



290

CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE

Publication #290

ISBN# 978-1-77189-436-4

July 17, 1996

Mr. Larry Wilcox
Waste Reduction Branch
Ministry of Environment and Energy
40 St. Clair Avenue West, 7th Floor
Toronto, Ontario
M4V 1M2

VF:
CANADIAN ENVIRONMENTAL LAW
ASSOCIATION.
LINDGREN, RICHARD.
CELA BRIEF NO. 290; Re: ... RN18901

Dear Mr. Wilcox:

**RE: REGULATORY STANDARDS FOR NEW LANDFILLING SITES
ACCEPTING NON-HAZARDOUS WASTE
EBR REGISTRY #RA6E0006.P**

I am writing to provide CELA's comments on the proposed "Regulatory Standards for New Landfilling Sites Accepting Non-Hazardous Waste". These comments are being filed with you in accordance with the EBR Registry notice respecting this matter.

As you may know, CELA has been extensively involved in waste management issues since our inception in 1970. In particular, CELA has frequently represented residents and citizens' groups in countless hearings under the Environmental Protection Act (EPA), Environmental Assessment Act (EAA), Consolidated Hearings Act (CHA), and related statutes. CELA has also appeared in court in numerous landfill disputes, and CELA has been particularly active in various law reform initiatives regarding waste management issues.

In CELA's view, there are serious flaws in the proposed landfill standards from both a substantive and procedural perspective. Accordingly, CELA recommends that the standards should not be finalized or implemented at this time for the reasons described below.

The purpose of this written brief is threefold:

- to outline CELA's objections to the inadequate public comment period regarding these proposals;
- to provide CELA's general comments about the proposed standards; and

to provide CELA's detailed comments about the proposed standards.

1. Procedural Concerns Regarding EBR Consultation

At the outset, CELA must object to the clearly inadequate public comment period that has been provided in relation to the proposed standards. There can be little doubt that the minimum 30 day comment period is insufficient for most members of the public to obtain, review, and comment upon the proposed standards. Indeed, given the technical and complex nature of some proposed standards, it appears unlikely that Ontario residents will have the necessary expertise to provide substantive comments on such standards. Moreover, given the short comment period and the lack of a funding mechanism under the EBR, it appears that Ontario residents will have neither time nor resources to retain consultants (i.e. hydrogeologists, landfill design engineers, air quality experts, etc.) to comment knowledgeably on the details of the proposed standards within 30 days.

These problems are compounded by the fact that the MOEE has also released several related initiatives (notably the Environmental Approvals Improvement Act and the Environmental Assessment and Consultation Improvement Act) for public comment at approximately the same time as the proposed standards. In our view, these overlapping comment periods impose substantial constraints on the public's ability to comment on the proposed standards, particularly during the summer holiday period. Moreover, these other initiatives, if enacted, will undoubtedly result in a new regime for waste management approvals. Until the larger statutory picture has been clarified, it is exceptionally difficult to comment on the proposed standards, particularly since it is unknown how and for what purpose (i.e. permit-by-rule? elimination of public hearings under Part V of the EPA) the standards will be employed in the new waste management approvals regime. CELA is fundamentally opposed to any attempt by the MOEE to use the proposed standards as an excuse for restricting or eliminating site-specific approvals or current public hearing requirements under the EPA, EAA or CHA.

CELA is also concerned about the closed and secretive manner in which these proposed standards have been developed to date. In particular, the MOEE explanatory materials indicate that the proposals were drafted "with technical advice provided by a consulting team led by M.M. Dillon Limited". While CELA is unaware of the precise composition or mandate of this "consulting team", it appears likely that the team consisted of consultants who, more often than not, are retained by public and private waste disposal proponents. While this perspective is undoubtedly valuable when drafting landfill standards, it is unclear why representatives from other stakeholder interests were not invited to participate in the crucial drafting stage. As was demonstrated by the MISA Advisory Committee and similar initiatives, even highly technical standards can be, and should be, developed in an open and multistakeholder fashion.

For the foregoing reasons, CELA strongly recommends that the public comment period on the proposed landfill standards be deferred or extended until such time as the above-noted Acts

have completed the legislative process. When the details regarding the new waste management approvals are finalized and known to the public, then the MOEE should provide at least a 90 day comment period on the proposed landfill standards. In our opinion, such an approach is conducive to meaningful public participation on the proposed standards, and is consistent with the public participation principles reflected in the EBR and articulated within the MOEE's Statement of Environmental Values.

