

FOAD argues board does not have jurisdiction

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Therefore, Edward argued, the board does not have the jurisdiction to review RSI's plans, and it should halt the proceedings immediately. He urged the board not to grant RSI's wishes to proceed to a full-blown hearing because, in his opinion, it would be a long and expensive process which would likely reach the same conclusion — that the landfill proposal is "woefully inadequate."

"The onus is on RSI to fulfill the requirements of the (EAA)," he added. "The clear intent of the (EAA) was to remove the function of approval from behind closed doors and place it out in the open for all to see and participate in. If (RSI's application) is to be considered a (proper) EA, then we will go back to pre-1975, back to permit granting behind closed doors... Society has said, 'we won't accept those risks unless you, the proponent, provide sufficient information. Then we'll review it and consider it on its merits. Otherwise, don't waste our time and money at a hearing.'"

Should the board not favor FOAD's opinion, Edward requested that they refer the matter to the divisional court for review.

However, RSI's lawyer Michael

Jeffery argued at length Thursday morning that it would be unfair for the board to dismiss everything at this stage in the game, without having had the opportunity of hearing all of the evidence. Such a proceeding would take place at a full hearing, when evidence and cross-examination of "expert" witnesses occur.

"You're being asked to accept their opinions, without allowing RSI to challenge that position, which would exclude the public from the most public part of the process," Jeffery said, again urging for RSI to have its day in court. "To suggest that the board find that 20 volumes of documentation is not an EA, is a course of action that this board should avoid at all costs."

Board chairman Mary Munro predicted at the conclusion of the hearing that it will likely be some time before they make a decision on whether the matter should proceed to a main hearing.

In an interview immediately afterwards, Edward showered praise on the board members, noting that they "displayed a deep insight into the legal framework."

He added that his request for the divisional court to decide the matter was a way out for the board to shy away from such a broad deci-

sion. However, because of their apparent abilities, Edward reasoned that they will probably make the decision themselves.

"Sometimes we don't know how a board will deal with the details or the complexities of law, which is the reason why we proposed the refer-

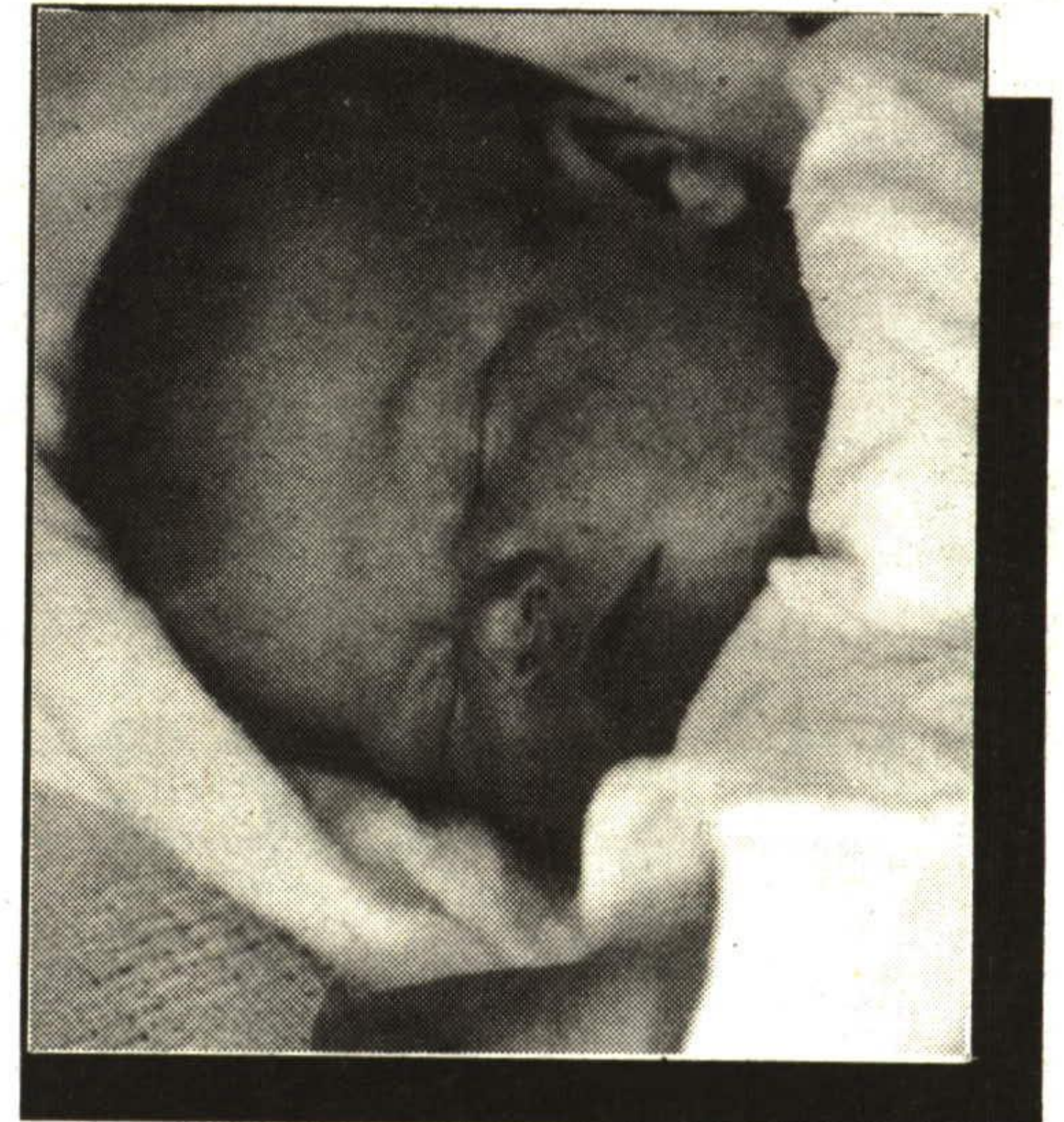
ral," he added. "That is why the legislation provides that opportunity for a referral to court — it's a built-in safety valve for the board."



