



Regional Municipality of Durham
To: The Works Committee
From: Commissioner of Works
Report: 2007-W-83
Date: September 5, 2007

SUBJECT:

Expropriation of Lands Necessary for the Implementation of Remedial Activity
Associated with the Brock Township Landfill Site

RECOMMENDATION:

THAT the Works Committee recommends to Regional Council that approval be given to initiate expropriation proceedings with respect to the acquisition of land not acquired through negotiations which is required for remedial works and buffer zones associated with the Provincial Officer's Order issued October 13, 2006, by the Ministry of the Environment for the Brock Township Landfill site.

REPORT:

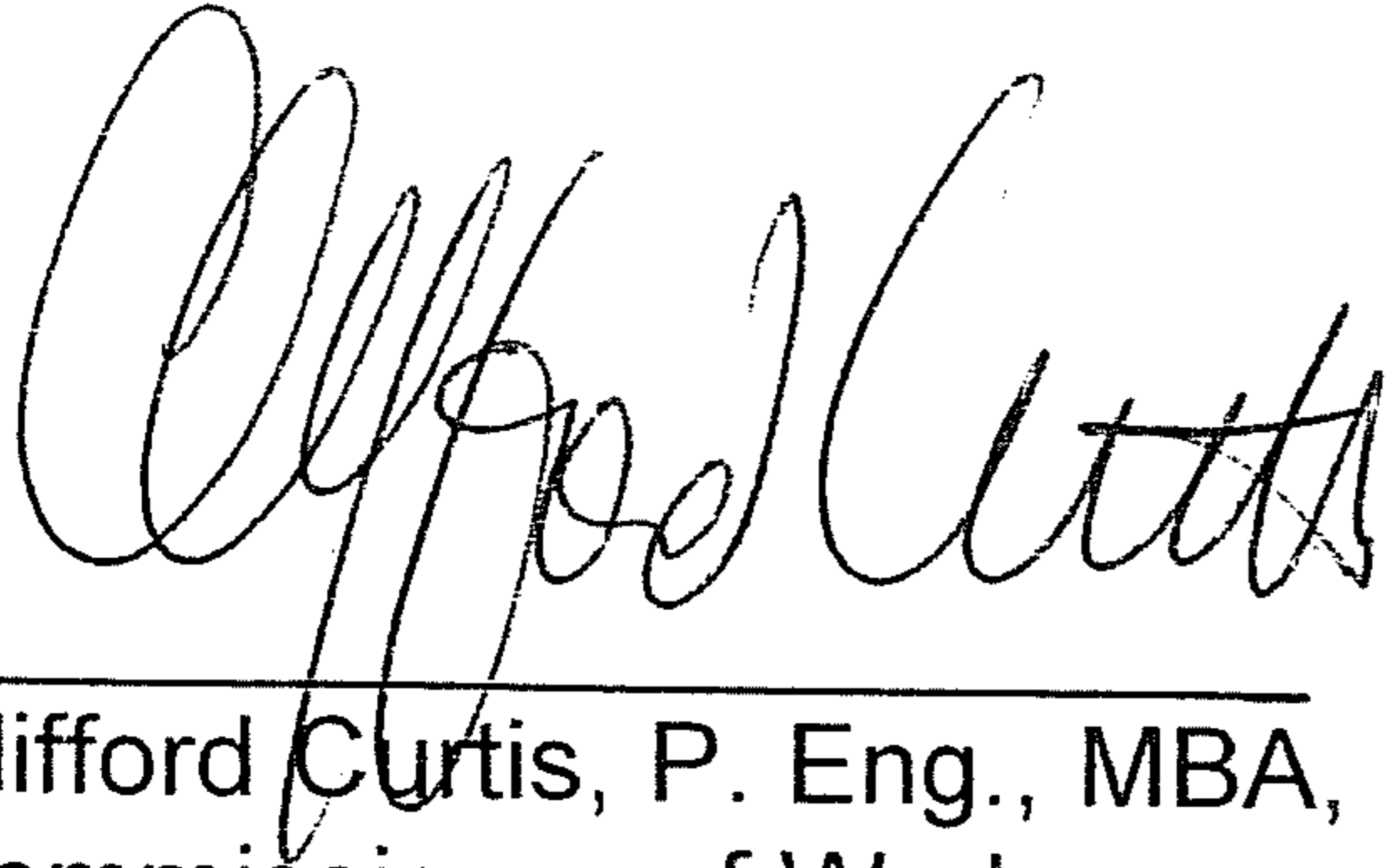
Attachment No. 1: Location Map

Attachment No. 2: Provincial Officer's Order issued October 13, 2006

The land in question (Attachment No. 1) is necessary to facilitate the construction of remedial works related to off-site leachate migration as well as the development of a suitable area to incorporate any off-site impacts, current or future monitoring and buffer land adjacent to the Brock Township landfill site. Associated with the requirements of the Provincial Officer's Order (Attachment No. 2), the need for acquiring the property has been addressed in the Regional Municipality of Durham's (Region's) submission of the Remedial Action Plan on January 31, 2007, and the Site Operations Report on March 30, 2007, to the Ministry of the Environment. The acquisition of the property is essential in meeting the objectives of the Provincial Officer's Order and ensuring continued operation of the landfill in an environmentally responsible manner. Timely acquisition is imperative in proceeding with approval applications related to the remedial works and the necessary changes to the site operation.

