Environmental Assessment Act  
Loi sur les évaluations environnementales

ONTARIO REGULATION 718/92

EXEMPTION — THE CORPORATION OF THE CITY OF BROCKVILLE — BROC-C-3

**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 City of Brockville (the “Proponent”) that an undertaking, namely:

The continued operation and closure of the existing and approved City of Brockville Landfill site, situated on part of lots 16 and 17, Concession 11, City of Brockville, for the disposal of domestic, commercial/institutional and solid non-hazardous industrial waste, digested sewage sludges and sludges from the leachate pretreatment lagoons,

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 Proponent will be subject to delay and expense if it is required to prepare an environmental assessment for the undertaking,

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

C. The Proponent, commercial, institutional and industrial business sectors will be subject to additional expense and business loss due to increased costs for disposal at alternative locations; and

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:

1. 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,

2. Alternatives have been investigated,

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

4. 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 that program will be implemented prior to the conclusion of the exempt undertaking.

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 City of Brockville 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 United Counties of Leeds and Grenville Waste Management Master Plan,

unless an application for an approval under the Environmental Assessment Act for an undertaking under the United Counties of Leeds and Grenville Waste Management Master Plan which includes a waste disposal site proposed for use for waste from the City 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, Southeastern 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. 718/92.

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