



Regional Municipality of Durham
Regional Municipality of York

Durham York Energy Centre 2011 Compliance Monitoring Report

EAAB File No.: EA-08-02
Condition 4

Date: October 31, 2011

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Appendix A

EA Notice of Approval Compliance Table

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
1.	Definitions			
	N/A	N/A	N/A	N/A
2.	General Requirements			
2.1	The proponent shall comply with the provisions in the environmental assessment which are hereby incorporated in this Notice of Approval by reference except as provided in these conditions and as provided in any other approval or permit that may be issued for the site or the undertaking.	<ul style="list-style-type: none"> Ongoing 	N/A	Ongoing
2.2	These conditions do not prevent more restrictive conditions being imposed under other statutes.	<ul style="list-style-type: none"> Agreed 	N/A	Ongoing
2.3	A statement must accompany the submission of any documents, reporting requirements or written notices required by this Notice of Approval to be submitted to the Director or Regional Director identifying which conditions the submission is intended to address in this Notice of Approval.	<ul style="list-style-type: none"> Ongoing 	N/A	Ongoing
3.	Public Record			
3.1	Where a document, plan or report is required to be submitted to the ministry, the proponent shall provide two copies of the final document, plan or report to the Director: a copy for filing in the specific public record file maintained for the undertaking and a copy for staff use.	<ul style="list-style-type: none"> Required by Condition 16 (1) of the Certificate of Approval 	N/A	Ongoing
3.2	The proponent shall provide additional copies of the documents required for the public record file to the following for access by the public: <ol style="list-style-type: none"> Regional Director; District Manager; Clerks of the Regional Municipality of Durham, the Regional Municipality of York, and the Municipality of Clarington; and, Advisory Committee (as required in Condition 8 of this Notice of Approval). 	<ul style="list-style-type: none"> Ongoing 	N/A	Ongoing
3.3	The EAAB file number EA-08-02 shall be quoted on all documents submitted by the proponent pursuant to this Condition.	<ul style="list-style-type: none"> Ongoing 	N/A	Ongoing
4.	Compliance Monitoring Program			
4.1	The proponent shall prepare and submit to the Director a Compliance Monitoring Program outlining how it will comply with conditions in the Notice of Approval and other commitments made in the environmental assessment	<ul style="list-style-type: none"> The Compliance Monitoring Program was submitted in draft for comment to the Director and Advisory Committee via letter dated September 23, 2011. The final document was submitted to the Director and Advisory Committee via letter dated October 14, 2011. 	September 2011	Yes
4.2	A statement shall accompany the submission of the Compliance Monitoring Program indicating that the submission is intended to fulfil	<ul style="list-style-type: none"> See Section 1.1 	October 2011	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
	Condition 4 of this Notice of Approval.			
4.3	The Compliance Monitoring Program shall be submitted within one year from the date of approval, or a minimum of 60 days prior to the start of construction, whichever is earlier.	<ul style="list-style-type: none"> The Compliance Monitoring Program was submitted on October 14, 2011. This is within one year of November 3, 2010 approval date. October 14, 2011 submission date is more than 60 days prior to anticipated start of construction in January 2012 	October 2011	Yes
4.4	The Compliance Monitoring Program shall describe how the proponent will monitor its fulfilment of the provisions of the environmental assessment pertaining to the mitigation measures, public consultation, and additional studies and work to be carried out; the fulfilment of all other commitments made by the proponent during the environmental assessment process; and the conditions included in this Notice of Approval.	<ul style="list-style-type: none"> Progress will be tracked on the compliance tables provided in Appendix A and Appendix B 	October 2011	Yes
4.5	The Compliance Monitoring Program shall contain an implementation schedule.	<ul style="list-style-type: none"> See next column 	October 2011	Yes
4.6	The Director may require amendments to the Compliance Monitoring Program, including the implementation schedule. If any amendments are required by the Director, the Director will notify the proponent of the required amendments in writing.	<ul style="list-style-type: none"> Agreed 	N/A	Ongoing
4.7	The proponent shall implement the Compliance Monitoring Program, as it may be amended by the Director.	<ul style="list-style-type: none"> Agreed 	N/A	Ongoing
4.8	The proponent shall make the documentation pertaining to the Compliance Monitoring Program available to the ministry or its designate in a timely manner when requested to do so by the ministry.	<ul style="list-style-type: none"> Required by Condition 14 (1) of the Certificate of Approval 	N/A	Ongoing
5.	Compliance Reporting			
5.1	The proponent shall prepare an annual Compliance Report which describes its compliance with the conditions of approval set out in this Notice of Approval and which describes the results of the proponent's environmental assessment Compliance Monitoring Program required by Condition 4.	<ul style="list-style-type: none"> Agreed. See Section 1.3 of the Compliance Monitoring Program 	November 3, 2011 and annually thereafter	Ongoing
5.2	The annual Compliance Report shall be submitted to the Director within one year from the date of approval, with the first report being due in 2011, and shall cover all activities of the previous 12 month period.	<ul style="list-style-type: none"> Agreed. See Section 1.3 of the Compliance Monitoring Program 	November 3, 2011 and annually thereafter	Ongoing
5.3	Subsequent compliance reports shall be submitted to the Director on or before the anniversary of the date of approval each year thereafter. Each Compliance Report shall cover all activities of the previous 12 month period.	<ul style="list-style-type: none"> Agreed. See Section 1.3 of the Compliance Monitoring Program 	November 3, 2011 and annually thereafter	Ongoing
5.4	The proponent shall submit annual Compliance Reports until all conditions	<ul style="list-style-type: none"> Agreed 	Ongoing	Ongoing

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	in this Notice of Approval and the commitments in the environmental assessment are satisfied.			
5.5	Once all conditions in this Notice of Approval have been satisfied, or have been incorporated into any other ministry approval, the proponent shall indicate in its annual Compliance Report that the Compliance Report is its final Compliance Report and that all conditions in this Notice of Approval have been satisfied.	<ul style="list-style-type: none"> Agreed 	Ongoing	Ongoing
5.6	The proponent shall retain either on site or in another location approved by the Director, a copy of each of the annual Compliance Reports and any associated documentation of compliance monitoring activities.	<ul style="list-style-type: none"> Reports to be retained on site. See Section 1.3 of the Compliance Monitoring Program. Required by Condition 14(2) of the Certificate of Approval 	Ongoing	Ongoing
5.7	The proponent shall make the Compliance Reports and associated documentation available to the ministry or its designate in a timely manner when requested to do so by the ministry.	<ul style="list-style-type: none"> Agreed Required by Condition 14(1) of the Certificate of Approval 	Ongoing	Ongoing
6.	Complaint Protocol			
6.1	The proponent shall prepare and implement a Complaint Protocol setting out how it will deal with and respond to inquiries and complaints received during the design, construction and operation of the undertaking.	<ul style="list-style-type: none"> Protocol submitted to the Director via letter dated March 10, 2011. Director requested minor modifications to protocol in letter dated March 25, 2011 Revised protocol approved by the Director via letter dated July 13, 2011 	March 10, 2011	Yes
6.2	The Complaint Protocol shall be provided to the advisory committee for review prior to submission to the Director.	<ul style="list-style-type: none"> Protocol was reviewed by the Advisory Committee on January 20, 2011 and revised based on comments received by January 31, 2011. 	January 20, 2011	Yes
6.3	The proponent shall submit the Complaint Protocol to the Director within one year from the date of approval or a minimum of 60 days prior to the start of construction, whichever is earlier.	<ul style="list-style-type: none"> Protocol was submitted within one year of the November 3, 2010 date of approval. March 10, 2011 submission date is more than 60 days prior to anticipated start of construction in January 2012. 	March 10, 2011	Yes
6.4	The Director may require the proponent to amend the Complaint Protocol at any time. Should an amendment be required, the Director will notify the proponent in writing of the required amendment and date by which the amendment must be completed.	<ul style="list-style-type: none"> Agreed 	Ongoing	Ongoing
6.5	The proponent shall submit the amended Complaint Protocol to the Director within the time period specified by the Director in the notice.	<ul style="list-style-type: none"> Agreed 	Ongoing	Ongoing
7.	Community Involvement			
7.1	The proponent shall prepare and implement a Community Communications Plan. The plan shall be prepared in consultation with the	<ul style="list-style-type: none"> Regions are preparing a draft plan for discussion with the EAAB prior to submission. 	Prior to receipt of non-hazardous municipal	No