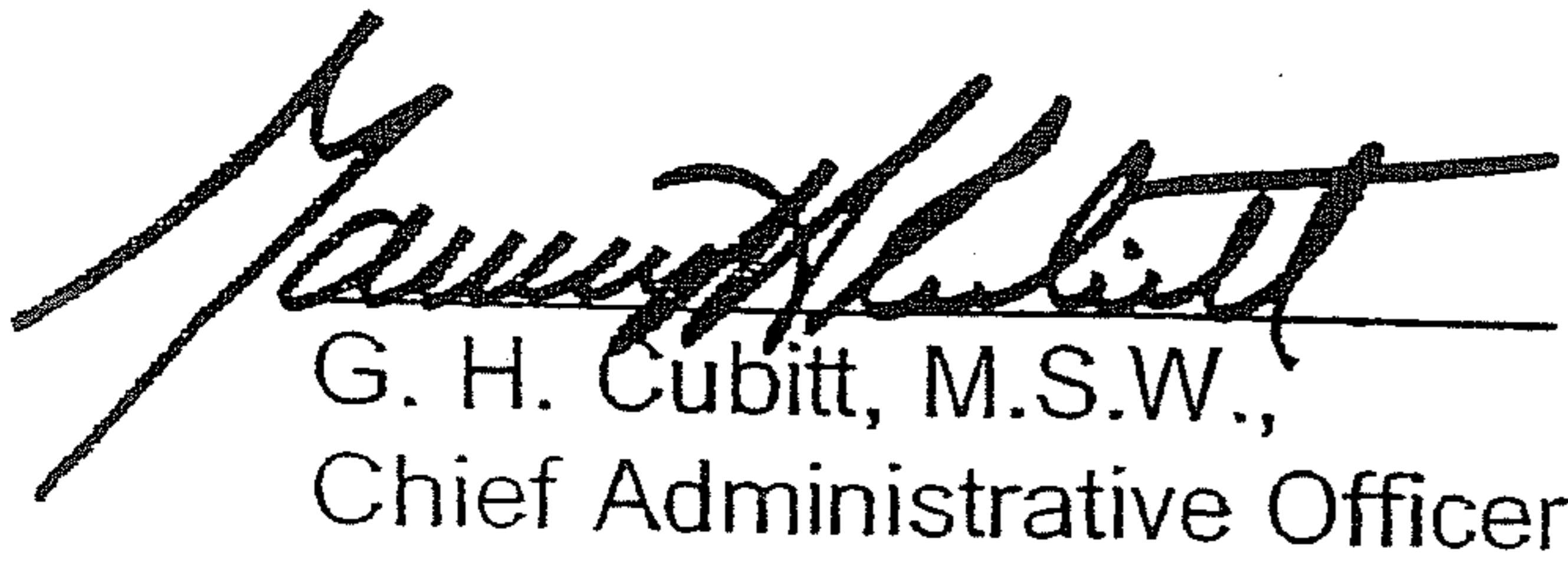
Regional Staff already have been negotiating with the property owner in an attempt to acquire the necessary land. However, should these negotiations fail this approval will permit staff to commence expropriation proceedings to ensure that the timelines are met to allow the acquisition to proceed. Staff will report further prior to the Region's publication of the Notice of Intention to Expropriate, pursuant to the Expropriations Act R.S.O. 1990 Chapter E.26.

This report has been reviewed by the Regional Solicitor who concurs with the recommendation contained herein.



Clifford Curtis, P. Eng., MBA,
Commissioner of Works

Recommended for Presentation to Committee



G. H. Cubitt, M.S.W.,
Chief Administrative Officer

RE2/ms/dh

Brock Concession Rd. 14

**Parcel of Interest
Roll No.
183904000328600**

**Existing Durham Region
Landfill Site**

Sideroad 17

Brock Concession Rd. 13



The Regional Municipality of Durham
Works Department

This map has been produced from a variety of sources. The Region of Durham does not make any representations concerning the accuracy, likely results, or reliability of the use of the materials. The Region hereby disclaims all representations and warranties.