'Some time before decision' says chairman Mary Munro

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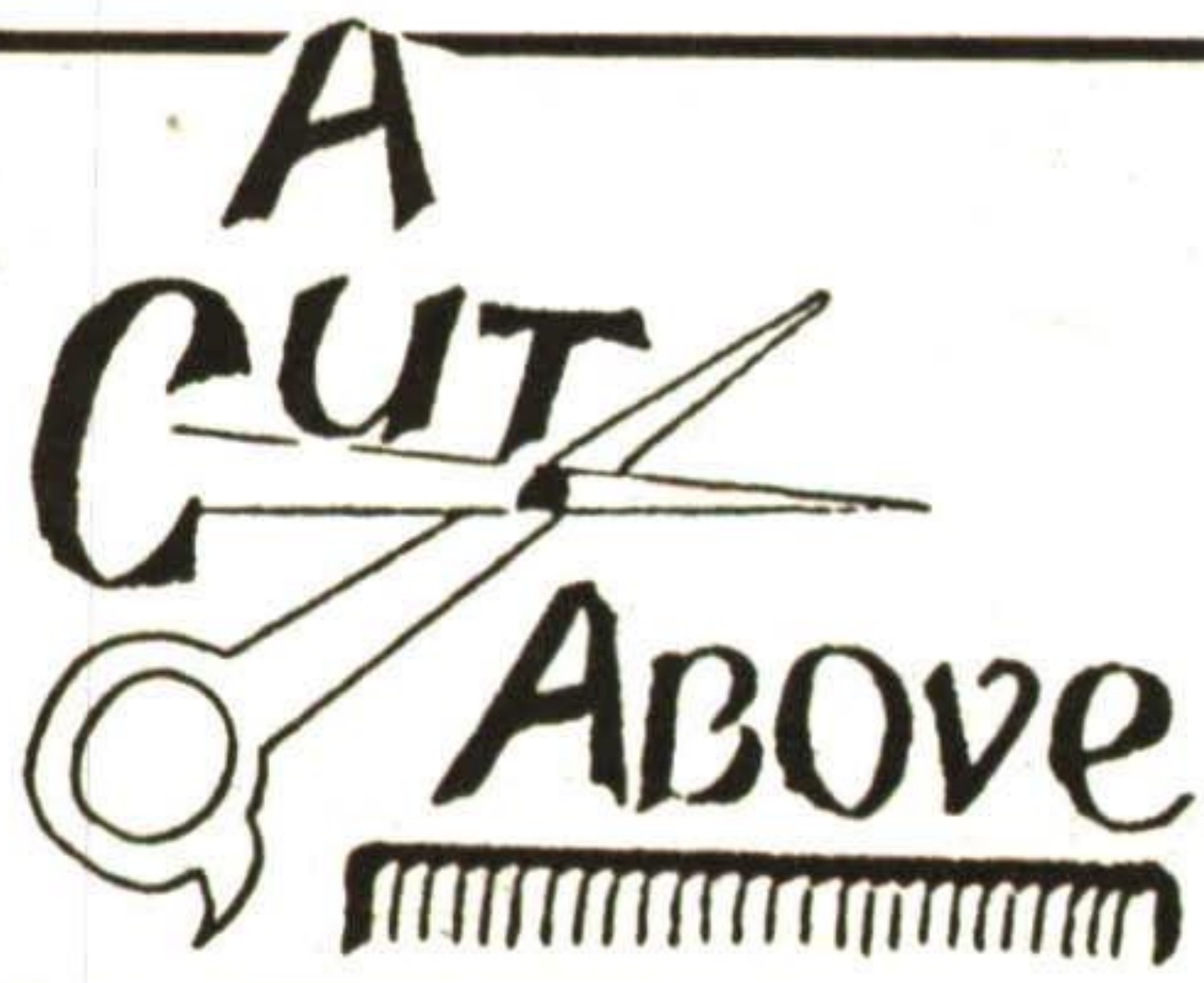
