

# Community

## NEC amendment sits in limbo

By BEN DUMMETT  
The Herald

Niagara Escarpment Commission, (NEC), Amendment 52 banning waste disposal sites on the escarpment sits in limbo until at least February.

On Wednesday of what was supposed to be a week-long hearing to determine if the amendment should be given further consideration or scrapped, two opponents of the amendment, Reclamations Systems Incorporated and Walker Brothers Limited told the hearing officer they will be seeking a judicial review of the hearing.

In response, the hearing officer rescheduled the hearing for Feb. 11.

Both companies are waste management firms. RSI is based in Milton and is behind the Acton dump proposal, and Walker Brothers is based in Niagara Falls.

The lawyers said they would be seeking a judicial review after the hearing officer ruled a preliminary motion they introduced Monday was invalid. In their initial motion the lawyers claimed the hearing should be stopped because the hearing officer didn't have authority to rule on Amendment 52.

According to NEC Senior Planner Marion Plaunt, the hearing officer ruled he did have jurisdiction to consider the amendment.

The amendment requires applicants wanting to establish a waste disposal site on the escarpment to first obtain an amendment to the Niagara Escarpment

Plan. Currently an amendment isn't always required.

Lawyers for the waste management firms made their preliminary motion on the basis that the commission changed the content of Amendment 52 between the time the NEC initiated the amendment in March 1989 and the time the commission came out in support of it that summer, said Ms. Plaunt.

She explained the firms' lawyers claimed the commission failed to seek input from outside agencies once it supported the content changes. They argued therefore the hearing officer would only have jurisdiction to rule on the amendment once the new version of the amendment had been circulated to, the necessary agencies.

The hearing officer ruled in favor of the commission Wednesday because the two versions of the amendment don't differ significantly, said Ms. Plaunt.

In seeking a judicial review, the companies' lawyers want a judge to determine if the hearing officer's ruling on the preliminary motion was correct, she said.

The judge's ruling will be final.

When the hearing resumes in February the companies' lawyers will indicate if they have filed the documents necessary for the judicial review to go ahead. If they have done so then a review date will be scheduled and depending on the outcome of the review, a hearing on the amendment may follow.



### Christmas water show

Those participating in the Halton Hills Recreation and Parks Department sponsored 17th Annual Christmas Water Show in Acton demonstrated the spirit of Christmas can take place anywhere. Pictured above, swimming students enrolled in the leaders program participated in a moving candle ceremony accompanied by Christmas hymns. (Herald photo)

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