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ORTHOGRAPHY, 2005 provided by the Regional Municipality of Durham

**Land Requirement
Southwest Corner of Brock Concession Road 14 and Sideroad 17
Township of Brock**





Ministry of the
Environment
Ministère de
l'Environnement
Ontario

Provincial Officer's Order

Environmental Protection Act, R.S.O. 1990, c.E 19 (EPA)
Ontario Water Resources Act, R.S.O. 1990, c. O. 40 (OWRA)
Pesticides Act, R.S.O. 1990, c. P11 (PA)
Safe Drinking Water Act, S.O. 2002, c.32 (SDWA)
Nutrient Management Act, 2002, S.O. 2002, c.4

Order Number
0117-6SJRU2

To: The Regional Municipality of Durham
P.O. Box 623 Stn Main
Whitby, Ontario, L1N 6A3
Canada

Site: Lot: 6, Concession: 13
Brock, Regional Municipality of Durham

Work Ordered

Item No. 1 **Compliance Date** 2007/01/31

Prepare and submit to the undersigned Provincial Officer a Remedial Action Plan to address landfill leachate impacts at the Brock Township Landfill Site. This plan shall address leachate impacts to off-site groundwater north of the Site, leachate discharge to the pond north of the Site and leachate break-out and seeps associated with the inactive eastern portion of the Site. The Remedial Action Plan shall include at a minimum:

- an assessment of Site conditions contributing to off-site leachate migration and on-site leachate outbreaks, including the depth and extent of wastes, soils conditions, presence and extent of interim and final cover; measures to address existing leachate impacts to off-site groundwater and surface water and on-site seeps measures to prevent future leachate impacts; and
- a proposed schedule for the completion of remedial works.

Item No. 2 **Compliance Date** 2007/03/30

Prepare and submit to the undersigned a Site Operations Report which describes current operational procedures for landfilling and waste management activities at the Site. This report shall include at a minimum:

- A description of the landfill design, waste management and topographic features,

- A description of the fill area, current limits of the wastes and a staging plan for future landfilling,
 - An estimate of Site capacity ensuring adequate separation distances from property boundaries or corrective measures or works to contain landfill related impacts,
 - A description of Site operations including daily cover practices,
 - A detailed description of the groundwater and surface water monitoring program,
 - An assessment of landfill gas generation, migration and potential receptors at the Site and in the vicinity and recommendations for future monitoring,
 - A stormwater management and landfill runoff and drainage plan for the Site, and
 - A complaint response procedure.
- A. ~~While this Order is in effect, a copy or copies of this order shall be posted in a conspicuous place.~~ ^{AB}
- B. ~~While this Order is in effect, report in writing, to the District or Area office, any significant changes of operation, emission, ownership, tenancy or other legal status of the facility or operation.~~

This Order is being issued for the reasons set out in the annexed Provincial Officers Report which forms part of this Order.

Issued at Ajax this 13th day of October, 2006.

Andrea Brown

Andrea Brown
Badge No: 996
York Durham District Office
Tel: (905) 427-5624

APPEAL/REVIEW INFORMATION

REQUEST FOR REVIEW

You may request that this order be reviewed by the Director. Your request must be made in writing (or orally with written confirmation) within seven days of service of this order and sent by mail or fax to the Director at the address below. In the written request or written confirmation you must,

- specify the portions of this order that you wish to be reviewed;
- include any submissions to be considered by the Director with respect to issuance of the order to you or any other person and with respect to the contents of the order;
- apply for a stay of this order, if necessary; and provide an address for service by one of the following means:
 1. mail
 2. fax

The Director may confirm, alter or revoke this order. If this order is revoked by the Director, you will be notified in writing. If this order is confirmed or amended by order of the Director, the Director's order will be served upon you. The Director's order will include instructions for requiring a hearing before the Environmental Review Tribunal.

DEEMED CONFIRMATION OF THIS ORDER

If you do not receive oral or written notice of the Director's decision within seven days of receipt of your request, this order is deemed to be confirmed by order of the Director and deemed to be served upon you.

You may require a hearing before the Environmental Review Tribunal if, within 15 days of service of the confirming order deemed to have been made by the Director, you serve written notice of your appeal on the Environmental Review Tribunal and the Director. Your notice must state the portions of the order for which a hearing is required and the grounds on which you intend to rely at the hearing. Except by leave of the Environmental Review Tribunal, you are not entitled to appeal a portion of the order or to rely on grounds of appeal that are not stated in the notice requiring the hearing. Unless stayed by the Environmental Review Tribunal, the order is effective from the date of service.

Written notice requiring a hearing must be served personally or by mail upon:

The Secretary	and	Director (Provincial Officer Orders)
Environmental Review Tribunal		Ministry of the Environment
P.O. Box 2382		York Durham District Office
2300 Yonge Street, Suite 1700		5th Floor
Toronto, ON M4P 1E4		230 Westney Rd S
		Ajax ON L1S 7J5
		Fax: (905)427-5602
		Tel: (905)427-5600

Where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and the time for requiring a hearing is not extended by choosing service by mail.

Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal by:

Tel: (416) 314-4600

Fax: (416) 314-4506

www.ert.gov.on.ca

FOR YOUR INFORMATION

- Unless stayed by the Director or the Environmental Review Tribunal, this order is effective from the date of service. Non-compliance with the requirements of this order constitutes an offence.
- The requirements of this order are minimum requirements only and do not relieve you from complying with the following:
 - any applicable federal legislation;
 - any applicable provincial requirements that are not addressed in the order; and
 - any applicable municipal law.
- The requirements of this order are severable. If any requirement of this order or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the order are not affected.
- Further orders may be issued in accordance with the legislation as circumstances require.
- The procedures to request a review by the Director and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference.