Environmental Assessment Act  
Loi sur les évaluations environnementales

ONTARIO REGULATION 723/91

EXEMPTION — THE CORPORATION OF THE TOWN OF FORT ERIE — FORT-E-T-2

**Consolidation Period:** From November 28, 1991 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 Fort Erie (the “proponent”) that an undertaking, namely:

The extended use, as an interim measure, of the existing approved Bridge Street Sanitary Landfill site located on lots 7 and 8, Concession 4, in the Town of Fort Erie, Regional Municipality of Niagara, for the disposal of domestic, commercial, non-hazardous industrial solid wastes and sewage sludges,

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

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 use of the approved expansion area 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. Alternatives have been investigated.

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

D. The continued use only permits waste quantities already approved.

E. The Town of Fort Erie is supporting the Port Colborne/Fort Erie Waste Management Master Plan’s development of a 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. An application for an approval under Part V of the Environmental Protection Act for the continued operation of the site must be submitted along with: a hydrogeologic study; a design and operations report for the interim period which will include but not be limited to a monitoring program, trigger analysis causing implementation of the contingency plans, contingency plans, closure and post closure plans.

3. The Town of Fort Erie shall proceed expeditiously to complete a long-term waste management program in accordance with the Environmental Assessment Act within the interim period of time specified in Condition 6 (i).

4. The proponent shall file an annual report outlining the municipality’s progress in developing and implementing the long-term waste management strategy. This report will be submitted to the Director, Environmental Assessment Branch, Ministry of the Environment for filing with the Public Record kept under section 30 of the Act by the Branch. Copies of the report shall be given to the Director, Approvals Branch, and Regional Director of South West Region.

5. The Town shall notify in writing the Director, Environmental Assessment Branch, Ministry of the Environment, no later than one month after the date of publication of this Exemption Order of how the Town will comply with conditions 2 through 4.

6. No waste shall be disposed of by the proponent pursuant to this Order after the earlier of,

(i) five years after a Provisional Certificate of Approval or Certificate of Approval for the waste disposal site has been issued pursuant to this Order, or

(ii) the commencement of operations of waste disposal site pursuant to the Port Colborne/Fort Erie Waste Management Master Plan,

unless an application for an approval under the Environmental Assessment Act for an undertaking under the Port Colborne/Fort Erie Waste Management Master Plan which includes a waste disposal site has been submitted to the Minister under the Act, in which case, no waste shall be disposed of by the municipality pursuant to this order more than one year after a decision is made under the Act to approve or not approve the undertaking.

7. No waste shall be disposed of at the site after the interim contour limits as approved under the existing Certificate of Approval No. A120501 dated May 26, 1989 are reached.

8. Exemption Order FORT-E-T-1 filed as Ontario Regulation 192/86 is hereby revoked. O. Reg. 723/91.

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