Before leaving the subject of EBR consultation, it must be noted that there has been a discrepancy in the MOEE's description of the comment period for the proposed standards. The EBR Registry notice stipulates that the comment period ends on July 17th, while the Minister's Statement to the Legislature, the news release, and related materials all indicate that the comment period ends on July 19th. We appreciate that a two day discrepancy is not significant, and we trust that the MOEE will still consider written comments that are submitted on or before July 19th. Nevertheless, if the MOEE found it difficult to coordinate procedural logistics and properly describe the comment period, then it should come as no surprise that Ontario residents may find it difficult to prepare and coordinative substantive submissions on this and other related initiatives.

2. General Comments on the Proposed Standards

(a) Rationale for the Proposed Standards

The MOEE news release that accompanied the proposed standards rationalized the changes as follows:

In the past, approvals for waste sites often took years, costing million of dollars. And in many cases, after considerable expense and time, proposed sites were rejected. The result was a no win situation for everyone involved.¹

The latter comment comes as a surprise to those individuals and groups which successfully opposed ill-conceived proposals to establish landfills in inappropriate or unsuitable locations.² In CELA's view, the defeat of such proposals is clearly a "win" situation for both local residents and the environment at large.

The underlying premise of the MOEE's rationale appears to be that the current approvals

¹ "New Landfill Standards will Guide Ministry Approvals" (MOEE, June 17, 1996).

² Such as the proposed West Burlington site, which was preferred by the proponent but was ultimately found by the Joint Board to be hydrogeologically unsuitable for landfilling purposes: see Re Regional Municipality of Halton Sanitary Landfill Application (Joint Board, February 29, 1989, File #CH 86-02).

process is not working properly in the waste disposal context.³ In fact, the approvals track record demonstrates the opposite conclusion: most waste disposal applications get approved in Ontario (subject to site-specific terms and conditions crafted during the approvals process), and only a very small number of landfill proposals have been rejected. In recent years, it has become common for public hearings (i.e. interim expansion applications) under Part V of the EPA to take only a few weeks (and in some instances, a few days), and in some cases applications have been settled and approved without a hearing at all.⁴

There are, of course, some well-known hearings under the Environmental Assessment Act (EAA) that took considerably longer to complete. It should be noted, however, that relatively few landfill applications have been referred under the EAA for public hearings. Moreover, these applications have tended to be large-scale proposals involving considerable public controversy and environmental concern. These problems are often recognized in the Government Review documents under the EAA that accompany the proponents' environmental assessments. Since the Board is called upon to adjudicate the highly contentious "problem" cases that could not be resolved without a hearing, it should come as no surprise that it may take some time to decide whether the undertaking should be approved or rejected for environmental reasons.⁵ In our opinion, the EAA is fundamentally sound and is well-suited to assessing the full range of biophysical and socio-economic impacts associated with waste disposal sites.

In CELA's view, this track record demonstrates that the process is working reasonably well to facilitate approval of "approvable" sites, and rejection of undesirable or unacceptable applications. Accordingly, it is misleading for the MOEE to suggest that the process is not working properly, or that landfill standards will magically eliminate landfill siting controversies across Ontario.

(b) Are the Proposed Standards the "Toughest in the World"?

When the proposed standards were revealed in mid-June, the Minister opined that the

³ Another underlying MOEE presumption appears to be that landfill proponents are entitled to approvals, and that any regime that rejects the occasional landfilling application needs to be fixed.

⁴ Examples of short, efficient landfill hearings before the Environmental Assessment Board include the three-day hearing on the Town of Lindsay Landfill Site (May 16, 1994, File #EP 93-02), the three-day hearing on the Township of Alice and Fraser landfill site (November 16, 1994, File #EP 94-01), and the four-day hearing for the Brockville landfill site (November 8, 1994, File #EP 93-10).

⁵ See, for example, Re Steetley Quarry Products Inc. (1995), 16 C.E.L.R. (N.S.) 161 (Joint Board).

standards were "among the toughest in the world".⁶ Unlike the Minister, CELA has not had an opportunity to compare the Ontario proposals with those of other industrialized nations to determine if there is any validity to the Minister's hyperbolic statement. CELA, however, objects to the Minister's implication that the standards are, in fact, "new" or "better" than current approval requirements in Ontario.

