that our proposal should be based upon the disposal of a minimum of 150,000 tons per year of solid waste material at the Oxidental Energy Corporation energy from waste facility in Niagara Falls, New York. As initially proposed, we would use alternate landfill sites in the event that the Oxidental facility would be inoperable during any periods.

cont...

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CAO REPORT NO. 319/83

PROPOSED 1983 INTERIM WASTE DISPOSAL PLAN -

STAFF REPORT NO. 2

OCTOBER 21, 1983

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THE REGIONAL MUNICIPALITY OF HALTON

Report to Chairman and Members of the Solid Waste Management Committee

From Dennis Y. Perlin, Chief Administrative Officer

Date 1983 10 21

Report No C.A.O. #319/83

Re: Region of Halton - Proposed 1983 Interim Waste Disposal Plan (4 Years) - June, 1984 - June, 1988

RECOMMENDATIONS:

- 1.1 THAT, provided no tribunal hearing(s) are necessary in order to obtain the necessary approvals to put the "Continuation" portion of the plan in place, Option One, i.e. the "Continuation Option" as set out in C.A.O. Report #319/83, be approved as the Interim Waste Disposal Plan.
- 1.2 THAT the Regional Chairman be requested to write to the Minister of the Environment, Andy Brandt, requesting that since tribunal hearing(s) are likely for the long-term landfill component of the Region of Halton, that tribunal hearing(s) for the proposed Interim Landfill Component, i.e. the continuation of landfilling at the existing Burlington landfill site be waived by the granting of the appropriate exemption under The Environmental Assessment Act and on the basis of urgency under The Environmental Protection Act, at least until the tribunal hearing(s) for the long-term landfill component commences.
- 1.3 THAT should the Minister of the Environment give a negative response to Regional Council's request under 1.2 above, or should no response be received by December 9th, 1983, then Option Two below, i.e. the "Export Option" shall be implemented.

- 1.4 THAT should the Minister of the Environment give a positive response to Regional Council's request under 1.2 above by December 9th, 1983, then Regional Staff and Consultants are directed to take the necessary action to obtain the necessary approvals so that Option One for the Interim Waste Disposal Plan above can be implemented.
- 2.1 THAT should the Minister of the Environment determine not to recommend the necessary exemption and/or waive the otherwise necessary tribunal hearing(s) by December 9th, or not to respond at all by December 9th, then Option Two i.e. the "Export Option" is hereby approved as the Interim Waste Disposal Option strictly on an interim basis only.
- 2.2 THAT the resolution set out in Schedule "A" to C.A.O. Report #319/83 is hereby expressly adopted as the intention of this Council regarding any approval and implementation of the "Export Option".
- 2.3 THAT the financing of this "Export Option" be on the basis of a blended Regional tippage fee, being payable at each of the disposal site(s) in Halton, including the Halton Hills Transfer Station and the existing Burlington Landfill Site of \$17.50 per metric tonne, with the remainder of the cost, including the remainder of the cost of the Halton Solid Waste Management Program, being financed by way of the municipal tax bill, preferably as a special Regional Waste Disposal Charge, if possible.
- 2.4 THAT Regional Staff be instructed to finalize the negotiations with the consortium of Browning-Ferris and Robran Construction Limited, with agreements being satisfactory to the Director of Public Works, the Regional Solicitor, and the Regional Treasurer, based on their letters of June 17th, 1983 and September 28th, 1983.

- 2.5 THAT Regional Staff and Consultants are instructed to take the necessary action to obtain the necessary approvals so that Option Two for the Interim Waste Disposal Plan can be implemented.
- 3.1 THAT the City of Burlington, the neighbours to the landfill site, the Burlington West Ratepayers Association, all be approached to obtain their agreement that if the Export Option is chosen by Regional Council, that they will not object to the placement of an open air transfer station at the Burlington Landfill Site to handle the Export Option and further that they will not object to the continuation of landfilling at the existing Burlington Landfill Site on a phased basis provided that only so many of the phases will be used as is necessary to supplement the Export Option pending the commencement of operation of the long-term landfill component.
4. THAT the Royal Botanical Gardens and the City of Burlington be approached regarding the possibility of an experimental program to reforest part or all of the existing Burlington Landfill Site with Staff to report back on the results of those discussions.

REPORT

I ESSENCE OF RECOMMENDATIONS

The essence or "bottom line" of the above Recommendations is that Regional Staff believe that the "Continuation Option" can be done without dangerous or significant increase in the environmental impact already existing with the existing Burlington Landfill Site. Even including additional cost items like after-use, landscaping, and treatment of some additional leachate, the "Continuation Option" is the least costly of the two options. Therefore the Continuation Option should be the first choice.

