

## CITY OF HAMILTON NOTICE OF MOTION

Committee Date: April 11, 2012

**MOVED BY COUNCILLOR B. CLARK.....**

### **ON-SITE LANDFILL INSPECTOR FOR THE NEWALTA EAST QUARRY ICI LANDFILL**

WHEREAS, the Newalta Community Liaison Committee was recently informed by Ministry of Environment staff that the MOE had made a unilateral decision to cancel the on-site landfill inspector position for the Newalta East Quarry ICI Landfill;

AND WHEREAS Newalta has stated that they were not involved in the decision, confirming that the MOE staff acted unilaterally without any consultation;

AND WHEREAS the on-site landfill inspector was approved as clause 69 in the original Certificate of Approval, January 15 1997;

AND WHEREAS clause 69 reads “The Company **SHALL** reimburse the crown for costs incurred to retain an Environmental Inspector. The Terms of Reference for the Environmental Inspector **SHALL** be determined by the Regional Director following consultation with the company, the CLC and the City. A copy of the Terms of Reference **SHALL** be provided to the CLC and the City”;

AND WHEREAS the Ministry of Environment staff have admitted that there was no consultation with the City;

AND WHEREAS Ministry of the Environment staff, Mr. Knapper, has been quoted in Hamilton Community News dismissing concerns by saying “times have changed and Newalta’s record as a corporate citizen speaks for themselves in terms of what they’ve done and how they administer that site”;

AND WHEREAS the Certificate of Approval is a site specific licence and is not based on measurements of good corporate citizenship;

AND WHEREAS Ontario Law permits the transfer of a Certificate of Approval licence to be sold as a capital asset;

AND WHEREAS, regardless of the MOE's intentions to review their decision in 12 months, the cancellation of this inspector will have an immediate, chilling effect on the sale of 3,000 or more residential units being constructed within 500 meters of the landfill;

THEREFORE, BE IT RESOLVED:

- (a) That City Council forward correspondence to the Minister of the Environment notifying him of the City's strongest objections to the MOE's improper amendment to the Certificate of Approval for the Newalta ICI Landfill in Stoney Creek, and demand that the Landfill Environmental Inspector position be reinstated, as per the original Terms of Reference;
- (b) That City Council forward correspondence to Newalta, requesting as a good corporate citizen, they use their authority to rectify this error immediately; and,
- (c) That local MPP's be forwarded copies of the above noted correspondence.

**CITY OF HAMILTON  
MOTION**

**Committee Date: April 11, 2012**

**MOVED BY COUNCILLOR B. CLARK.....**

**SECONDED BY COUNCILLOR .....**

That the Rules of Order be waived to allow for the introduction of a motion respecting the on-site landfill inspector for the Newalta East Quarry ICI Landfill.

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MOTION**

**Committee Date: April 11, 2012**

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