Environmental Assessment Act  
Loi sur les évaluations environnementales

ONTARIO REGULATION 445/93

EXEMPTION — TOWNSHIP OF ASPHODEL — ASPH-T-1/1

**Consolidation Period:** From July 28, 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 Corporation of the Township of Asphodel (“the Township”) that an undertaking, namely:

The continued operation as an interim measure and closure of the existing and approved Township of Asphodel Landfill Site, situated on parts 1, 2, 3 and 4, lots 17 and 18, Concession IV and parts 5, 6, 7, 8, 9, 10 and 11, lots 17 and 18, Concession V, in the County of Peterborough, for the disposal of domestic, commercial and non-hazardous solid industrial (agricultural) wastes with the changes as described in the Report entitled “Request for Section 29 Exemption from the Environmental Assessment Act for Interim Height Expansion of the Existing Asphodel Landfill Site”, dated February, 1992, prepared by Proctor & Redfern Limited, including the letter from Proctor & Redfern Limited to the Minister of Environment and Energy dated April 29, 1993,

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

Having been advised by the Township 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 Township will be subject to delay and expense if it is required to prepare an environmental assessment for the interim undertaking.

B. The current users of the site who are located in Peterborough County, the Township of Asphodel, will be without a municipal waste disposal facility as of March 7, 1992.

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 timeframe. Steps have been taken to reduce dependence on disposal through landfilling by implementing 3Rs opportunities, including recycling and home composting.

B. Alternatives have been investigated.

C. A public hearing under Part V of the Environmental Protection Act for the approval of the continued operation will be held.

D. It is the intention of the proponent that a long-term waste management program be pursued in accordance with applicable legislation and that sufficient elements of the program will be implemented prior to the conclusion of the exempt undertaking to avoid the need for further exemptions.

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. No waste shall be disposed of from the Township of Asphodel pursuant to this order after the earlier of,

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

ii. the commencement of operations of a waste disposal site pursuant to the Peterborough County Waste Management Master Plan,

unless an application for an approval under the Environmental Assessment Act for an undertaking under the Peterborough County Waste Management Master Plan which includes a waste disposal site, at which waste from the Township of Asphodel may be disposed, has been submitted to the Minister under the Act, in which case, no waste shall be disposed of from the Township of Asphodel pursuant to this order more than one year after a decision is made under the Act to approve or not approve the undertaking.

4. Obtaining all necessary approvals for the implementation of a long-term waste management program in accordance with applicable legislation within the interim period specified in condition 3 shall be pursued expeditiously.

5. The Township shall file an annual report to the Director, Central Region, Ministry of Environment and Energy outlining the Township’s progress in achieving leachate abatement at the existing site and the progress in implementing a long-term waste management program; a copy of the reports shall be given to the Directors of the Environmental Assessment and Approvals Branches of the Ministry of Environment and Energy. Copies of the reports referred to in this exemption order shall be kept in the public records maintained under section 30 of the Act by the Environmental Assessment Branch.

6. In preparing material and carrying out studies for the application under Part V of the Environmental Protection Act, the Township shall consult with any public authorities and groups who express an interest therein and provide them with copies of all relevant material.

7. Except as provided in the approval issued under Part V of the Environmental Protection Act, the undertaking shall be carried out in accordance with the February, 1992 Proctor and Redfern Ltd. Report, including the letter from Proctor & Redfern Limited to the Minister of Environment and Energy dated April 29, 1993.

8. In the event the site is acquired by another municipality, the acquiring municipality shall carry out the responsibilities of the Township under this order. O. Reg. 445/93.

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