HOWEVER, the first choice should only be pursued if tribunal hearing(s) can be avoided and that will require the intervention of the Minister of the Environment. It is Staff's belief that a confrontation must be avoided with

respect to the Interim Waste Disposal Plan, particularly with the City of Burlington, because the impact of such a confrontation could have very damaging affects on a much more meaningful part of our Solid Waste Management Program, i.e. the long-term program.

Thus, if hearing(s) cannot be avoided, then the Export Option should be chosen despite the additional cost. However, because the increase in tippage fee would be extremely high and without long-term notice, the interim program should be financed in part on the Regional portion of the Municipal tax bill, preferably by way of a special Regional Solid Waste Management Disposal Fee. Further, if confrontation is to be avoided, then it is to be avoided with respect to all outstanding confrontation matters in the Solid Waste Program and that includes the present confrontation over transfer stations. They should clearly be accepted as a waste disposal responsibility so that the tippage fee to be paid at a transfer station is the same as at a landfill site, be same located in Halton Hills or Burlington. Thus, the tippage fee under the Staff Recommendation would be the originally projected \$17.50 per tonne and that would be charged to all haulers entering either the landfill site in Burlington or the transfer station in Halton Hills, be they Municipal haulers, private haulers, or individual businesses or citizens who are over the "free" limit.

II BACKGROUND

This C.A.O. Report 319/83 is a follow-up to C.A.O. Report 95/83 dated February 25, 1983 and C.A.O. Report 219/83 dated July 8, 1983 and should be read in the context of those previous reports, both of which dealt with the Interim Waste Disposal Needs for the Region once the approved contours at the Burlington Landfill Site, which is now expected to be July of 1984, are reached.

In the last report, C.A.O Report 219/83, a four year planning period was chosen for the Interim Waste Disposal Plan from the summer of 1984 to the summer of 1988 in particular from July 1st, 1984 through to June 30th, 1988 and that planning period remains the same for the purposes of this report.

There have been some comments that we are being optimistic to think that an Energy from Waste facility will be in operation by June of 1988 but at this particular point, i.e. October 21st, 1983, we are still doing the EFW project and we are not really at a point to tell you conclusively what the dates of operation might be and until we have finished at least the market phase and have set out a work program for the feasibility phase, we don't believe we should change the June, 1988 date.

Others have argued that we are even optimistic to think that long-term landfill will be in place by June of 1988, i.e.

that neither of the major components of the long term waste system will be in place by June of 1988 but Regional staff, in consultation with our Environmental Assessment and Legal Consultants, believe that we should be able to have a long term landfill(s) in place by the summer of 1987 let alone the summer of 1988.

In our last report we developed two options for handling waste on an interim basis, one being the "Continuation Option" which basically consisted of the continuation of landfilling at the existing Burlington landfill site and added some additional capacity to "tide us over" at the new long-term landfill site(s), and Option Two, the "Export Option" consisting of the haulage of waste from a transfer station at the Burlington Landfill Site to an Energy From Waste Plant in Niagara Falls, New York on a contract basis and again finding any additional disposal capacity that might be needed during the interim period by increasing the capacity of the new landfill component.

In both Options, the Region would continue to promote source separation.

For reasons set out in C.A.O. Report 219/83, primarily financial, staff recommended that the "Continuation Option" be chosen.

In making that recommendation, staff fully expected that based on the financial guidelines that had been approved and espoused not only by the Region but by the area municipalities within the Region, that Option Two which would see an increase in the cost of the Waste Disposal Program by some \$24/tonne, therefore some \$4,000,000 extra per year, as not being acceptable.

Staff recommended, however, that the proposed Interim Plan, being the proposed "Continuation Option", be simply received at that point and circulated to the area municipalities, neighbours of the Burlington Landfill Site, and to Walker, Wright, the Environmental Assessment Consultants for the long-term landfill component for comment, and pending the holding of a public meeting in the Aldershot area of the City of Burlington to present and explain the Interim Plan and to receive their input and comments with respect thereto.

By reason of the input received from the organizations or persons which Regional Council asked Staff and the Solid Waste Management Committee to consult with, there were certain responses by certain people that required further consultation with industrial haulers, with the M.O.E., and with legal counsel and that will be reported on further.

Having had the input of all of the organizations and various persons, groups and Regional staff. I bring you forward this report with a revised Recommendation.

