

THE COMPETITION TRIBUNAL

IN THE MATTER OF the Competition Act, R.S. 1985, c. C-34, as amended;

IN THE MATTER OF an Application by the Commissioner of Competition under section 92 of the Competition Act;

AND IN THE MATTER OF the acquisition by Canadian Waste Services Inc. of certain assets of Browning-Ferris Industries Ltd., a company engaged in the solid waste business.

BETWEEN:

COMMISSIONER OF COMPETITION

Applicant

- and -

CANADIAN WASTE SERVICES HOLDINGS INC., CANADIAN WASTE SERVICES INC. AND WASTE MANAGEMENT, INC.

Respondents

SUPPLEMENTARY AGREED STATEMENT OF FACTS

<p>COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE</p> <p>FILED / PRODUIT NOVEMBER 22, 2000 CT- 2000/002</p> <p>Jos LaRose for / pour REGISTRAR / REGISTRAIRE</p>	
<p>OTTAWA, ONT.</p>	<p># 56(A)</p>

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I INTRODUCTION

1. This Supplementary Agreed Statement of Facts supplements and amends the Agreed Statement of Facts dated October 2, 2000. It is intended to reflect the facts as of October 31, 2000.
2. The conditions expressed in paragraphs 1-4 of the Agreed Statement of Facts apply to this Supplementary Agreed Statement of Facts.
3. Terms defined in the Agreed Statement of Facts have the same meaning in this Supplementary Agreed Statement of Facts.

II FURTHER INFORMATION ON SOME PERMANENT DISPOSAL FACILITIES AND TRANSFER STATIONS

4. Revised Confidential Appendix B contains a revised version of Confidential Appendix B of the Agreed Statement of Facts. The following information has been updated:
 - (a) Distances between Transfer Stations and Permanent Disposal Facilities have been added;
 - (b) Corrections have been made to volumes, disposal and transport costs reported by Miller Durham and Miller Markham Transfer Stations together with notes explaining the corrections; and
 - (c) Volumes reported by Wasteco as transferred through the Kermecho Transfer Station have been added to Kermecho volumes together with notes explaining the additions.
5. The parties acknowledge that the information in the Agreed Statement of Facts that is based on the information in Confidential Appendix B must be updated to the extent required as a consequence of the revised information in Revised Confidential Appendix B.

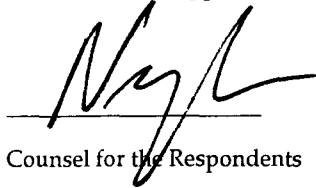
6. Appendix F attached hereto contains data sheets for some of the Permanent Disposal Facilities that the parties may refer to during the hearing.

7. Appendix G attached hereto contains a table with summary information about the volumes of waste from Chatham-Kent disposed of at the Ridge and Gore landfills.

Dated: November 20, 2000.

A handwritten signature in black ink, appearing to be 'A. B. H.', written over a horizontal line.

Counsel for the Applicant

A handwritten signature in black ink, appearing to be 'N. J. L.', written over a horizontal line.

Counsel for the Respondents

Appendix F

Data sheets

Allen Park

Affiliation Ford Allen Park Clay Mine
 Location 17005 Oakwood Blvd, Allen Park, Michigan

Distance from Toronto 385 km

Waste data

Permitted waste Solid non-hazardous waste

Permitted waste service area Not Applicable

Annual Capacity (tonnes)

Present

Permitted Annual capacity Not Applicable
 Total permitted capacity* 1,417,000 bank yards
 Estimated lifespan (remaining) Depends on annual fill-rate

Actual waste volumes (cubic yards)

	1999	1998	1997	1996
Total waste received	224,561	211,546	148,029	121,053
Canadian SNHW received	0	0	0	440

Notes: Waste volume source is Michigan DEQ Reports. Reporting years are October 1st to September 30th.

Miscellaneous Information

* As of January 1, 1999.

Arbor Hills

Affiliation Onyx (Superior Services)
 Location Northville, Michigan

Transport data

Distance from Toronto 416 km

Waste data

Permitted waste Solid non-hazardous
 Permitted waste service area Out-of-State volume limited to 6,250,000 gate cubic yards in any consecutive 5 year period pursuant to host community agreement.

Permitted waste volumes (in cubic yards)

	Present	Applied for
Permitted annual capacity	Not Applicable	
Total permitted capacity (remaining)*	27.6 million (bank yards)	No outstanding application for capacity expansion
Expected lifespan (remaining)	16 years	

Actual waste volumes

	1999	1998	1997	1996
Total waste received (cubic yards)	4,071,959	4,342,318	3,078,324	3,012,526
Canadian waste received (cubic yards)	1,171,654	1,492,742	712,156	689,458

Notes:

Total waste received & Canadian waste received from Michigan DEQ reports. Years from October 1 to September 30.

Miscellaneous Information

This landfill was owned by Allied Waste from July 1999 to March 2000 and was owned by BFII prior to July 1999.

* As of January 1, 1999.

