Environmental Assessment Act  
Loi sur les évaluations environnementales

ONTARIO REGULATION 716/92

EXEMPTION — THE CORPORATION OF THE TOWN OF KAPUSKASING — KAP-T-2

**Consolidation Period:** From November 27, 1992 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 Town of Kapuskasing (the “Proponent”) that an undertaking, namely:

the expansion of the capacity of the existing Kapuskasing waste disposal landfill site located on part of Lot 29, Concession 17, in the Township of O’Brien, in the District of Cochrane, as currently authorized under Provisional Certificate of Approval No. A580405, and the continued use and operation of such waste disposal site for a period of five years,

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. Other available interim waste management options will result in significant increases in cost;

B. The Proponent and its ratepayers will be without a municipal solid waste disposal facility.

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 Proponent is currently undertaking a waste management master plan in accordance with the Environmental Assessment Act, and it is the intention of the Proponent to implement a long-term waste management system in accordance with applicable legislation and in accordance with the master plan by the end of 1997.

B. The undertaking will allow sufficient time for evaluation of alternatives for waste management until the end of 1997.

C. Alternatives have been investigated.

D. The undertaking is an interim measure for which there are no other reasonable waste management alternatives which can be implemented within the necessary time frame.

E. A mandatory public hearing under Part V of the Environmental Protection Act for the approval of continued or expanded operation will be held.

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 deposited at the Kapuskasing Landfill site pursuant to this order after the earlier of:

(i) five years after the date of the Provisional Certificate of Approval for the waste disposal site has been issued for the purpose of this order, and

(ii) the commencement of operations of a waste disposal site pursuant to the Kapuskasing-Moonbeam Waste Management Master Plan,

unless an application for an approval under the Environmental Assessment Actfor an undertaking under the Kapuskasing-Moonbeam Waste Management Master Plan which includes a waste disposal site proposed for use for waste from the Town 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.

4. Commencing no later than January, 1994, the Proponent shall file an annual report to the Director, Northeastern Region, Ministry of the Environment, outlining the Proponent’s progress in achieving abatement at the existing site and progress in implementing the long-term waste management program; a copy of the reports shall also be given to the Director, Approvals Branch, Ministry of the Environment. The Proponent may cease filing such reports after the site has been closed to the Regional Director’s satisfaction and the Director has advised the Proponent in writing that further reports are not required pursuant to this condition. O.Reg. 716/92.

[Back to top](#Top)