

Hearings continue for NEC Amendment 52

By BEN DUMMETT
The Herald

The Niagara Escarpment Commission's proposed plan to ban landfills on the escarpment complements the existing protective measures already in place safeguarding the landform's environmental uniqueness, said Halton Hills lawyer Stephen D'Agostino, Wednesday.

Mr. D'Agostino made this submission during a hearing at the Halton Hills Civic Centre on the NEC's proposed Amendment 52.

If Amendment 52 is approved, applicants wanting to establish a waste disposal facility on the escarpment would first be required to obtain an amendment to the Niagara Escarpment Plan. Currently an amendment of this nature isn't always required.

Mr. D'Agostino explained Amendment 52 would ensure all proposed landfill projects for the escarpment be subjected "to a detailed review from the unique perspective of the Niagara Escarpment Plan."

The plan's purpose is to "maintain and enhance" the quality and character of the escarpment's natural streams, water supplies and open landscape.

In response to evidence submitted by opponents to the proposed amendment claiming the province's Environmental Assessment Act is adequate legislation to protect the escarpment, Mr. Agostino said there is a significant difference between the EAA and Amendment 52 despite some similarities.

The EAA and Amendment 52 are similar because they both address environmental concerns and contain a planning process. However, they are different, said Mr. Agostino, because the EAA focuses on the management of the environment, while Amendment 52 centres on the maintenance of the environment concerning the escarpment.

"This significant difference in the wording results in the amendment being more directed to the preservation of the environment," he said.

The word management implies changes are allowed but the word maintenance implies the status quo must be protected, explained Mr. D'Agostino.

Mr. D'Agostino also pointed out that under the EAA, private proponents of landfills are not always required to subject their

applications to the EAA process. In this sense, the approval of Amendment 52 is that more important, he said.

Niagara Escarpment Commission lawyer Robert Ratcliffe, and Peter Pitfield, lawyer for several environmental groups including local group Protect Our Water Environmental Resources, (POWER), also made submissions Wednesday in support of Amendment 52.

As part of his submission, Mr. Ratcliffe said the amendment should be approved because its opponents couldn't adequately prove a leak-proof landfill could be built.

Since landfills produce leachate - a poisonous liquid - any landfill on the escarpment would be required to prevent leachate leakage because of the escarpment's natural streams and water supplies, he explained.

Mr. Ratcliffe acknowledged the opponents of the amendment hold a strong belief a landfill can be engineered to prevent any leakage of leachate. However, he questioned the belief since earlier evidence was submitted showing leachate escaped from a landfill in St. Catharines despite claims it

was engineered with state-of-the-art technology.

"I would submit that we still have much to learn about the operation and engineering of waste disposal sites. The long-term environmental effect of waste disposal sites may not be known for 50 to 100 years," he said.

POWER's lawyer, Mr. Pitfield, contended opponents of the amendment incorrectly considered its validity in the context of other environmental legisla-

tion. Instead, the appropriateness of Amendment 52 should have been tested in the context of whether or not landfills "in principle" should be located on the escarpment, he said.



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