Britannia Road Landfill

Affiliation Municipal
 Location Britannia Road, 5700 Terry Fox Way, Mississauga, Ontario

Located in GTA

Waste data

Permitted waste Municipal non-hazardous waste
 Permitted waste service area Regional Municipality of Peel

Capacity (tonnes)

Permitted Annual capacity Present
 200,000
 Total permitted capacity (remaining)
 Estimated lifespan (remaining) 1-2 years

Actual waste volumes (tonnes)

	1999	1998	1997	1996
Total waste received	207,820	197,619		
Canadian waste received	207,820	197,619		

Notes:

Miscellaneous Information

Scheduled to close approximately year 2001-2002.
 \$80.00 tipping rate. 31,601 tonnes of ICI received in 1999.

Caledon

Affiliation	Municipal
Location	1795 Quarry Drive, Caledon, Ontario
Distance from Toronto	Located in GTA

Waste data

Permitted waste	Solid non-hazardous municipal, Industrial, Commercial and Institutional Waste for Regional Municipality of Peel			
Permitted waste service area	Caledon			
	Capacity (tonnes)			
	Present			
Permitted Annual capacity	1,428			
Total permitted capacity (remaining)	10,000			
Estimated lifespan (remaining)	7 years			

Actual waste volumes (tonnes)

	1999	1998	1997	1996
Total waste received				
Canadian SNHW received				

Notes:

Miscellaneous Information

Citizens Disposal

Affiliation Allied Waste Industries, Inc.
 Location Grand Blanc, Michigan

Transport data

Distance from Toronto 402 km

Waste data

Permitted waste Solid non-hazardous waste
 Permitted waste service area Not Applicable

Permitted waste volumes (cubic yards)

Present Applied for

Permitted annual capacity Not Applicable
 Total permitted capacity (remaining)* 15 million cubic yards
 Expected lifespan (remaining) 25 years

Actual waste volumes (in cubic yards)

	1999	1998	1997	1996
Total waste received	895,696	1,066,711	1,029,326	582,491
Canadian waste received	95,431	477,072	400,949	104,898

Notes:

Miscellaneous Information

Source for total and Cdn waste: Michigan DEQ Report.
 * As of January 1, 1999.

Halton Landfill

Affiliation	Municipal
Location	5400 Bronte Road (Regional Road 25), Halton Hills, Ontario
Distance from GTA	Located in the GTA

Waste data

Permitted waste	Solid non-hazardous
Permitted waste service area	Regional Municipality of Halton

Capacity (tonnes)

	Present
Permitted Annual capacity	110,000
Total permitted capacity	4,000,000
Estimated lifespan (remaining)	32 years

Actual waste volumes (tonnes)

	1999	1998	1997	1996
Total waste received	100,000 (approx)			
Canadian SNHW received	100,000 (approx)			

Notes: Tipping Fee for all waste is \$101/tonne.
Waste received was mostly residential (3-5% ICI waste)

Miscellaneous Information

Keele Valley

Affiliation City of Toronto
Location Keele St, Maple, Ontario

Located in GTA

Waste data

Permitted waste Solid non-hazardous waste

Permitted waste service area GTA

Annual Capacity (tonnes)

Present

Permitted Annual capacity currently being filled at a rate of 1.4 million tonnes.

Total permitted capacity (remaining) 3,140,000

Estimated lifespan (remaining) 26 months

Actual waste volumes (tonnes)

	1999	1998	1997	1996
Total waste received	1,497,400	1,625,383	1,711,417	1,515,120
Canadian SNHW received	1,497,400	1,625,383	1,711,417	1,515,120

Notes: Closure expected January 1, 2003 based on fill rate of 1.4 million.

Miscellaneous Information

KMS Peel Incinerator

Affiliation Region of Peel
Location Bramalea Road, Brampton, Region of Peel

Located in GTA

Waste data

Permitted waste MSW, ICI
Permitted waste service area Regional Municipality of Peel

Capacity (tonnes)

Present

Permitted daily capacity 500
Total permitted capacity N/A
Estimated lifespan (remaining) N/A

Actual waste volumes (tonnes)

	1999	1998	1997	1996
Total waste received	134,428			
Canadian SNHW received	134,428			

Notes: Total volume disposed of excluding ash, metal, grit, wet and non-acceptable waste was 91,943 tonnes. 9,422 tonnes of ICI waste received in 1999.

Miscellaneous Information

Lafleche

Affiliation Private
Location Roxborough, Ontario

Distance from Toronto 436 km

Waste data

Permitted waste Solid non-hazardous, municipal, industrial, commercial and institutional waste
Permitted waste service area Province of Ontario
Capacity (tonnes)
Present
Permitted Annual capacity 200,000
Total capacity (remaining) 4.3 million
Estimated lifespan (remaining) 23-24 years

Actual waste volumes (tonnes)

	1999	1998	1997	1996
Total waste received				
Canadian waste received				
GTA SNHW received				
Directed GTA SNHW received				
Internalized GTA SNHW received				

Miscellaneous Information

Obtained C of A November 1999 - Site not operating.

Midland

Affiliation City of Midland
Location 4311 East Ashman Road, Midland, Michigan

Distance from Toronto 499 km

Waste data

Permitted waste Solid non hazardous

Permitted waste service area Not Applicable

Capacity 1997 Data (cubic bank yards)

Present

Permitted Annual capacity Not Applicable

Total capacity (remaining)* 8.5 million

Estimated lifespan (remaining) 70 years

Actual waste volumes (cubic yards)

	1999	1998	1997	1996
Total waste received	492,952	489,647	485,665	478,220
Canadian SNHW received	0	0	0	0

Notes: Waste volumes source is Michigan DEQ Reports. Reporting years are October 1st to September 30th.

Miscellaneous Information

* As of January 1, 1999.

Oakland Heights

Affiliation	Allied
Location	2350 Brown Road, Oakland County, Auburn Hills, Michigan
Distance from Toronto	382 km

Waste data

Permitted waste	Solid non-hazardous waste
Permitted waste service area	Not Applicable

Capacity (cubic bank yards)

Present

Permitted Annual capacity	Not Applicable
Total Remaining Capacity*	5,771,000 bank yards
Estimated lifespan (remaining)	depends on fill-rate

Actual waste volumes (cubic yards)

	1999	1998	1997	1996
Total waste received	1,743,342	1,892,035	1,663,395	1,219,005
Canadian SNHW received	39,705	333	107	16

Notes: Waste volumes source is Michigan DEQ Reports. Reporting years are October 1st to September 30th.

Miscellaneous Information

* As of January 1, 1999.

Pinetree Acres

Affiliation Waste Management Inc.
 Location 36600 29 mi Road, New Haven, Michigan

Distance from Toronto 327 km

Waste data

Permitted waste Non-hazardous solid waste - municipal, industrial process, contaminated soils, sludge, coal ash, auto shredder fluff, demolition debris and non-friable asbestos

Permitted waste service area Not Applicable

Capacity (cubic bank yards)

Present
 Permitted Annual capacity Not Applicable
 Total remaining capacity (remaining)* 28,840,000 cubic bank yards
 Estimated lifespan (remaining) depends upon annual fill rate

Actual waste volumes (cubic yards)

	1999	1998	1997	1996
Total waste received	2,785,140	2,238,519	1,508,896	883,023
Canadian SNHW received	69,630	22,384	82,656	0

Notes: Waste volumes source is Michigan DEQ Reports. Reporting year is October 1st to September 30th.

Miscellaneous Information

* As of January 1, 1999.

Waste that is transported to Pinetree is usually transported via the Queen Elizabeth Way, Highway 403, and/or Highway 401 and 402 west of London and the US interstate highway system accessed at Port Huron, with city streets and local roads being used at either end of transport.

Pontiac

Affiliation Municipal
Location 575 Collier Road, Pontiac, Michigan

Distance from Toronto 382 km

Waste data

Permitted waste Solid non-hazardous waste

Permitted waste service area Not Applicable

Capacity (cubic bank yards)

Present

Permitted Annual capacity Not Applicable

Total capacity (remaining)* 953,000

Estimated lifespan (remaining) Depends on annual fill rate

Actual waste volumes (cubic yards)

	1999	1998	1997	1996
Total waste received	276,750	382,095	393,267	385,398
Canadian SNHW received	0	0	0	0

Notes: Waste volumes source is Michigan DEQ Reports. Reporting years are October 1st to September 30th.

Miscellaneous Information

* As of January 1, 1999.

Riverview Land Preserve

Affiliation City of Riverview
 Location Riverview, Michigan

Transport data

Distance from Toronto 389 km

Waste data

Permitted waste SNHW, no yard waste, no compost
 Permitted waste service area Not Applicable

Permitted waste volumes (cubic yards)

	Present	Applied for
Permitted annual capacity	Not Applicable	
Total permitted capacity*	14.1 million	
Expected lifespan (remaining)	22 years	

Actual waste volumes (y3: cubic yards or t: tonnes)

	1999	1998	1997	1996
Total waste received (in y3)	1,224,927	693,944	1,101,847	1,564,646
Canadian waste received	21,474 t	0	70,254 y3	774,341 y3

Notes:

Total waste received & Canadian waste (except 1999) received from Michigan DEQ reports. Years from October 1 to September 30.

Miscellaneous Information

* As of January 1, 1999.

Tri-City

Affiliation WMI
 Location Carsonville, MI

Transport data

Distance from Toronto 348.5 km

Waste data

Permitted waste Solid non-hazardous waste

Permitted waste service area Not Applicable

Capacity

Present

Permitted Annual capacity Not Applicable
 Estimated Total Remaining Capacity* 10,780,000 bank yards
 Estimated lifespan (remaining) depends on fill rate

Actual waste volumes (cubic yards)

	1999	1998	1998	1998
Total waste received	234,208	158,092	271,492	136,339
Canadian SNHW received	53,085	461	28,170	19,834

Notes: Waste volumes source is Michigan DEQ Reports. Reporting year is October 1st to September 30th.

Miscellaneous Information

* As of January 1, 1999.