Environmental Assessment Act  
Loi sur les évaluations environnementales

ONTARIO REGULATION 393/93

EXEMPTION — THE REGIONAL MUNICIPALITY OF SUDBURY — SUDB-RG-1

**Consolidation Period:** From June 30, 1993 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:

operating and closing the Sudbury Landfill Site at lots 7, 8 and 9, Concession 4, Township of Neelon, City of Sudbury, Regional Municipality of Sudbury, including placing additional domestic, commercial and non-hazardous solid industrial waste from the whole of The Regional Municipality of Sudbury and the acquisition of additional lands as an interim measure,

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 mandatory public 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 to review the proposed changes to the site.

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 landfill waste disposal site prior to completion of the long-term waste management program.

E. This undertaking will facilitate the proper closure of any other site within The Regional Municipality of Sudbury should an emergency situation arise causing any of these sites to not have approved capacity available for use.

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 includes the disposal waste from the whole of The Regional Municipality of Sudbury including the acquisition of additional lands within the boundaries of the lands shown as the “Proposed Limits of Waste” on map 3-1, January, 1992, a copy of which is in the document entitled “Request for Section 29 Exemption Environmental Assessment Act for Upward Expansion and Interim Use of the Sudbury Landfill Site” prepared by Proctor and Redfern Limited July, 1992, which document is filed with the public records maintained under section 30. 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 Sudbury Landfill Site pursuant to this order after the earlier of,

i. five years after the date the Provisional Certificate of Approval for the waste disposal site is issued pursuant to this order, and

ii. the commencement of operations of a waste disposal site pursuant to the Waste Management Plan for The Regional Municipality of Sudbury,

unless an environmental assessment application for an approval for an undertaking which meets the requirements of the Act and which includes a waste disposal site proposed for use for waste from the Proponent has been submitted to the Minister under the Act, in which case, no waste shall be disposed of by the Proponent pursuant to this order more than one year after a decision is made under the Act to approve or not approve the undertaking.

5. No later than October, 1993, the Proponent shall have hired a consultant to assist with preparation of the Waste Management Plan for the Proponent, and shall have established a Steering Committee. No later than October, 1993, the Steering Committee shall adopt a Ministry approved Waste Management Plan terms of reference and proceed to implement the terms of reference and the Waste Management Plan that is prepared according to those terms of reference.

6. Commencing no later than January, 1994, the Proponent shall file an annual report to the Director, Environmental Assessment Branch, Ministry of Environment and Energy, for filing with the public records kept under section 30 of the Act by the Branch at the Branch’s office located at 250 Davisville Avenue, 5th Floor, Toronto, Ontario, M4S 1H2. This annual report shall outline the Proponent’s progress in implementing the Waste Management Plan terms of reference, including how the proponent will continue to meet the terms of reference for the Waste Management Plan. The Proponent may cease filing such reports after the site ceases to be operated pursuant to this exemption and the Director of the Environmental Assessment Branch, Ministry of Environment and Energy has advised the Proponent in writing that further reports are not required pursuant to this condition.

7. No later than the sixth month of the fourth year of the Provisional Certificate of Approval for the waste disposal site issued for the purpose of this order, the Proponent will submit a contingency plan to be implemented if the long-term waste disposal solution is not available at the conclusion of interim expansion. This contingency plan should not consider the expansion of the interim site beyond the limit of this proposal unless written permission to do so is obtained from the Director, Northeast Region, Ministry of Environment and Energy. The Plan must receive the written endorsement of the Director, Northeast Region, Ministry of Environment and Energy and shall be submitted to that Director. Copies of the contingency plan shall be given to the Director, Approvals Branch, Ministry of Environment and Energy and Director, Environmental Assessment Branch, Ministry of Environment and Energy.

8. Waste from an area within The Regional Municipality of Sudbury which is normally serviced by another landfill site shall only be brought to this site when the other site does not have approved capacity available for use. O.Reg. 393/93.

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