For the most part (and with some notable exceptions), the standards appear to largely consolidate many current approval requirements that already exist in law, regulation, MOEE policy and guidelines, and recent Board jurisprudence. Thus, it is misleading to suggest or imply that the proposed standards fill a regulatory vacuum. In fact, Ontario already has requirements regarding siting, design, operations, monitoring, landfill gas, surface water and groundwater protection, contingency planning and financial assurance. Generally speaking, then, the proposed standards are no more rigorous, for example, than the comprehensive sets of site-specific conditions of approval being imposed by the Joint Board or Environmental Assessment Board on the basis of current requirements.⁷ Indeed, in some respects, the proposed standards may be viewed as retrogressive since they purport to impose generic standards rather than require the careful crafting of conditions that address the site-specific variability of landfill impacts.

More importantly, there are certain aspects of the proposed standards that mark a fundamental and unjustified shift in landfill siting principles in Ontario. For example, it has long been a fundamental principle in landfill site searches that proponents must demonstrate that the proposed site is located within a proper hydrogeological setting. This principle was incorporated into the Ministry's 1983 "Green Hat" policy, which stressed the paramountcy of hydrogeological considerations and required proponents to:

5.0 Evaluation of Potential Site Locations

1. Landfilling

- (a) compare the advantages, disadvantages and mitigation (of disadvantages) of each potential site location with the evaluation criteria and appropriate legislation (Regulation 309 [now 347] and EPA);
- (b) the evaluation criteria can include the following:
...
- hydrogeologic conditions including:

⁶ The Hon. Brenda Elliott, Statement to the Ontario Legislature Regarding the New Landfill Standards (June 17, 1996).

⁷ See, for example, Re Expansion of Storrington Landfill Site (Environmental Assessment Board, May 7, 1993, File #EA 91-01).

- depth of water table below ground surface (from water well records);
 - flow direction of groundwater;
 - type of soil/geology (from soil/geology maps);
 - nearby groundwater and surface water use and potential use (such as drinking water);
 - distance to surface water bodies;
 - feasibility of contingency systems for leachate control (including system design and installation and leachate handling);
 - recharge or discharge area;
- (c) assess the relative importance of the evaluation criteria;
- (d) establish a minimum requirement for acceptability of hydrogeologic conditions to prevent the assessed relative importance of the other evaluation criteria from overwhelming the hydrogeologic conditions (i.e. a site which is not acceptable hydrogeologically, should not be selected as the preferred alternative);
- (e) chose a reasonable number of the better alternative sites for more detailed evaluation:
- : a conceptual plan for each site;
 - : a few boreholes may be necessary to confirm hydrogeologic conditions;
- (f) chose the preferred alternative (site location) and rank the other locations in order of preference (emphasis added).

The inherent problems in relying heavily or exclusively upon engineered facilities to protect groundwater has been reflected in the Ministry's current "Engineered Facilities" policy.⁸

Similarly, commencing with the Halton Landfill decision, the Joint Board and Environmental Assessment Board have articulated and applied criteria which again underscore the importance of ensuring that the proposed site itself is hydrogeologically acceptable. These criteria were summarized by the Halton panel as follows:

1. The hydrogeology of the area must be comprehensible.
2. The loss of contaminants should be minimal (and preferably zero) as a result of either natural containment or engineered works.

⁸ Engineered Facilities at Landfills that Receive Municipal and/or Non-Hazardous Wastes (MOEE Guideline C-13).

3. Natural containment and attenuation of contaminants is preferred to engineered containment and attenuation.
4. If it is predicted that contaminants may move away from a landfill site, then the postulated contamination migration pathways should be predictable.
5. It should be demonstrated that predicted leachate migration from the site will have no significant adverse impact on surface waters.
6. Monitoring to identify contaminant escape and migration pathways should be straightforward.
7. There should be the highest possible confidence in the effectiveness of contingency measures to intercept and capture lost contaminants.⁹

These important principles have been subsequently endorsed and applied in every major landfill hearing since the Halton decision, and these principles form the most significant threshold question as to whether or not a particular landfill application is approvable.

