Dear Mayor Bratina:

Thank you for your letter of August 22, 2013 about the Newalta Corp. Stoney Creek Landfill (File #C13-015).

In early 2013, the ministry was informed by Newalta Corp. of its intention to submit an application to amend its Environmental Compliance Approval (ECA) for the Stoney Creek Landfill. The company advised the ministry that the proposed amendment would include the elimination of the construction of two future landfill cells. It is my understanding that the waste intended for these cells would instead be placed on top of waste in the pre-existing landfill area, raising the peak of the landfill approximately 4.5 metres above the current height permitted by the existing ECA.

I understand from your letter that the City would like a description of Newalta Corp.’s proposed amendment to its ECA to be posted on the Environmental Registry. The ministry has been in regular communication with the company, but has not yet received a formal application for an amendment to the ECA for the landfill. I understand that the company is proactively consulting with the local community, including hosting public meetings which have been attended by members of the surrounding community, representatives from the City and the Newalta Hamilton Landfill Liaison Committee.

With respect to the Environmental Bill of Rights (EBR), proposals for ECA’s are typically classified as Class II proposals, meaning that descriptions of the proposals are required to be posted on the Environmental Registry for a minimum of 30 days for public comment. However, several exemptions to the posting requirement exist under the EBR, including one which exempts undertakings that have been previously subject to the public consultation requirements of the Environmental Assessment Act (EAA).
The Newalta Corp. Stoney Creek Landfill received an approval under the EAA in 1995. As per s. 32(1)(b) of Ontario's EBR, the ECA application is not required to be posted on the Environmental Registry for public review and comment as the original approval for the landfill was subject to the requirements of the EAA. However, in accordance with s.32, the ministry can still post a description of the proposal on the Environmental Registry as an information posting while the ministry reviews the ECA application. Any public comments received during the ministry's technical review can then be considered prior to any final decision.

To reiterate, the ministry has not yet received an amendment application from Newalta Corp. If and when the ministry receives an application, we will consider the option of an information posting to the Environmental Registry at that time.

Again, thank you for bringing your concerns to my attention and please accept my best wishes.

Yours sincerely,

Jim Bradley
Minister

c: Mr. Gord Miller, Environmental Commissioner of Ontario
   Mr. Tim Hudak, MPP, Leader, Progressive Conservative Party of Ontario
   Ms Andrea Horwath, MPP, Leader, New Democratic Party of Ontario
   Mr. Paul Miller, MPP, Hamilton East-Stoney Creek
   Ms. Monique Taylor, MPP, Hamilton Mountain
   The Honourable Ted McMeekin, MPP, Ancaster-Dundas-Flamborough-Westdale