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	EAAB and to the satisfaction of the Director.		solid waste.	
7.2	The proponent shall finalize and submit the Community Communications Plan to the Director prior to the initial receipt of non-hazardous municipal solid waste at the site.	<ul style="list-style-type: none"> Agreed. 	Prior to receipt of non-hazardous municipal solid waste.	No
7.3	The Community Communications Plan shall include at a minimum details on: <ol style="list-style-type: none"> How the proponent plans to disseminate information to interested members of the public and any Aboriginal communities; How interested members of the public and any Aboriginal communities will be notified and kept informed about site operations; and, The procedures for keeping interested members of the public and Aboriginal communities informed about information on documents related to the undertaking, and when and how the information will be made available. 	<ul style="list-style-type: none"> Agreed 	Prior to receipt of non-hazardous municipal solid waste.	No
7.4	The proponent shall give notice of and provide information about the undertaking to interested members of the public and Aboriginal communities through an internet web site and by other means. Such information shall include: <ol style="list-style-type: none"> Activities that are part of the undertaking, including monitoring activities; Reports and records related to the undertaking that are required to be submitted under this Notice of Approval or under any other ministry approvals that apply to the undertaking; and, Information on the Complaint Protocol required by Condition 6 of this Notice of Approval. 	<ul style="list-style-type: none"> Web site is currently operational http://www.durhamyorkwaste.ca Documents posted on the website currently: The Complaint Protocol Certificate of Approval, Archived EA documentation, Groundwater and Surface Water Monitoring Plan, Soil Monitoring Plan, Ambient Air Monitoring Plan, Emissions Monitoring Plan, Noise Monitoring Plan, Odour Management and Mitigation Plan, Draft Compliance Monitoring Plan, Advisory Committee advertisements, agendas, minutes. Additional information will be posted as it becomes available 	Ongoing	Ongoing
7.5	The proponent shall hold public meetings to discuss the design, construction and operation of the undertaking, including, but not limited to: <ol style="list-style-type: none"> At least one meeting prior to the start of construction; At least one meeting prior to the receipt of non-hazardous municipal solid waste on site; and, At least one meeting a minimum of six months but not later than 12 months after the initial receipt of non-hazardous municipal solid waste on the site. 	<ul style="list-style-type: none"> Anticipated timing of pre-construction public meeting is December 2011. Anticipated timing of public meeting prior to receipt of waste is April 2014. Anticipated timing of public meeting after receipt of waste is January 2015. Proposed timing assumes that "initial receipt of non-hazardous municipal solid waste on site" includes waste received for commissioning and testing purposes but prior to full scale operation. 	December 2011, April 2014 January 2015	No
7.6	The proponent shall provide notice of the public meetings a minimum of 15 days prior to the meeting.	<ul style="list-style-type: none"> Meeting notices will be posted in local newspapers and on the project website at least 15 days prior to the final meeting dates 	November 2011 March 2014 December 2014	No

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7.7	The proponent shall give the Director written notice of the time, date and location of each of the required community meetings a minimum of 15 days prior to the meeting.	<ul style="list-style-type: none"> The MOE District Office will receive an invitation at least 15 days prior to the meetings and will receive a summary of the presentation materials and any comments received. 	November 2011 March 2014 December 2014	No
8.	Advisory Committee			
8.1	The proponent shall establish an advisory committee to ensure that concerns about the design, construction and operation of the undertaking are considered and mitigation measures are implemented where appropriate.	<ul style="list-style-type: none"> Complete 	January 20, 2011	Yes
8.2	The proponent shall provide administrative support for the advisory committee including, at a minimum: <ol style="list-style-type: none"> Providing a meeting space for advisory committee meetings; Recording and distributing minutes of each meeting; Preparing and distributing meeting notices; and, Preparing an annual report about the advisory committee's activities to be submitted as part of the Compliance Reports required by Condition 5 of this Notice of Approval. 	<ul style="list-style-type: none"> Agreed Commitment to prepare an annual report is also recognized in Section 1.4 and Appendix C of the Compliance Monitoring Program. 	Ongoing	Ongoing
8.3	The proponent shall invite one representative from each of the following to participate on the advisory committee: <ol style="list-style-type: none"> Each of the lower tier municipalities in the Regional Municipality of Durham; and, Each of the lower tier municipalities in the Regional Municipality of York. 	<ul style="list-style-type: none"> Letters of invitation dated December 15, 2010 were sent to all listed municipalities 	December 15, 2010	Yes
8.4	The proponent shall invite one representative from Central Lake Ontario Conservation Authority, and any other local conservation authorities that may have an interest in the undertaking to participate on the advisory committee.	<ul style="list-style-type: none"> Letter of invitation dated December 15, 2010 was sent to Central Lake Ontario Conservation Authority 	December 15, 2010	Yes
8.5	The proponent shall invite one representative from each of the following local community groups to participate on the advisory committee: <ol style="list-style-type: none"> DurhamCLEAR; Durham Environmental Watch Zero Waste 4 Zero Burning 	<ul style="list-style-type: none"> Letters of invitation dated December 15, 2010 were sent to all listed local community groups. 	December 15, 2010	Yes
8.6	The proponent may also invite other stakeholders to participate in the advisory committee, including but not limited to, interested members of the public, Aboriginal communities, and other federal or provincial agencies.	<ul style="list-style-type: none"> Letters of invitation dated December 15, 2010 were sent to Durham Region Health Department and York Region Public Health Services. Aboriginal communities received separate invitation to participate in other consultation activities. See Condition 9.1 	December 15, 2010	Yes
8.7	A representative from the ministry shall be invited to attend meetings as an	<ul style="list-style-type: none"> Letters of invitation dated December 15, 2010 were sent to MOE 	December 15, 2010	Yes

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	observer.	District Manager Dave Fumerton.		
8.8	<p>The advisory committee shall be provided with a copy of the documents listed below for information and may review the documents as appropriate and provide comments to the proponent about the documents, including the:</p> <p>a) Compliance Monitoring Program required by Condition 4; b) Annual Compliance Report required by Condition 5; c) Complaint Protocol required by Condition 6; d) Community Communications Plan required by Condition 7; e) The annual reports required by Condition 10; f) Ambient Air Monitoring and Reporting Plan and the results of the ambient air monitoring program required by Condition 11; g) Air Emissions Monitoring Plan required by Condition 12; h) Written report prepared and signed by the qualified professional required by Condition 16.5; i) Spill Contingency and Emergency Response Plan required by Condition 17; j) Odour Management and Mitigation Plan and the Odour Management and Mitigation Monitoring Reports required by Condition 18; k) Noise Monitoring and Reporting Plan as required by Condition 19; l) Groundwater and Surface Water Monitoring Plan, the results of the groundwater and surface water monitoring program, and the annual report on the results of the groundwater and surface water monitoring program required by Condition 20; and, m) Notice in writing of the date that municipal solid waste is first received as required by Condition 23.</p>	<ul style="list-style-type: none"> • Advisory Committee has reviewed the following documents: <p>Draft ToR on January 20, 2011 Draft Complaint Protocol on January 20, 2011 Draft Groundwater and Surface water Monitoring Plan via letter dated July 8, 2011 Draft Ambient Air Quality Monitoring Plan via letter dated July 8, 2011 Draft Air Emissions Monitoring and Reporting Plan via letter dated July 23, 2011 Draft Noise Monitoring and Reporting Plan via email dated July 25, 2011 Draft Odour Management and Mitigation Plan via email dated July 25, 2011 Draft Compliance Monitoring Plan via letter dated September 23, 2011 Soil Testing Plan via letter dated September 23, 2011</p> <p>Other documents will be provided as they are prepared.</p>	Ongoing	Ongoing
8.9	<p>The proponent shall hold the first advisory committee meeting within three months of the date of approval. At the first meeting, the advisory committee shall develop a Terms of Reference outlining the governance and function of the advisory committee.</p>	<ul style="list-style-type: none"> • First meeting held January 20, 2011 was within three months of November 3, 2010 date of approval • Draft Terms of Reference were reviewed by the Committee and revised based on comments received both at the meeting or submitted in writing by February 14, 2011. 	January 20, 2011	Yes
8.10	<p>The Terms of Reference shall, at minimum, include:</p> <p>a) Roles and responsibilities of the advisory committee members; b) Frequency of meetings; c) Member code of conduct; d) Protocol for dissemination and review of information including timing; and, e) Protocol for dissolution of the advisory committee.</p>	<ul style="list-style-type: none"> • Terms of Reference submitted to MOE via letter dated February 18, 2011. • Terms of Reference approved via letter from the Director dated March 3, 2011. 	February 18, 2011	Yes
8.11	<p>The proponent shall submit the advisory committee's Terms of Reference to the Director and Regional Director.</p>	<ul style="list-style-type: none"> • Terms of Reference submitted to MOE via letter dated February 18, 2011. 	February 18, 2011	Yes

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		<ul style="list-style-type: none"> Terms of Reference approved via letter from the Director dated March 4, 2011. 		
9.	Consultation With Aboriginal Communities			
9.1	The proponent shall continue to consult with any interested Aboriginal communities during the detailed design and implementation of the undertaking.	<ul style="list-style-type: none"> Letters dated March 14, 2011 were sent to 22 Aboriginal communities inviting them to meet with the project team to discuss future consultation efforts. The MOE EAAB Director, Regional Director, and Approvals Program Director were copied on these letters. 	Ongoing	Ongoing
10.	Waste Diversion			
10.1	The proponent shall make a reasonable effort to work cooperatively with all lower tier municipalities to ensure that waste diversion programs, policies and targets set by the Regional Municipalities are being met.	<ul style="list-style-type: none"> Both Regions continue to work with local municipalities to improve waste diversion and report waste diversion statistics to Waste Diversion Ontario annually. WDO recently confirmed Durham Region's 2009 Waste Diversion at 50.61%, second place in the "Urban Regional" category. Durham's 2010 WDO Waste Diversion rate was 52% (unconfirmed) WDO recently confirmed York Region's 2009 Waste Diversion at 56.99%, first place in the "Large Urban" category. In 2010, York's estimated Waste Diversion has dipped to 52% (unconfirmed) due to the temporary closure of its two contracted organic waste processing facilities. Both facilities have since reopened and a third contracted processing facility has been added. 	Ongoing	Ongoing
10.2	The proponent shall prepare and implement a Waste Diversion Program Monitoring Plan.	<ul style="list-style-type: none"> In progress as part of the Regions' normal reporting procedure 	Ongoing	No
10.3	The Waste Diversion Program Monitoring Plan shall provide a description of monitoring and reporting which shall at minimum include: <ol style="list-style-type: none"> a) Results of at source diversion programs and policies to determine the waste diversion rates and practices at both the regional and lower tier municipal level within the Regional Municipalities of Durham and York. b) Progress in the diversion programs, policies, practices and targets described in the environmental assessment, at both the regional and lower tier municipal level within the Regional Municipalities of Durham and York. c) Monitoring results for any additional diversion programs, policies, practices and targets carried out within the Regional Municipalities of Durham and York, which are not described in the environmental assessment. 	<ul style="list-style-type: none"> Completed 	Ongoing	No

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10.4	The proponent shall prepare and submit to the Director and Regional Director, commencing one year after the approval of the undertaking, annual reports detailing the results of the Waste Diversion Program Monitoring Plan.	<ul style="list-style-type: none"> First annual Waste Diversion Report submitted via email on October 25, 2011. 	Ongoing	Ongoing
10.5	The proponent shall post the Waste Diversion Program Monitoring Plan and the annual reports required on the proponent's web site for the undertaking.	<ul style="list-style-type: none"> Information about Durham and York's Diversion programs is currently posted on the project website at http://www.durhamyorkwaste.ca/project/project_wasteprograms.htm The Monitoring Plan and Monitoring reports will be posted on the website when completed. 	Ongoing	Ongoing
11.	Ambient Air Monitoring and Reporting			
11.1	The proponent shall prepare, in consultation with the ministry's Central Region Office and to the satisfaction of the Regional Director, an Ambient Air Monitoring and Reporting Plan for the undertaking.	<ul style="list-style-type: none"> Final Plan submitted to the Regional Director August 31, 2011 Consultation activities described under Condition 11.3 	August 31, 2011	Approval Pending
11.2	The proponent shall submit the Ambient Air Monitoring and Reporting Plan to the Director and Regional Director a minimum of nine months prior to the start of construction or by such other date as agreed to in writing by the Regional Director.	<ul style="list-style-type: none"> Submission deadline revised to August 31, 2011 via letter from the Director dated June 30, 2011. Submitted August 31, 2011 	August 31, 2011	Yes
11.3	The proponent shall establish a working group that will provide advice on the development of the Ambient Air Monitoring and Reporting Plan. The Regions will, at a minimum, extend an invitation to Health Canada, the Durham Region Health Department, York Region Public Health Services, one participant from the advisory committee, and any other relevant federal or provincial government agencies including the ministry.	<ul style="list-style-type: none"> Letters of invitation dated March 16, 2011 were sent to all listed working group participants with copies to the Director and Regional Director. Two participants were appointed by the Advisory Committee. Health Canada declined to participate. At Health Canada's suggestion, a representative from the Ontario Ministry of Health participated instead. First working group meeting occurred on April 28, 2011. Monitoring plan was revised based on comments received from the working group and circulated for comments to the MOE Central Region Office, the Ambient Air Monitoring Working Group, and the Advisory Committee on July 7, 2011. The monitoring plan was revised based on comments received by August 15, 2011. The Final Monitoring Plan was submitted to the Regional Director on August 31, 2011. 	March 16, 2011	Yes
11.4	The Ambient Air Monitoring and Reporting Plan shall include at minimum: a) An ambient air monitoring program which includes an appropriate number of sampling locations. Siting of the sampling locations shall be done in accordance with the Ministry of the Environment's Operations Manual for Air Quality Monitoring in Ontario, March 2008, as amended from time to time;	<ul style="list-style-type: none"> The submitted document meets these requirements. 	Approval Pending	Approval Pending