In this context, it is clear that that the most fundamental problem with the MOEE's proposed standards is that these important principles have been substantially undermined if not negated entirely. Henceforth, proposed site locations that would not have been approved (i.e. because they cannot satisfy the above-noted hydrogeological siting principles) are suddenly back on the table and approvable despite the well-recognized limitations on engineered facilities. In CELA's view, the proposed standards represent an unjustified reversal of long-standing and effective MOEE policy. In short, the proposed standards simply cannot co-exist with the "Green Hat" policy, the "Engineered Facilities" policy, and the recent Board jurisprudence.

If the MOEE wants to now embark on a completely different (and potentially dangerous) direction in terms of landfill siting principles, CELA submits that the MOEE should be upfront about its intentions. More importantly, the MOEE should initiate a full and public debate as to whether this is the most appropriate policy direction for Ontario. In CELA's view, camouflaging this abrupt policy direction with hyperbolic statements by the Minister, or using simplistic diagrams of landfill liners in the proposed standards, is not the way to elicit meaningful public input on this fundamentally important question.

(c) Proposed Landfill Siting Compensation Guidelines

In a related news release, the MOEE announced its intention to establish a working group to

⁹ Re Regional Municipality of Halton Sanitary Landfill Application (Joint Board, February 24, 1989, File #CH 86-02), at pp.109-12.

develop guidelines for compensation related to siting landfills. While CELA has been provided no further information about this proposal, we presume that the committee's mandate will be to develop policy or procedures to ensure that proponents pay compensation to eligible claimants in order to cover property value depreciation, municipal road wear and repair, nuisance impacts, and other socio-economic effects associated with landfills.

At this time, we have four comments about this proposal: (1) if the landfill standards are the "toughest" in the world, why would there need to be compensation since the MOEE insists that the standards will prevent adverse off-site impacts; (2) while compensation is supportable in principle, there will be a need for a thorough public review of the detailed guideline to ensure that the proposals are fair and reasonable, particularly from the residents' perspective; (3) given the importance of compensation, why is it being entrenched in an unenforceable "guideline" as opposed to a standard; and (4) the MOEE is sadly mistaken if it genuinely believes that the allure of compensation will significantly reduce or eliminate local opposition to landfills.

In CELA's experience, having represented many residents and ratepayers at landfill hearings and in the courts, local opposition to landfill proposals is rarely premised exclusively (or even largely) on monetary considerations. Instead, residents and ratepayers are more often motivated by a concern to protect the local environment, conserve natural resources, or promote 3R's activities. Accordingly, the reality is that with or without compensation, and with or without the proposed standards, the proposed establishment of a new site (or the proposed long-term expansion of an existing site) will still, in many instances, be a bitterly fought, highly acrimonious, and possibly litigious exercise.

3. Detailed Comments on the Proposed Standards

Given the above-noted time and resource constraints, CELA will not be able to provide detailed written comments on all technical issues that arise from the proposed standards. We have, however, attempted to identify and discuss some of the more problematic issues and proposals. At the same time, we want to be clear that our silence on some specific proposals is not to be interpreted by the MOEE as endorsement or acceptance of the proposals.

(a) Application of the Proposed Standards and Transition

It is CELA's understanding that the proposed standards will not apply to "small landfills" (i.e. 40,000 cubic metres or less of total waste disposal volume). In CELA's view, such a site (which could serve 1,500 people for approximately 20 years) cannot be automatically presumed to be insignificant or inconsequential. Indeed, CELA has been involved in numerous rural landfill cases where the environmental impacts of "small landfills" have been significant and

objectionable.

The wholesale exemption of small landfills has not been justified by the MOEE, particularly since these landfills may cause the same environmental impacts (i.e. nuisance, leachate, gas) as larger facilities, albeit on a smaller scale or shorter contaminating lifespan. Although the impacts of these smaller landfills may not seem significant to the MOEE as the provincial regulator, they are nevertheless quite significant to the neighbours of these facilities, and these impacts may add to cumulative increases in overall loadings of contaminants into the air, water and land. Therefore, CELA recommends that the MOEE reconsider the exemption threshold. If the proposed standards are truly intended to be provincial standards, then they should apply to all landfills provincewide (but allowing for site-specific flexibility where required).

