

Government agencies want clarification of RSI decision

By Dianne Cornish

A Divisional Court hearing set to convene in Toronto next Monday could have far-reaching implications for Halton Hills in its long-standing battle to quash a private company's proposal to convert a mined-out portion of the Acton Quarry into a landfill site.

The court is being asked to rule on the interpretation of a Consolidated Hearings Board (CHB), which determined last September that a landfill application by Reclamation Systems Incorporated (RSI) could not be heard by the Board because RSI had not completed applications for approval from various government agencies that would lead to a hearing.

Five government agencies, including the Ministry of the Environment (MOE), the Ministry of the Attorney General, the Interim Waste Authority (IWA) and the Ontario Waste Management Corporation (OWMC), have asked for clarification of the RSI decision which now impacts on every Environmental Assessment Board (EAB) hearing in Ontario.

Last week, Halton Hills Town Council authorized legal representation for the town at the upcoming Divisional Court hearing. A legal argument will be presented on the town's behalf, lawyer Stephen D'Agostino of the Toronto firm of Thomson & Rogers, said during a telephone interview last week.

Approval of legal representation at next week's court session means that more money will be required from town coffers to fight the RSI proposal. Last September when the RSI decision was announced, town officials estimated the town had spent more than \$500,000 to battle the landfill proposal.

Mayor Russ Miller sees the move by the government agencies to seek clarification on the RSI ruling as a means of trying "to overturn the RSI decision."

As a result, he has written a strongly-worded letter to Environment Minister Ruth Grier condemning her for "apparent attempts to assist RSI (to) win approval for the Acton Quarry Landfill proposal notwithstanding the opposition to it from numerous public agencies including your Environmental Assessment Branch and this Town."

"We're not just concerned; we're very upset about this," the mayor said during an interview last week.

Youth suffers a broken arm

A 43-year-old Limehouse man has been charged with assault causing bodily harm after an 11-year-old suffered a broken arm Sunday.

According to Police at 11 Division in Georgetown, a youth was in the basement of a residence when his father began yelling at him "because he felt the victim was not hurrying to get ready to go skiing."

The man went into the basement and began chasing the victim around a pool table.

According to police, the man then kicked out at the victim who suffered a fractured left forearm as a result of the kick.

The man has is set to appear in a Milton court February 15.

D'Agostino verified the importance of the pending Divisional Court decision. The court has been asked to give its opinion on the legality of the RSI decision.

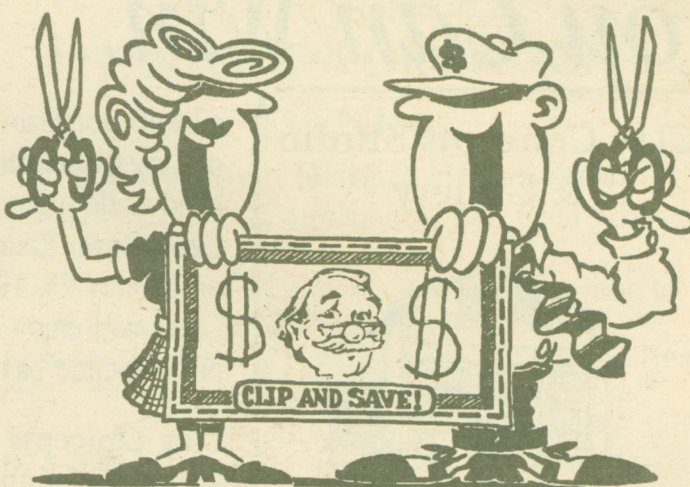
It has been asked to comment on four questions drafted by the EAB. What they boil down to is, Is the RSI case, right?" D'Agostino said.

One of the questions posed by the Board is whether applications should be filed with government agencies to necessitate a CHB hearing. In September, board officers ruled that the applications were required to support the need for a hearing.

Over the past several years, applicants generally filed applications beforehand, D'Agostino said. However, in the last few years, applicants haven't been filing approval applications but have gone directly to Environmental Assessment (EA), he added.

In "a worst case scenario," the lawyer said the Divisional Court could interpret the RSI decision in such a way that RSI might not be required to make the applications required by the town and other agencies. That will likely mean even more tax dollars to fight the landfill proposal.

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