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	b) The proposed start date for and frequency of the ambient air monitoring and reporting to be carried out; c) The contaminants that shall be monitored as part of the Ambient Air Monitoring and Reporting Plan; and, d) At least one meeting on an annual basis between the proponent and the Regional Director to discuss the plan, the results of the ambient air monitoring program and any changes that are required to be made to the plan by the Regional Director.			
11.5	The proponent shall implement the ambient air monitoring program prior to the receipt of non-hazardous municipal solid waste on the site or at such other time that may be determined by the Regional Director and communicated to the proponent in writing and shall continue the monitoring until such time as the Regional Director notifies the proponent in writing that the Ambient Air Monitoring Program is no longer required.	<ul style="list-style-type: none"> • Agreed • Submitted plan includes monitoring of ambient air for one year prior to facility commissioning to establish background concentrations. 	Ongoing	Ongoing
11.6	The Regional Director may require changes to be made to the Ambient Air Monitoring and Report Plan and the proponents shall implement the plan in accordance with the required changes.	<ul style="list-style-type: none"> • Agreed 	Ongoing	Ongoing
11.7	The proponent shall report the results of the ambient air monitoring program to the Regional Director in accordance with the Ambient Air Monitoring and Reporting Plan.	<ul style="list-style-type: none"> • Agreed 	Ongoing	Ongoing
11.8	Audits will be conducted by the ministry, as outlined in the Ministry of the Environment's Audit Manual for Air Quality Monitoring in Ontario, March 2008 to confirm that siting and performance criteria outlined in the Operations Manual are met. The proponent shall implement any recommendations set out in the audit report regarding siting of the sampling locations and performance criteria. The proponent shall implement the recommendations in the audit report within three months of the receipt of an audit report from the ministry.	<ul style="list-style-type: none"> • The monitoring program was written with reference to the MOE Audit Manual 	Ongoing	Ongoing
11.9	The proponent shall post the Ambient Air Monitoring and Reporting Plan and the results of the ambient air monitoring program on the proponent's web site for the undertaking upon submission of the plan or results of the program to the ministry.	<ul style="list-style-type: none"> • The Ambient Air Monitoring and Reporting Plan has been posted on the website. • Ambient Air Monitoring Reports will be posted to the website as they are completed. 	Ongoing	Ongoing
12.	Emissions Monitoring			
12.1	The proponent shall install, operate and maintain air emissions monitoring systems that will record the concentrations of the contaminants arising from the incineration of waste.	<ul style="list-style-type: none"> • Requirement of Certificate of Approval Condition 7(2) 	Ongoing	Ongoing
12.2	The air emissions monitoring systems shall be installed and operational prior to the receipt of non-hazardous municipal solid waste at the site.	<ul style="list-style-type: none"> • Requirement of Certificate of Approval Condition 7(2) • Contract requires Covanta to submit a start up procedure and 	Prior to start of commissioning	No

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		<p>schedule at least 90 days prior to start-up operations. The schedule should outline major equipment original operation dates and the contractors best estimate as to the amount of waste required to support start-up operations activities.</p> <ul style="list-style-type: none"> • Following the start-up and phasing-in of all the process operating equipment of the facility, and before acceptance testing, all key processes and temporary instrumentation and controls required for testing and documentation will be calibrated by technicians provided by the DBO contractor, sub-contractors or suppliers. • The testing of all emission and operating parameters in accordance with requirements established by the CofA and MOE anytime during the 30 day reliability test. • The CEMS shall be certified and used to demonstrate continuous compliance during the test period with all CEMS emission parameters. (Appendix 10, Table A10-1 of the PA) 	(~May 2014)	
12.3	The proponent shall prepare and implement an Air Emissions Monitoring Plan. The Plan shall be prepared, in consultation with the ministry and to the satisfaction of the Director.	<ul style="list-style-type: none"> • Air Emissions Monitoring Plan submitted for comments to the MOE and to the Advisory Committee via letter dated July 23, 2011. • Final plan incorporating comments from MOE and Advisory Committee submitted via letter dated August 31, 2011 	August 31, 2011	Yes
12.4	<p>The Air Emissions Monitoring Plan shall include, at a minimum:</p> <ol style="list-style-type: none"> Identification of all sources of air emissions at the site to be monitored; Identification of which contaminants will be monitored by continuous emissions monitoring and which by stack testing; The proposed start date for and frequency of air emissions monitoring; The frequency of and format for reporting the results of air emissions monitoring; The contaminants that shall be monitored, which shall include at a minimum those contaminants set out in Schedule 1 to this Notice of Approval; and, A notification, investigation and reporting protocol to be used in the event that the concentration(s) of one or more of the contaminants released from an emission source that requires approval under Section 9 of the <i>Environmental Protection Act</i> exceeded the relevant limits. 	<ul style="list-style-type: none"> • Submitted plan fulfills these requirements 	August 31, 2011	Yes
12.5	The proponent shall submit the Air Emissions Monitoring Plan to the Director, a minimum of six months prior to the start of construction or by such other date as agreed to in writing by the Director.	<ul style="list-style-type: none"> • Director revised submission deadline to August 31, 2011 via letter dated June 30, 2011. • Plan submitted August 31, 2011 	August 31, 2011	Yes

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12.6	The proponent shall implement the Air Emissions Monitoring Plan such that the monitoring commences when the first discharges are emitted from the facility to the air or at such other time as the Director may agree to in writing and shall continue until such time as the Director notifies the proponent in writing that the Air Emissions Monitoring Plan is no longer required.	<ul style="list-style-type: none"> Agreed 	Commissioning and Operating Periods	No
12.7	The proponent shall post the reports of the air emissions monitoring systems on the proponent's web site for the undertaking.	<ul style="list-style-type: none"> Web site is operational http://www.durhamyorkwaste.ca/project/project_wasteprograms.htm No emissions to report until commissioning Required by Condition 16 (1) (a) of the Certificate of Approval 	Commissioning and Operating Periods	No
12.8	For those contaminants that are monitored on a continuous basis, the proponent shall post on the proponent's website for the undertaking the results of the monitoring for each of those contaminants in real time.	<ul style="list-style-type: none"> No emissions to report until commissioning Required by Condition 16 (2) 	Commissioning and Operating Periods	No
13.	Air Emissions Operational Requirements			
13.1	The proponent is expected to operate the undertaking in accordance with Schedule 1 of the Notice of Approval. If the facility is not operating in accordance with Schedule 1, the operator is required to take steps to bring the facility back within these operational requirements.	<ul style="list-style-type: none"> Agreed 	Commissioning and Operating Periods	No
13.2	Schedule 1 sets out the operational requirements the ministry expects the facility to meet during the normal operating conditions of the facility when operating under a steady state but does not include start up, shut down, or malfunction.	<ul style="list-style-type: none"> Agreed 	Commissioning and Operating Periods	No
13.3	The timing and frequency of monitoring for a contaminant in Schedule 1 shall be as required by the approval granted to the facility under the <i>Environmental Protection Act</i> , should approval be granted.	<ul style="list-style-type: none"> Timing and frequency will be in accordance with Schedule C of the Certificate of Approval. 	Commissioning and Operating Periods	No
14.	Daily Site Inspection			
14.1	The proponent shall conduct a daily site inspection of the site including the non-hazardous municipal solid waste received at the site, each day the undertaking is in operation to confirm that: <ol style="list-style-type: none"> The site is secure; The operation of the undertaking is not causing any nuisance impacts; The operation of the undertaking is not causing any adverse effects on the environment; The undertaking is being operated in compliance with the conditions in this Notice of Approval and any other ministry approvals issued for the undertaking; and, Only non-hazardous waste is being received at the site. 	<ul style="list-style-type: none"> See Certificate of Approval Conditions 3 (6), 3 (7), 3 (8), 5 (5), 14 (3), and 14 (5) 	Commissioning and Operating Periods	No