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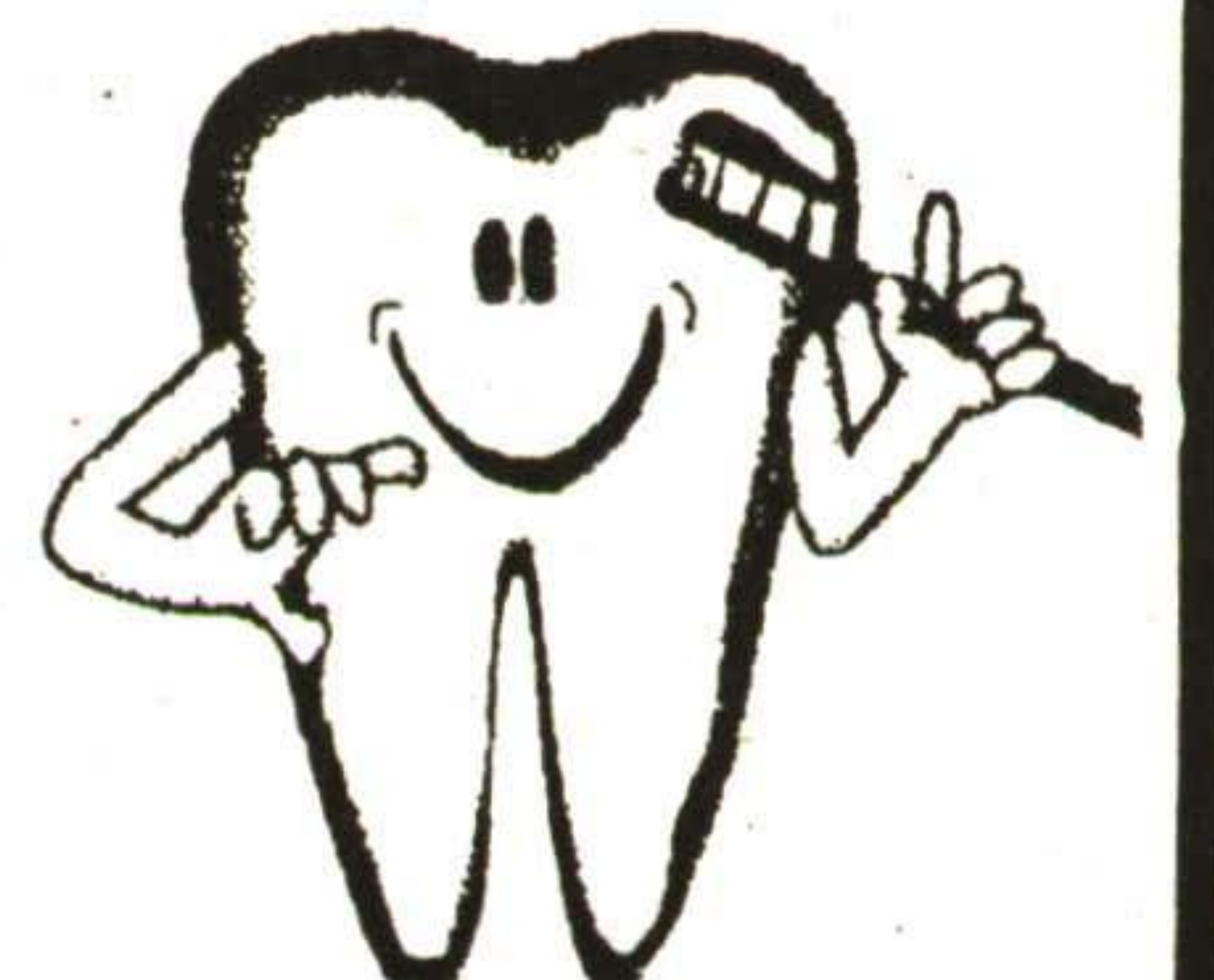
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