Environmental Assessment Act  
Loi sur les évaluations environnementales

ONTARIO REGULATION 350/94

EXEMPTION — THE REGIONAL MUNICIPALITY OF SUDBURY — SUDB-RG-2

**Consolidation Period:** From June 9, 1994 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

No amendments.

This Regulation is made in English only.

Having received a request from The Regional Municipality of Sudbury (the “Proponent”) that an undertaking, namely:

the interim expansion, operation and closure of the Onaping Falls Landfill Site at part of lots 11 and 12, Concession 6, Township of Dowling, Town of Onaping Falls, District of Sudbury for the disposal of domestic, commercial and non-hazardous solid industrial waste,

be exempt from the application of the Act pursuant to section 29; and

Having been advised by the Proponent that if the undertaking is subject to the application of the Act, the following injury, damage or interference with the persons and property indicated will occur:

A. The current users of the Site who are located in The Regional Municipality of Sudbury will be without a municipal solid waste disposal facility.

B. The Proponent will be subject to unnecessary delay and expense in implementing its long-term waste management program.

C. The Proponent will be subject to unnecessary delay and expense if it is required to prepare an environmental assessment for the undertaking.

Having weighed such injury, damage or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the Act;

The undersigned is of the opinion that it is in the public interest to order and orders that the undertaking is exempt from the application of the Act for the following reasons:

A. The continued operation of the existing landfill is clearly an interim measure for which there are no other reasonable waste management alternatives which can be implemented within the necessary time frame.

B. The other alternatives which have been investigated do not provide adequate capacity for the Proponent’s waste, pending commissioning of a facility through the Proponent’s long-term waste management program.

C. A hearing under Part V of the Environmental Protection Act for approval of the continued operation and interim expansion will be held, thereby permitting the public and government agencies the opportunity for a detailed examination of the proposed changes to the site to protect the environment.

D. It is the intention of the Proponent that the proposed long-term waste management program of The Regional Municipality of Sudbury be pursued in accordance with applicable legislation and the Proponent expects that sufficient elements of the program will be implemented prior to the conclusion of the exempt undertaking so that the Proponent will not have to seek further approvals for the Onaping Falls Landfill Site prior to completion of the long-term waste management program.

This exemption is subject to the following terms and conditions:

1. Where any activity which otherwise would be exempt under this order is being carried out as or is part of an undertaking for which an environmental assessment has been accepted and approval to proceed received, the activity shall be carried out in accordance with any terms or conditions in the approval to proceed as well as the conditions of this order.

2. Where any activity which is the subject of this order is being carried out as or is part of another undertaking which is the subject of an exemption order under the Act, the activity exempt under this order shall be carried out in accordance with any terms or conditions in the other exemption order as well as the conditions in this order.

3. The undertaking may include the acquisition of additional lands within the boundaries of the lands shown as “The Proposal” on Map 3-1, April, 1993, a copy of which is in the document entitled “Request for Section 29 Exemption from the Environmental Assessment Act for Interim Expansion of the Onaping Falls Landfill Site” prepared by Proctor and Redfern Limited August, 1993, which document is filed with the public records maintained under section 30 of the Environmental Assessment Act (“Public Record”). The above-mentioned lands may be amended as a result of the hearing under Part V of the Environmental Protection Act.

4. No waste shall be deposited at the Onaping Falls Landfill Site pursuant to this order more than five years after the date of receipt of waste under this order in the interim expansion area.

5. The Proponent will continue to file the annual reports on its progress in implementing its Waste Management Plan required under condition 6 of O. Reg. 393/93 (an exemption order for the interim expansion of the Sudbury Landfill Site) until the later of the time provided under that exemption order and the Director, Environmental Assessment Branch advising the Proponent in writing that further reports are not required pursuant to this condition.

6. Except as may be provided in the Certificate of Approval issued under Part V of the Environmental Protection Act, the Onaping Falls Landfill Site shall be operated in accordance with the reports entitled: “Request for Section 29 Exemption from the Environmental Assessment Act for Interim Expansion of the Onaping Falls Landfill Site”, “Supporting Documentation to an Application for a Certificate of Approval for Interim Expansion of the Onaping Falls Landfill Site”.

7. The Proponent will prepare and give such public notice as is appropriate in the Proponent’s opinion which notice must include an advertisement in a newspaper with general circulation to the area surrounding the Onaping Falls Landfill Site, of the annual reports, if any, required by the Part V Certificate of Approval relating to monitoring, closure and post closure activities at the site. The notice must specify locations where the Proponent will make the reports available for review and comment. A copy of each notice shall be provided to the Environmental Assessment Branch for the public record maintained under section 30 of the Act.

8. The preliminary hearing for the undertaking under the Environmental Protection Act shall not be called until the Proponent has completed the Onaping Falls Landfill Interim Expansion Wetland Inventory/Fish Assessment as referenced in the August 16, 1993 letter to the Proponent from Proctor and Redfern Limited.

9. Obtaining all necessary approvals for the implementation of the Waste Management Plan in accordance with applicable legislation within the interim period specified in condition 4 shall be pursued expeditiously. O.Reg. 350/94.

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