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
14.2	If, as a result of the daily inspection, any deficiencies are noted by the employee in regard to the factors set out in Condition 14.1 above, the deficiency shall be remedied immediately by the proponent. If necessary to remedy the deficiency, the proponent shall cease operations at the site until the deficiency has been remedied.	<ul style="list-style-type: none"> See Certificate of Approval Conditions 5 (5), 14 (3), and 14 (5) 	Commissioning and Operating Periods	No
14.3	<p>A record of the daily inspections shall be kept in the daily log book required in Condition 15. The information below must be recorded in the daily log book by the person completing the inspection and includes the following information:</p> <p>a) The name and signature of the person that conducted the daily inspection;</p> <p>b) The date and time of the daily inspection;</p> <p>c) A list of any deficiencies discovered during the daily inspection;</p> <p>d) Any recommendations for action; and,</p> <p>e) The date, time, and description of actions taken.</p>	<ul style="list-style-type: none"> See Certificate of Approval Conditions 5 (5), 14 (3), and 14 (5) 	Commissioning and Operating Periods	No
14.4	The proponent shall retain either on site or in another location approved by the District Manager, a copy of the daily log book and any associated documentation regarding the daily site inspections.	<ul style="list-style-type: none"> See Certificate of Approval Conditions 5 (5), 14 (3), and 14 (5) Required by Condition 14 (2) of the Certificate of Approval 	Commissioning and Operating Periods	No
15.	Daily Record Keeping			
15.1	<p>The proponent shall maintain a written daily log which shall include the following information:</p> <p>a) Date;</p> <p>b) Types, quantities, and source of non-hazardous municipal solid waste received;</p> <p>c) Quantity of unprocessed, processed and residual non-hazardous municipal solid waste on the site;</p> <p>d) Quantities and destination of each type of residual material shipped from the site;</p> <p>e) The record of daily site inspections required to be maintained by Condition 14.3;</p> <p>f) A record of any spills or process upsets at the site, the nature of the spill or process upset and the action taken for the clean up or correction of the spill or process upset, the time and date of the spill or process upset, and for spills, the time that the ministry and other persons were notified of the spill pursuant to the reporting requirements of the <i>Environmental Protection Act</i>;</p> <p>g) A record of any waste that was refused at the site, including: amounts, reasons for refusal and actions taken; and,</p> <p>h) The name and signature of the person completing the report.</p>	<ul style="list-style-type: none"> See Certificate of Approval Conditions 5 (5), 14 (3), and 14 (5) 	Commissioning and Operating Periods	No

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
15.2	The proponent shall retain, either on site or in another location approved by the District manager, a copy of the daily log book and any associated documentation.	<ul style="list-style-type: none"> See Certificate of Approval Conditions 5 (5), 14 (3), and 14 (5) 	Commissioning and Operating Periods	No
15.3	The proponent shall make the daily log book and any associated documentation available to the ministry or its designate in a timely manner when requested to do so by the ministry.	<ul style="list-style-type: none"> Required by Condition 14(1) of the Certificate of Approval 	Commissioning and Operating Periods	No
16.	Third Party Audits			
16.1	The proponent shall retain the services of a Qualified, Independent Professional Engineer to carry out an independent audit of the undertaking.	<ul style="list-style-type: none"> Draft Audit Plan submitted to MOE for comments June 2, 2011. Construction Phase Auditor procurement to be complete prior to September 30, 2011 Required by Condition 15(2)(a) of the Certificate of Approval 	September 30, 2011	No
16.2	Within six months from the date of approval or other such date as agreed to in writing by the Regional Director, the proponent shall submit to the Director and the Regional Director, the name of the Qualified, Independent Professional Engineer and the name of the company where he/she is employed.	<ul style="list-style-type: none"> Deadline to submit name of auditor revised to September 30, 2011 via letter from the Director and Regional Director dated June 30, 2011. Deadline to submit name of external auditor extended 30 days prior to the commencement of construction to allow for the ministry's comment on the draft via letter from the MOE Director and Regional Director dated September 30, 2011. 	30 days prior to the commencement of construction.	No
16.3	The proponent shall submit an audit plan to the satisfaction of the Regional Director that sets out the timing of and frequency for the audits, as well as the manner in which the audits are to be carried out.	<ul style="list-style-type: none"> Draft Audit Plan submitted to MOE for comments via letter dated June 2, 2011. Revised Audit Plan submitted August 19, 2011. 	Approval Pending	Approval Pending
16.4	The audit shall include, at a minimum, the following: a) A detailed walkthrough of the entire site; b) A review of all operations used in connection with the undertaking; and, c) A detailed review of all records required to be kept by this Notice of Approval or under any other ministry approvals for the undertaking. d) The proponent shall obtain from the Qualified, Independent Professional Engineer, a written report of the audit prepared and signed by the Qualified, Independent Professional Engineer that summarizes the results of the audit.	<ul style="list-style-type: none"> Required by Condition 15(2)(b) of the Certificate of Approval Submitted Audit Plan complies with these requirements. 	Construction, Commissioning, and Operating Periods	Ongoing
16.5	The proponent shall submit the written report summarizing the result of the audit to the Regional Director no later than 10 business days following the completion of the audit.	<ul style="list-style-type: none"> Required by Condition 15 (3) of the Certificate of Approval 	Construction, Commissioning, and Operating Periods	Ongoing
16.6	The proponent shall retain either on site or in another location approved by the Regional Director, a copy of the written audit report and any associated documentation.	<ul style="list-style-type: none"> Required by Condition 14 (9)(d) of the Certificate of Approval 	Construction, Commissioning, and Operating Periods	Ongoing