II OPTIONS

After receiving all of the input from various persons, organizations, agencies, Walker, Wright, and the M.O.E., we are still left with basically two options.

We have somewhat refined them but they remain as before: the "Continuation Option" and the "Export Option".

Continuation Option

- 1) The continuation of landfilling at the existing Burlington landfill site up to 4 phases (Phases A, B, C and D) on a phase-by-phase basis in accordance with the 1983 MM Dillon Report on the Continuation of Landfilling at the Burlington Landfill Site, utilizing only as many of the phases as are necessary until the commencement of operation of the long-term landfill component for Halton;
- 2) The addition of 1.5 million cubic yards of landfill capacity to the capacity figure being sought by Walker, Wright for the long-term landfill component of Halton's Solid Waste Management System to enable the minimal use of phases set out in the Dillon report; and landfill capacity to the end of the interim period.
- 3) The financing of this option by way of the present approach to the setting of Regional tipping fees with the 1984 tipping fee being \$17.50 per tonne;
- 4) The continuation and promotion of source separation in Halton.

Export Option

- 1) The export for three years by the consortium of Browning-Ferris Industries Ltd. (BFI) and Robran Construction Ltd. of approximately 75% of the waste received by Halton for disposal at the Energy from Waste Plant in Niagara Falls, New York run by Occidental Chemical Corporation at the fee set out in the BFI letter of September 28, 1983, i.e. \$26.80 in 1984;
- 2) The entering into of a contract with BFI-Robran consortium for such export for a period of 3 years with the price to be a base price escalated on the Canadian Consumer Price Index for years 2 and 3, and with 2 one-year options thereafter in favour of the Region to renew at a then negotiated price;
- 3) The establishment of an open-air transfer station for the 3-year term to enable the export to take place at the existing Burlington Landfill Site;
- 4) The "unburnables" (approx. 25%) to be landfilled at the existing Burlington Landfill Site utilizing firstly the remaining capacity in the existing site, plus Phase A of the Dillon continuation plan, and then Phase B if absolutely necessary, and in each case whether a further phase is utilized will be

dependent on whether the long-term landfill component of Halton is in operation;

5) The addition of 606,050 cubic yards of landfill capacity to the capacity figure being sought by Walker Wright Assoc. for the long-term landfill component of Halton's Solid Waste Management System to cover the 100% landfill requirement from March, 1987 through June, 1988;

6) The financing of this option by way of a blended Regional tippage fee payable at any Regional disposal site including the Halton Hills transfer station of \$17.50 per tonne (1984) with the remainder by way of the Regional portion of the Municipal tax bill preferably by a special Regional Waste Disposal Fee.

6) The continuation and promotion of source separation in Halton.

IV ADVANTAGES AND DISADVANTAGES

Continuation Option

Advantages

1) It is significantly cheaper.

2) It can be done with no significant increase in environmental impact beyond the environmental impact that already exists with the existing site.

3) It accomplishes the interim objective.

4) It is supported by the 3 Area Municipalities of Halton Hills, Milton and Oakville.

Export Option

Advantages

1) It avoids the necessity of any tribunal hearing(s) for the continuation of use of the Burlington Landfill Site as part of the Interim Waste Disposal Plan.

2) It avoids confrontation with the City of Burlington, the residential neighbours, and residents of the area in which the landfill is located.

3) It eliminates all outstanding confrontations at this time in the Solid Waste Disposal Program, including the confrontation with Halton

5) It is acceptable to the Staff of the Ministry of the Environment.

6) There is no objection from the industrial/commercial neighbours of the site, i.e. Tridon, Cumis and National Sewer Pipe.

Disadvantages

1) It is opposed by the Council of the City of Burlington.

2) It is opposed by the residential neighbours who live around the Burlington Landfill Site, i.e. on Mountainbrow, Rennick, and Old Waterdown Road.

3) It is opposed by the West Burlington Ratepayers Group and many citizens who live in the Aldershot area of the City of Burlington.

4) Tribunal hearing(s) will be required unless the Minister of the Environment intervenes to give a different interpretation of the provisions of the Environmental Protection Act than the interpretation being given by Ministry Staff.

5) Confrontation in the form of tribunal hearing(s) will result in a lengthy, costly (\$500,000), damaging, and possibly prejudicial hearing to the long-term landfill component.

6) Confrontation by way of the tribunal hearing(s) could produce significant delays in the finalization and implementation of the Environmental Assessment of

Hills over transfer station responsibility being Regional and not local.