A related concern regarding the application of the proposed standards is how, if at all, they are supposed to be plugged into ongoing waste management master planning exercises. Many municipalities are well into the late stages of such planning exercises, and have presumably structured their landfill site searches in accordance with the current siting principles outlined above (i.e. "Green Hat", "Engineered Facilities", Board jurisprudence). Now that these principles may be rendered largely irrelevant, can (or should) the municipalities start the site search all over again? Alternatively, can (or should) the municipalities simply jettison their current list of preferred or candidate sites, and "parachute in" any new site it chooses (provided that the new site is not near an airport or in a provincially significant wetland)? What about applications that get referred to the Board - is the Board expected to simply ignore or disregard its previous decisions regarding hydrogeological siting principles?

In light of these and other unresolved transitional issues, it seems that the proposed standards will increase, not decrease, uncertainty and unpredictability within ongoing site selection exercises. In CELA's view, greater consideration should be given to the integration of the proposed standards with ongoing municipal waste management master planning initiatives.

(b) Location Restrictions

The proposed standards purport to exclude landfills from three general areas: (1) lands within 8 km of public airports; (2) "hazardous lands" identified by the Ministry of Natural Resources (MNR); and "natural heritage features and areas" identified by the MNR. Upon closer examination, however, it is clear that these locational "standards" are far less prescriptive than they appear to be, particularly since these provisions are subject to broad exceptions. In each of the three categories, landfilling can still occur within the prohibited locations, provided that the proponent submits a "report" demonstrating that adverse effects to the area, feature or value will not occur (at least not in the proponent's view).

In CELA's opinion, these exceptions are so broad so as to render the location restrictions virtually meaningless, thereby undermining any certainty or predictability that was originally

intended by the MOEE. It seems reasonable to expect that other agencies and members of the public may not necessarily share the proponent's optimistic views on the lack of impacts or the efficacy of proposed mitigation measures. In many cases, an intense debate will likely ensue on the proponent's compliance (or non-compliance) with the proposed location restrictions or the exceptions thereto. Accordingly, it is unrealistic to expect that the debate on landfill location will be less rancorous or intense under the proposed standards than under the current regime.

On a more fundamental level, CELA is concerned that other key resources or lands (i.e. areas of high archeological importance or potential; prime agricultural lands or specialty croplands, etc.) are not included within the location restrictions. Among other things, this suggests that the MOEE intends to make site location a general non-issue in landfilling siting decisions, provided that the site is not otherwise beside an airport or within a floodplain. In CELA's view, the narrow list of location restrictions represents a significant rollback from the current regime, which requires proponents to examine sites from a broader ecological, social, economic, or cultural perspective, not just from fish and wildlife constraints.

In addition, CELA is concerned that minimum separation distances (i.e. between the landfill and adjoining residences, water wells, roadways, watercourses, etc.) have not been specified in the proposed standard. The failure to include such restrictions in the proposed standards is a major flaw that must be rectified, particularly since such restrictions currently exist under Regulation 347 for dumps, incinerators, and organic soil conditioning sites.

For these reasons, CELA recommends that the location restrictions must be considerably broadened, and the exception provision must be deleted or significantly restricted, before these proposals are even remotely supportable.

(c) Hydrogeologic Assessment and Surface Water Assessment

The proposed standards establish minimum content requirements for hydrogeological and surface water reports to be prepared by proponents. In general, these requirements appear to add little to the current requirements that already exist under MOEE policy and practice. Significantly, however, hydrogeological assessment of alternative sites no longer appears to be a Ministry requirement, as was the case under the above-noted "Green Hat" policy. CELA's comments on the effect of the proposed standards on long-standing hydrogeological siting principles is described above.

(d) Design Specifications

The proposed standards require proponents to prepare a report containing various plans,

specifications, and description of the site design. Again, this appears to add little to existing MOEE policy and practice. Interestingly, the proposed standard is silent as to whether the proponent must actually submit this report for MOEE review and/or approval to ensure compliance with prescribed standards. It appears that the MOEE may be content to receive only an "as built" report from the proponent confirming that the landfill was constructed as planned. CELA strongly objects to the proposed standards if the MOEE intends to use them to take a "hands-off" approach and rely upon proponent self-monitoring and reporting.