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
16.7	The proponent shall make the written audit report and any associated documentation available to the ministry or its designate in a timely manner when requested to do so by the ministry.	<ul style="list-style-type: none"> Required by Condition 14 (1) of the Certificate of Approval 	Construction, Commissioning, and Operating Periods	Ongoing
16.8	The proponent shall post the written audit report on the proponent's web site for the undertaking following submission of the report to the ministry.	<ul style="list-style-type: none"> Required by Condition 16(1)(d) of the Certificate of Approval 	Construction, Commissioning, and Operating Periods	Ongoing
17.	Spill Contingency and Emergency Response Plan			
17.1	The proponent shall prepare and implement a Spill Contingency and Emergency Response Plan.	<ul style="list-style-type: none"> Required by Condition 11 of the Certificate of Approval 	January 2014	No
17.2	The proponent shall submit to the Director, the Spill Contingency and Emergency Response Plan a minimum of 60 days prior to the receipt of non-hazardous municipal solid waste at the site or such other date as agreed to in writing by the Director.	<ul style="list-style-type: none"> Deadline to submit plan revised to 120 days prior to the commencement date of operation by Certificate of Approval Condition 11 (3). 	January 2014	No
17.3	<p>The Spill Contingency and Emergency Response Plan shall include, but is not limited to:</p> <ul style="list-style-type: none"> a) Emergency response procedures, including notification procedures in case of a spill, fires, explosions or other disruptions to the operations of the facility; b) Cell and business phone numbers and work location for all person(s) responsible for the management of the site; c) Emergency phone numbers for the local ministry office, the ministry's Spills Action Centre, and the local Fire Department; d) Measures to prevent spill, fires and explosions; e) Procedures for use in the event of a fire; f) Details regarding equipment for spill clean-up and all control and safety devices; g) Shut down procedures for all operations associated with the undertaking including alternative waste disposal site locations; h) Maintenance and testing program for spill clean-up equipment and fire fighting equipment; i) Training for site operators and emergency response personnel; and, j) A plan, identifying the location and nature of wastes on site. 	<ul style="list-style-type: none"> Additional requirements included in Certificate of Approval Condition 11 (2). 	January 2014	No
17.4	The proponent shall provide the Spill Contingency and Emergency Response Plan to the District Manager, the local Municipality of Clarington and the local Municipality of Clarington Fire Department a minimum of 30 days prior to the initial receipt of non-hazardous municipal solid waste at the site or such other date as agreed to in writing by the Director.	<ul style="list-style-type: none"> Deadline to submit finalized plan to the Director revised to 120 days prior to the commencement date of operation by Certificate of Approval Condition 11 (3). Document to be submitted to the District Manager, local municipality, and fire department for comments prior to final submission. 	November 2013	No
17.5	The proponent shall take all necessary steps to contain and clean up a	<ul style="list-style-type: none"> Agreed. Will be included in the Spill Contingency and Emergency 	Commissioning and	Ongoing

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
	spill on the site. A spill or upset shall be reported immediately to the ministry's Spills Action Centre at (416) 325-3000 or 1-800-268-6060.	<ul style="list-style-type: none"> • Response Plan • Required by Condition 12 of the Certificate of Approval • Required by Condition 13(3) of the Certificate of Approval 	Operations Periods	
18.	Odour Management and Mitigation			
18.1	The proponent shall prepare, in consultation with the ministry's Central Region Office and to the satisfaction of the Regional Director, and implement an Odour Management and Mitigation Plan for the undertaking.	<ul style="list-style-type: none"> • Required by Condition 8 (8) of the Certificate of Approval 	August 31, 2011	No
18.2	The proponent shall submit the Odour Management and Mitigation Plan to the Regional Director a minimum of six months prior to the start of construction or at such other time as agreed to in writing by the Regional Director.	<ul style="list-style-type: none"> • Deadline to submit plan revised to August 31, 2011 via letter from the Director and Regional Director dated June 30, 2011. • Plan submitted in draft form to MOE and Advisory Committee for comments via email dated July 25, 2010 • Final Plan incorporating MOE and Advisory Committee comments submitted August 31, 2011 	August 31, 2011	Yes
18.3	The Odour Management and Mitigation Plan shall include at a minimum: a) Standard operating and shut down procedures; b) Maintenance schedules; c) Ongoing monitoring for and reporting of odour; d) Corrective action measures and other best management practices for ongoing odour control and for potential operational malfunctions; e) A schedule for odour testing at sensitive receptors; and, f) A section that specifically addresses odour control measures should operation of the undertaking be disrupted or cease.	<ul style="list-style-type: none"> • Additional requirements listed in Certificate of Approval Condition 8 (9). 	August 31, 2011	No
18.4	The proponent shall prepare and submit the Odour Management and Mitigation Monitoring Reports annually to the Regional Director with the first report submitted beginning six months following the initial receipt of non-hazardous municipal solid waste at the site or such other date as agreed to in writing by the Regional Director.	<ul style="list-style-type: none"> • Proposed annual reporting requirements referenced in final Odour Monitoring and Mitigation Plan submitted August 31, 2011. • Estimated date of first report November 2014 	Commissioning and Operations Period	Ongoing
18.5	The Odour Management and Mitigation Monitoring Reports shall be submitted every 12 months from the date of the submission of the first report or until such time as the Regional Director notifies the proponent in writing that the Odour Management and Mitigation Monitoring Reports are no longer required.	<ul style="list-style-type: none"> • Agreed 	Commissioning and Operations Period	Ongoing
18.6	The proponent shall post the Odour Management and Mitigation Monitoring Reports on the proponent's web site for the undertaking following submission of the reports to the Regional Director.	<ul style="list-style-type: none"> • Odour Management and Mitigation Plan posted to the website. • Required by Condition 16(1)(e) of Certificate of Approval. 	Commissioning and Operations Period	Ongoing