4) It implements the resource recovery-based system for the disposal of waste in our interim program by utilizing the Energy from Waste Plant in Niagara Falls, New York.

5) While the increase in waste disposal cost to the taxpayer is high, the additional cost still keeps the waste disposal utility significantly below the cost of any other utility such as water, sewer, gas, electricity and telephone. For example, a household with an average assessment in Oakville and certain other average utility assumptions would see his cost rise from \$33 per year to \$66 per year for waste BUT that compares to \$209 for water and sewer, \$770 for gas, \$252 for electricity, and \$294 for telephone.

6) Avoiding confrontation on the interim program allows concentration on the completion and implementation of the long-term Solid Waste Management Program for Halton.

7) It accomplishes the interim objective.

Disadvantages

1) It is significantly more expensive.

2) It does not provide an Energy from Waste solution in Halton.

3) It requires a permit from the U.S. Secretary of Agriculture and agreement from the State of New York.

4) if the border closes to passage of garbage any time during the term of the interim plan, then we must return to

the long-term landfill component.

7) Confrontation between the Region and one of its constituent Area Municipalities continues a "sorry" chapter in the history of the Region, i.e. the Site "F" - Milton confrontation.

8) Controversy and uncertainty regarding the handling of the leachate impact.

9) The inability to resolve all outstanding confrontation matters at this time, including the confrontation matter over the transfer station responsibility as a disposal matter and not a collection matter.

the continuation option; enforcement of any contract would be limited to obtaining damages (dollars) as opposed to disposal capability.

5) It will have a significant one-time impact on the taxpayers of Halton in the year 1984.

6) It may be difficult to return to a 100 per cent landfilling approach in the future if any Regional Council would wish to do that; some may argue that once you have started exporting, keep exporting, particularly in the absence of any feasible Energy from Waste opportunity in Halton.

V DISCUSSION OF RECOMMENDATIONS

As in most waste matters in Halton, this is one of the most difficult issues to deal with. Logic, Emotion and Intrigue get mixed with one another and the correct path to follow becomes hard to find.

This report calls for the adoption firstly of the "Continuation Option" if no tribunal hearing(s) are required for the Interim Waste Disposal Plan and in that regard, calls on the Regional Chairman to see what can be done with the Minister of the Environment. But in the absence of any commitment not to require any tribunal hearing(s) in advance of the tribunal hearing(s) for the long-term landfill component, then this report recommends that Option Two then be implemented, i.e. the Export Option.

The rest of the Recommendations address implementation action and financing implications. They stress that since Halton's long-term solutions to waste disposal would best be found in or very close to Halton; whatever waste disposal method(s) are chosen, then any approval of the Export Option should be done on an interim basis only and simply be done to avoid a major confrontation at this point with an Area Municipality and organized groups that will be costly, lengthy, and possibly prejudicial and damaging to any future hearing(s) required for the long-term landfill component. Further, any hearing(s) for the Continuation Option could lead to delay in the implementation of the long-term program which really should be the Regional objective. That delay

could occur not only as a result of taking Consultants and Staff away from the Environmental Assessment of the landfill component to prepare for their presence at a hearing(s) for the Interim Waste Disposal Plan, but also could occur by reason of court actions. Our experience has shown us that even when the Region's opponents lose, they do succeed in delaying solutions and in this case that would be for the interim solution and possibly even for the long-term solution.

The change in Staff's approach comes as a result of the advice of the City of Burlington, which is the largest municipality in the Region, and whose ratepayers would pick up the largest portion of the Export Option whether it be by tippage fee or by tax bill. The advice of the City of Burlington which is shown in the attachments as Schedule "B" came as a complete surprise to Regional Staff by reason of previous Burlington decisions and recommendations regarding solid waste disposal and financial constraint. The recommendation of the Burlington Council changed the complexion of the situation in which Regional staff were working.

Regional Staff still firmly and strongly believe that the Continuation Option is the more cost effective option and that an Interim Waste Disposal Plan formulated in a critical situation should not be used as the vehicle for formulating long-term plans. Regional staff also firmly and strongly believe that the security of waste disposal for the citizens of Halton lies in the long term by having waste disposal facilities available to the citizens of Halton that are located preferably in or very close to Halton.