(e) Design Criteria for Groundwater Protection

The proposed standards require sites to protect groundwater through one of three approaches: a "site-specific" design approach that leaves it up to the site owner to decide how the Reasonable Use Guidelines will be satisfied, and two "generic" design approaches which require liners and leachate collection facilities. It thus appears that liners and leachate collection facilities are optional, not mandatory, under the proposed standards. To the extent that all three approaches are intended to meet existing Reasonable Use Guidelines, the claim that these are "new" requirements is somewhat questionable. One must also question whether the proposed guidelines are skewed towards the use of engineered facilities, despite the inherent risks and limitations of engineered facilities, particularly in sites lacking natural containment or attenuation characteristics.

One must also question the presumed effectiveness of these design approaches, given their overreliance upon computer modelling to calculate leachate generation and migration scenarios. Most observers will concede that there has considerable room for reasonable scientific and technical debate on key issues arising from computer modelling exercises, such as the validity of modelling parameters, the validity of underlying assumptions, the nature of sensitivity adjustments (i.e. were conservative numbers used?), the number of computer runs, and similar issues.

In CELA's view, the proposed standards place too much faith on computer modelling results, and the resulting design particulars are far less absolute, certain, or precise than the MOEE appears willing to acknowledge. In essence, the computer modelling results are really just educated best guesses as to what may occur in actual landfill settings subject to site-specific variables and actual operating conditions. The problem, however, is that the proposed standards are drafted in such a way as to preclude all future scientific or technical debate on the numbers and the resulting design particulars. In CELA's view, the proposed standards should recognize the inherent uncertainties of using computer programs for leachate modelling, and the proposed standards should be revised to describe reasonable ranges as opposed to hard-and-fast numbers. Alternatively, the proposed standards should expressly provide that the regulation's requirements (including groundwater protection provisions) are minimum requirements that may be varied or supplemented by more protective or rigorous requirements imposed by the Director and/or Boards.

On this point, CELA recommends the inclusion of the following wording in the proposed standards:

The standards, requirements, and procedures set out in this Regulation are minimum requirements and do not apply to the extent that terms and conditions set out in a certificate of approval or a provisional certificate of approval issued under section 39 of the Act impose different or more stringent requirements.¹⁰

(f) Landfill Gas

In general, the monitoring and reporting requirements within the proposed landfill gas provisions appear to add little or nothing to existing MOEE policy or practice or to typical Board-imposed conditions of approval. However, CELA is concerned about the stipulation in section 12(2)(a) that the concentration of landfill gas below the ground surface at the boundary "shall be less than 5 per cent by volume". It is our understanding that the 5% figure approaches the lower explosive level for methane, and does not contain an adequate safety margin. In our view, the figure should be substantially reduced (i.e. to 2.5%) in order to maximize the safety margin.

(g) Operation and Monitoring

Section 20 of the proposed standards requires proponents to prepare a report specifying operation and maintenance procedures for the site. The proponent will also be required to carry out groundwater, leachate, and surface water monitoring. Daily and intermediate soil cover will be required (unless the proponent prepares a report describing alternative cover materials or procedures). Public liaison committees may be formed, and there are various record-keeping and reporting requirements under the proposed standards. CELA has no substantive comments on these relatively straightforward provisions, except to say that these types of conditions are already required by the Director and/or Boards.

(h) Closure, Post-Closure, and Financial Assurance

The proposed standards require closure and post-closure plans and reports, and represent no appreciable improvement over typical conditions currently imposed by Director and/or Boards. In addition, financial assurance requirements in the proposed standards appear substantially similar to current MOEE policy and practices and Board-imposed conditions.

¹⁰ Similar language exists in section 9 of Regulation 347 and section 4 of O.Reg.101/94.

CELA has no principled objection to the Director's discretionary power to tap into the financial assurance where required for unplanned closure or post-closure activity. However, in light of the protracted litigation involving the Innisfil Landfill Site (where the MOEE is still trying to recover money paid out of the security fund in order to finance remedial work), it may be necessary to amend these provisions to name not only the site owner, but other persons or parties (i.e. successors, assignees, trustees, or receiver-managers).

We trust that these comments will be taken into account by the MOEE as it considers the future of the proposed standards. CELA reiterates its above-noted recommendation that the public comment period be deferred or extended until such time as the related statutory reforms have been finalized. Please contact the undersigned if you have any questions or comments about these submissions.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Richard D. Lindgren
Counsel

cc. Ms. Eva Ligeti, Environmental Commissioner
Ms. Sharon Suter, MOEE EBR Office
Ms. Cathy Taylor, OEN