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
19.	Noise Monitoring and Reporting			
19.1	The proponent shall prepare and implement a Noise Monitoring and Reporting Plan for the undertaking.	<ul style="list-style-type: none"> Draft plan submitted to MOE and Advisory Committee for comments via letter dated July 23, 2011. Required by Certificate of Approval 7 (5). 	September 15, 2011	Yes
19.2	The proponent shall submit the Noise Monitoring and Reporting Plan to the Director a minimum of 90 days prior to the start of construction or such other date as agreed to in writing by the Director.	<ul style="list-style-type: none"> Final plan submitted via letter dated September 15. Final submission date is more than 90 days prior to anticipated start of construction in January 2012 	September 15, 2011	Yes
19.3	The Noise Monitoring and Reporting Plan shall include a protocol to ensure that the noise emissions from the facility comply with the limits set out in the Ministry of the environment's Publication NPC-205 "Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)", October 1995, as amended from time to time.	<ul style="list-style-type: none"> Plan to include an acoustic audit as required by Certificate of Approval Condition 7 (5). 	September 15, 2011	Yes
19.4	The proponent shall post the Noise Monitoring and Reporting Plan on the proponent's web site for the undertaking following submission of the plan to the Director.	<ul style="list-style-type: none"> Noise Monitoring and Reporting Plan posted to the website. Required by Condition 16(1)(f) of the Certificate of Approval 	September 15, 2011	Yes
20.	Groundwater and Surface Water Monitoring and Reporting			
20.1	Prior to the start of construction, the proponent shall identify any areas where the undertaking may affect groundwater or surface water. For those areas, the proponent shall prepare and implement, in consultation with the ministry's Central Region Office and to the satisfaction of the Regional Director, a Groundwater and Surface Water Monitoring Plan.	<ul style="list-style-type: none"> Draft Groundwater and Surface Water Monitoring and Reporting Plan submitted to the MOE Central Region office for comment on April 19, 2011. Revised based on comments received and resubmitted on July 7, 2011. Required by Condition 7(14)(a) of the Certificate of Approval 	September 15, 2011	Yes
20.2	The proponent shall provide the Groundwater and Surface Water Monitoring Plan to any other government agencies for review and comment, as may be appropriate.	<ul style="list-style-type: none"> Groundwater and Surface Water Monitoring Plan has been submitted to the Central Lake Ontario Conservation Authority and the Advisory Committee for comments. 	July 25, 2011	Yes
20.3	The Groundwater and Surface Water Monitoring Plan shall include at a minimum: <ol style="list-style-type: none"> A groundwater and surface water monitoring program; The proposed start date and frequency of groundwater and surface water monitoring; The contaminants that shall be monitored as part of the groundwater and surface water monitoring program; and, At least one meeting each year between the proponent and the Regional Director to discuss the plan, the results of the monitoring program and any changes that are required to be made to the plan by the Regional Director. 	<ul style="list-style-type: none"> Included in the submitted plan 	September 15, 2011	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
20.4	The proponent shall submit the Groundwater and Surface Water Monitoring Plan to the Regional Director a minimum of 90 days prior to the start of construction or such other date as agreed to in writing by the Regional Director.	<ul style="list-style-type: none"> September 15, 2011 submission date is more than 90 days prior to anticipated start of construction in January 2012. Groundwater Surface Water Monitoring Plan approved by the Regional Director via letter dated October 14, 2011. 	September 15, 2011	Yes
20.5	The Regional Director may require changes to be made to the Groundwater and Surface Water Monitoring Plan and the proponent shall implement the plan in accordance with the required changes.	<ul style="list-style-type: none"> Agreed 	Ongoing	Ongoing
20.6	The groundwater and surface water monitoring program shall commence prior to the receipt of non-hazardous municipal solid waste at the site or such other time as agreed to in writing by the Regional Director, and shall continue until such time as the Regional Director notifies the proponent in writing that the groundwater and surface water monitoring program is no longer required.	<ul style="list-style-type: none"> Proposed Groundwater and Surface Water Monitoring Plan to commence prior to start of construction and continue until the Regional Director notifies the Regions in writing that the monitoring program is no longer required. 	Construction, Commissioning and Operations Periods	No
20.7	Thirty days after waste is first received on site, the proponent shall prepare and submit to the Director and Regional Director, a report containing all of the results of the groundwater and surface water monitoring program.	<ul style="list-style-type: none"> Included in the proposed Groundwater and Surface Water Monitoring Plan 	June 2014	No
20.8	The proponent shall prepare and submit to the Director and Regional Director, an annual report containing the results of the groundwater and surface water monitoring program. The first report shall be submitted 12 months from the start of the monitoring program and every year thereafter.	<ul style="list-style-type: none"> Included in the proposed Groundwater and Surface Water Monitoring Plan 	Commissioning and Operations Periods	No
20.9	The proponent shall prepare and submit to the Director and Regional Director, a report containing the results of the groundwater and surface water monitoring program with 30 days of any of the following events: <ol style="list-style-type: none"> A spill occurs on site; A fire or explosion occurs on site; A process upset; or, Any disruption to normal operations that may directly or indirectly have an impact on groundwater or surface water. 	<ul style="list-style-type: none"> Included in the proposed Groundwater and Surface Water Monitoring Plan Required by Condition 7(14)(b) of the Certificate of Approval 	Commissioning and Operations Periods	No
20.10	The proponent shall post the Groundwater and Surface Water Monitoring Plan and all reports required by this condition on the proponent's web site for the undertaking following submission of the plan and reports to the ministry.	<ul style="list-style-type: none"> Groundwater and Surface Water Monitoring Plan posted to the website. Required by Condition 7(14)(c) of the Certificate of Approval Required by Condition 16 (1) (g) of the Certificate of Approval 	Ongoing	Ongoing
21.	Types of Waste and Service Area			
21.1	Only non-hazardous municipal solid waste from municipal collection within the jurisdictional boundaries of the Regional Municipality of Durham and the Regional Municipality of York may be accepted at the site.	<ul style="list-style-type: none"> Required by Conditions 2 (1), 2 (2), and 2 (3) of the Certificate of Approval 	Commissioning and Operations Periods	Ongoing
21.2	Materials which have been source separated for the purposes of diversion	<ul style="list-style-type: none"> See Condition 2 (3) (b) of the Certificate of Approval 	Commissioning and	Ongoing

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
	shall not be accepted at this site. This prohibition does not apply to the non-recyclable residual waste remaining after the separation of the recyclable materials from the non-recyclable materials at a materials recycling facility or other processing facility.		Operations Periods	
21.3	The proponent shall ensure that all incoming waste is inspected prior to being accepted at the site to ensure that only non-hazardous municipal solid waste is being accepted.	<ul style="list-style-type: none"> See Condition 4 (2) and 4 (3) of the Certificate of Approval 	Commissioning and Operations Periods	Ongoing
21.4	If any materials other than non-hazardous municipal solid waste are found during inspection or operation, the proponent shall ensure that management and disposal of the material is consistent with ministry guidelines and legislation.	<ul style="list-style-type: none"> See Condition 4 (3) of the Certificate of Approval 	Commissioning and Operations Periods	Ongoing
22.	Amount of Waste			
22.1	The maximum amount of non-hazardous municipal solid waste that may be processed at the site is 140,000 tonnes per year.	<ul style="list-style-type: none"> 140,000 tonnes per year is the maximum annual tonnage recognized on page 1 of the Certificate of Approval 	Commissioning and Operations Periods	Ongoing
23.	Notice of the Date Waste First Received			
23.1	Within 15 days of the receipt of the first shipment of waste on site, the proponent shall give the Director and Regional Director written notice that the waste has been received.	<ul style="list-style-type: none"> Agreed 	May 2014	No
24.	Construction and Operation Contracts			
24.1	In carrying out the undertaking, the proponent shall require that its contractors, subcontractors and employees: <ol style="list-style-type: none"> fulfill the commitments made by the proponent in the environmental assessment process, including those made in the environmental assessment and in the proponent's responses to comments received during the environmental assessment comment periods; meet applicable regulatory standards, regarding the construction and operation of the undertaking; obtain any necessary approvals, permits or licenses; and, have the appropriate training to perform the requirements of their position. 	<ul style="list-style-type: none"> Project Agreement requires Contractor to comply with all authorizations including the Environmental Assessment and Notice of Approval (incorporated by reference) the Certificates of Approval, and all applicable regulations. Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions. Certificate of Approval Condition 9(1) requires Covanta is to document staff training on the EA and C of A conditions and applicable laws and regulations. Complaint Protocol will remain in effect throughout the construction, commissioning, and operations periods in accordance with Condition 6 of the Notice to Proceed. 	Construction, Commissioning, and Operations Periods	Ongoing
25.	Amending Procedures			
25.1	Prior to implementing of any proposed changes to the undertaking, the proponent shall determine what <i>Environmental Assessment Act</i> requirements are applicable to the proposed changes and shall fulfill those	<ul style="list-style-type: none"> Agreed 	No changes contemplated at the present time	N/A

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
	<i>Environmental Assessment Act</i> requirements.			

1. Future completion dates are estimates based on best available information. Completion dates occurring in the past are dates of actual completion
2. Anticipated construction period from January 2012 – May 2014
3. Anticipated commissioning period from May 2014 – August 2014.
4. Anticipated operations period from August 2014 – facility closure.