On the other hand, Regional staff do not believe that a confrontation with the City of Burlington and ratepayers in the area (despite the large cost differential between the 2 Options) is worth a half million dollar expenditure, the aggravation, the possible court proceedings, the delay in the long term landfill component that will result, and the damaging prejudicial hearing(s) that could result involving our long-term Environmental Assessment Consultants. If confrontation is necessary, then hopefully we have learned from the "Site F" experience that confrontation would be best (if it has to occur at all) when the approvals that will be received will provide the Region with twenty (20) years waste disposal capability and not for a program, the controversial portion of which is only good for two and one half to three years. The resources of the City of Burlington are such that they can easily match those of the Region of Halton and the spectre again of the Region fighting one of its own constituent municipalities is a sad one, to say the least.

At the same time the Export Option should be an interim option only. Thus, the Export Option being recommended is one that has a three year term only and not a five year term. The idea is to use the Export Option only until our long-term landfill component is in operation and then switch to that.

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We have tried, at the staff level, to convince senior M.O.E. staff, including the Director of Environmental Approvals and the Regional Director for the Central Region, that the Continuation Program is so small considering what has occurred at the Burlington landfill over the years that a hearing is really unnecessary and therefore should be avoided on the basis of urgency. However, M.O.E. staff have indicated that in their opinion the Environmental Protection Act does not permit that and that even if we waited until the last moment to make application, that they will require a hearing and while they may have to approve some of the Continuation Program while the hearing is on, the hearing will have to be held thereunder unless a different interpretation as to the meaning of that Act and the Regulations thereunder is given by the ultimate authority in the Ministry, i.e. the Minister himself.

The recommendation is then that the Regional Chairman approach the Minister of the Environment to examine The Environmental Protection Act and provide his staff with an interpretation on the issue of urgency which will allow the Continuation Program to be implemented in phases without a hearing. The Minister could be requested to at least allow minor parts of the program like Phases A and B to proceed without a hearing and with the more major phases, being Phases C and D, to be referred to the long-term landfill component hearing and only so much of those approved as would be necessary pending the start and completion of the first phase of the long-term hearing which would deal with the interim component.

If the Minister will not respond positively to the Chairman's request then in accordance with our recommendation, the Export Option would be implemented on a three-year basis.

VI PREVIOUS REPORT REQUIREMENTS

A Burlington

The resolution which came forward from Regional Council as a result of C.A.O. Report 219/83 required that the proposed Interim Waste Disposal Plan be circulated to each of the area municipalities for comment.

The first comment received was from the City of Burlington and that comment is set out in a letter with report attachment from the Deputy City Clerk, Ronald Lathan, in which the City makes it clear that the Export Option is the one that it would recommend.

Because the City has suggested the 75% approach, which is one we would agree with if the Export Option is adopted, we have presumed that the City would support those phases of landfilling at the Burlington landfill site that might be necessary in order to handle the 25% portion of the waste.

A recommendation (No. 3) seeking confirmation of that fact is put forward.

Our discussions with Browning-Ferris have indicated that in light of the time needed to gain the approval of the open air transfer station and to acquire the necessary vehicles, it would likely take two to three months after Council approval before the Export Option could begin.

Since we have suggested in the Recommendations that the Export Option not begin until after the Regional Chairman has had an opportunity to try and convince the Minister of the Environment to forego hearings, that would give three months from December 9th which would be approximately March 1st, 1984 for the beginning for the Export Option. That would leave approximately five months of full capacity and if you are only using 25% of that for landfilling, then that would leave about twenty months of capacity through to March of 1986. If the permanent landfill is not in place by March of 1986, then one would need Phase A of the Continuation Program which would provide another two years using 25% capacity figures and would therefore allow for a likelihood of the new landfill to be open before Phase B would have to be started. But if by some unbelievable quirk we again had problems, then the Export Option could be extended if necessary and Phase B utilized. Surely by then (one more year) the long-term landfill component would be in place.

I would hope that the City of Burlington and neighbours and ratepayers would agree to the continuation of the Burlington Landfill in phases with only so many of the phases being utilized until the long term landfill is in place and that that agreement would be without the need for a hearing in light of the Region's acceptance of its suggestion for the Export Option.

Hopefully, only Phase A would be necessary out of the Continuation Program.

That is the substance of Recommendation #3, to try and get everyone's agreement that a hearing will not be called for anyway even if the Region decides on the Export Option. Then the Export Option makes very little sense on an interim basis.

As far as the content of the staff report in Burlington that supported the recommendations finally made by Burlington Council, we at the Region have prepared our report based on the final costing figures that we have from the consortium and therefore are addressing the financial impacts through our own analysis and do not feel that anything would be gained from any detailed comment on the Burlington staff report or its financial analysis.

The only comment we do wish to make is that we do not agree that a small continuation of the existing Burlington landfill will result in "...harmful long-term environmental

REGULAR MEETING OF COUNCIL NO. 24

BURLINGTON SOLID WASTE
MANAGEMENT COMMITTEE

REPORT NO. 6-83

NOVEMBER 14, 1983

- 2 -

C. ITEMS FOR CONSIDERATION:

SWM-31-83 RESERVE FOR FUTURE SOLID WASTE PROFESSIONAL
SERVICES

THAT the balance of approximately \$24,300.00 in Account 770-0144-3610 be placed into a reserve for future possible expenses in 1984 for Solid Waste professional and consulting services;

and that the funds not be used for litigation in respect to the interim expansion of Site "A".
File: 75.01-1

Item SWM-31-83 as amended

SWM-33-83 RESPONSE TO REGION'S PROPOSED INTERIM WASTE
DISPOSAL PLAN

WHEREAS the Council of the Region of Halton decided on November 9, 1983 to petition the Minister of the Environment to grant exemption and/or to waive the statutory hearings required under the Environmental Assessment Act and/or the Environmental Protection Act in the matter of the Region's proposed expansion of the Burlington Landfill Site;

NOW THEREFORE the City of Burlington requests the Minister of the Environment to order a hearing under the E.A.A. or the E.P.A., as he is required to do under Section 34 of the E.A.A., since urgency does not apply, since there are several parties concerned about the proposed interim expansion, and since a public hearing is the best forum in which to determine the merits of the proposal;

and that should the Region of Halton be granted such relief by the Minister of the Environment with the effect of depriving the City of Burlington and other interested parties of the opportunity to present their views on the proposed expansion of the Burlington landfill site at a statutory public hearing, the Chief Administrative Officer be directed to recommend to Council forthwith a preferred course of action.

File: 75.01-1

Item SWM-33-83 as amended

ADJOURNMENT:

9:40 a.m.

MC/lm
0818a

CITY OF BURLINGTON

CAO 86/83

Date: November 10, 1983
File: 60-75-1.2

The Chairman and Members of the
Solid Waste Management Committee:

Subject: City of Burlington's Response to Region's Proposed
Interim Waste Disposal Plan (Revision to CAO 82/83)

RECOMMENDATIONS:

1. WHEREAS the Council of the Region of Halton decided on November 9, 1983 to petition the Minister of the Environment to grant exemption and/or to waive the statutory hearings required under the Environmental Assessment Act and/or the Environmental Protection Act in the matter of the Region's proposed expansion of the Burlington Landfill Site;

NOW THEREFORE the City of Burlington requests the Minister of the Environment to order a hearing under the E.A.A. or the E.P.A., as he is required to do under Section 34 of the E.A.A., since urgency does not apply, since there are several parties concerned about the proposed interim expansion, and since a public hearing is the best forum in which to determine the merits of the proposal.

2. THAT should the Region of Halton be granted such relief by the Minister of the Environment with the effect of depriving the City of Burlington and other interested parties of the opportunity to present their views on the proposed expansion of the Burlington landfill site at a statutory public hearing, the CAO be directed to recommend to Council forthwith a preferred course of action, and that the City Solicitor be directed to take any interim legal steps Staff may deem necessary to protect the City's interests prior to Council's adoption of this course of action.

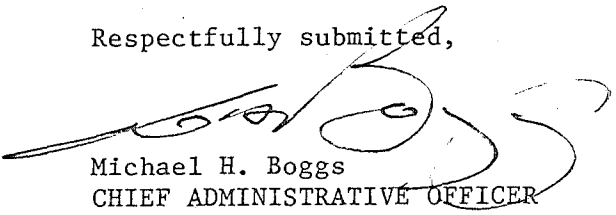
REPORT:

Regional Council, at its meeting of November 9, 1983, considered the recommendations of Regional C.A.O. Report 319/83, attached as Appendix A.

Item No. 15.8.1.2 was amended by adding thereto the following: "and that a response be requested by December 5, 1983 at the latest". Items 15.8.1.3 through to and including item 15.8.3.1 were deferred to the Regional Council meeting of December 7th, by which time the response from the Minister of the Environment, Andy Brandt, should have been received.

In light of this deferral, I am requesting that the recommendations contained in C.A.O. 82/83 on the Agenda for this meeting of November 11, 1983 be waived in favour of the two recommendations set out above.

Respectfully submitted,


Michael H. Boggs
CHIEF ADMINISTRATIVE OFFICER

MHB:sb
attch.

0551u