Appendix B

EA Study Document Compliance Table

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
General Requirements				
2	<ul style="list-style-type: none"> The Proponents commit that if approval to proceed with the Undertaking is given, it will be the Proponents who are legally responsible for carrying out the Undertaking as approved. 	<ul style="list-style-type: none"> The Regions are 100% owners under the Project Agreement Both Regions and the Contractor are named on the Certificate of Approval Application at the MOE's request. As owners, the Regions remain legally responsible for ensuring that the contractor fulfills its duties under the contract. 	Ongoing	Yes
11	<ul style="list-style-type: none"> The Regions will undertake an evaluation of post-closure uses for the property associated with the Project, at the appropriate time when the Project is nearing the end of its life expectancy. 	<ul style="list-style-type: none"> Required by Condition 18 of the Certificate of Approval Commitment reaffirmed in Section 16 of the Design and Operations Report submitted with the Waste C of A Application Certificate of Approval Condition 18 requires the Regions to submit a Closure Plan for approval by the MOE at least 9 months prior to facility closure. 	Prior to decommissioning	No
11	<ul style="list-style-type: none"> Decommissioning of the Facility will be conducted in compliance with applicable regulatory requirements at the time of decommissioning. 	<ul style="list-style-type: none"> Regulatory requirement 	During decommissioning	No
11.2	<ul style="list-style-type: none"> Environmental protection awareness, spill prevention planning and contingency training will be implemented for all employees as necessary and appropriate. 	<ul style="list-style-type: none"> Spill Contingency and Emergency Response Plan, including to be submitted at least 120 days prior to commencement of operation as required by Condition 11 (3) of the Certificate of Approval Staff training requirements including regulatory compliance and emergency response provided in Certificate of Approval Condition 9 (1). 	Ongoing	Ongoing
15	<ul style="list-style-type: none"> The Regions will prepare and submit to the Director of the EAAB of the Ontario MOE an EA Compliance Monitoring Program. 	<ul style="list-style-type: none"> The Compliance Monitoring Program fulfills this requirement 	September 2011	Yes
Air Quality				
11.1	<p>Air quality related mitigation/management during construction will include:</p> <ul style="list-style-type: none"> Mitigation and environmental management / monitoring measures will include: Employment of controlled entrances and exits at the construction site to minimize the offsite tracking of mud. Temporary and permanent grassing in disturbed areas. Dust control during dry periods. Possible implementation of an idling protocol as required. Adherence to an equipment maintenance program. Ambient air quality monitoring for particulate matter will be undertaken to monitor the effectiveness of the mitigation measures. 	<ul style="list-style-type: none"> Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations. Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions. Complaint protocol submitted to MOE as per EA Notice to Proceed Condition 6 will be in effect throughout the construction period. 	Construction Period	No
11.1	<ul style="list-style-type: none"> Very low NO_x (VLN) system in the Facility's stoker 	<ul style="list-style-type: none"> Commitment reaffirmed in Section 7.1.1 of the Design and Operations Report submitted with the Waste C of A Application 	Commissioning and Operations Period	No

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
11.1	<ul style="list-style-type: none"> SNCR for additional NO_x control 	<ul style="list-style-type: none"> Commitment reaffirmed in Section 7.1.2 of the Design and Operations Report submitted with the Waste C of A Application 	Commissioning and Operations Period	No
11.1	<ul style="list-style-type: none"> Activated carbon injection after the economizer for mercury and dioxin/furan control 	<ul style="list-style-type: none"> Commitment reaffirmed in Section 7.2 of the Design and Operations Report submitted with the Waste C of A Application 	Commissioning and Operations Period	No
11.1	<ul style="list-style-type: none"> Acid gas scrubber the removal of gases such as SO_x and HCl 	<ul style="list-style-type: none"> Commitment reaffirmed in Section 7.3 of the Design and Operations Report submitted with the Waste C of A Application 	Commissioning and Operations Period	No
11.1	<ul style="list-style-type: none"> A fabric filter baghouse to remove solid particulate matter 	<ul style="list-style-type: none"> Commitment reaffirmed in Section 7.4 of the Design and Operations Report submitted with the Waste C of A Application 	Commissioning and Operations Period	No
11.1	<ul style="list-style-type: none"> The application of design and operations pre-processing odour control measures such as enclosed loading, negative air pressure inside the Facility and fully-enclosed feedstock delivery trucks. 	<ul style="list-style-type: none"> Commitment reaffirmed in Section 13.3 of the Design and Operations Report submitted with the Waste C of A Application 	Commissioning and Operations Period	No
11.1	<ul style="list-style-type: none"> Provision of a Continuous Emissions Monitoring System (CEMS) at the baghouse outlet to monitor and record opacity, moisture, CO, O₂, NO_x, SO₂, HCL and HF. Opacity measurements will be used as the filter bag leak detection system. 	<ul style="list-style-type: none"> Section 7.7 of the Design and Operations Report submitted with the Waste C of A Application includes all listed parameters except carbon monoxide, which is now to be monitored at the economizer outlet only (see following item). Purpose of two carbon monoxide monitors was to calculate percentage reduction achieved by air pollution control system. No longer necessary since MOE has imposed an absolute standard for CO emissions instead of a percentage reduction. Change approved through Certificate of Approval Condition 7(2)(b) and 7(2)(c) A continuous ammonia monitor has been added 	Commissioning and Operations Period	No
11.1	<ul style="list-style-type: none"> Provision of a Continuous Emissions Monitoring System (CEMS) at the economizer outlet to monitor and record O₂, SO₂ and CO. 	<ul style="list-style-type: none"> Although not reflected in Certificate of Approval Condition 7(2)(c), and SO₂ analyzer will be provided at the economizer outlet for process control. Not needed to evaluate compliance since final SO₂ standard is an absolute standard rather than a percentage reduction. 	Commissioning and Operations Period	No
11.1	<ul style="list-style-type: none"> Provision of a Continuous Emissions Monitoring System (CEMS) to monitor and record <ul style="list-style-type: none"> Flue gas temperatures at the inlet of the boiler convection section and at the baghouse inlet. The temperature and pressure of the feedwater and steam for each boiler. The mass flow rate of steam at each boiler. 	<ul style="list-style-type: none"> Flue gas temperature measurements required as per Certificate of Approval Conditions 7(2)(a) and 7(2)(b). 	Commissioning and Operations Period	No
11.1	<ul style="list-style-type: none"> A long-term continuous dioxins sampling device will be installed to monitor the adsorption of dioxins onto the exchangeable adsorption-resin-filled cartridge. 	<ul style="list-style-type: none"> Required as per Condition 7(3) of the Certificate of Approval 	Commissioning and Operations Period	No

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
11.1	<ul style="list-style-type: none"> Emissions (stack) testing and monitoring protocol as required for the C of A under the EPA. 	<ul style="list-style-type: none"> As per Condition 7(1) and Schedule D of the Certificate of Approval 	Commissioning and Operations Period	No
11.1	<ul style="list-style-type: none"> NPRI emissions reporting that will entail a combination of monitoring or direct measurement, mass balance, process-specific emissions factors and engineering estimates. 	<ul style="list-style-type: none"> National Pollutant Release Inventory (NPRI) annual reporting is a requirement under the Canadian Environmental Protection Act (Federal) 	Commissioning and Operations Period	No
11.1	<ul style="list-style-type: none"> Proposed ambient air quality monitoring in the immediate vicinity of the Facility for a 3-year period. 	<ul style="list-style-type: none"> Submission deadline was revised to August 31, 2011 as per letter from the Director and Regional Director dated June 30, 2011. Ambient Air Monitoring and Reporting Plan submitted August 31, 2011 as per EA Notice of Approval Condition 11 Approval of plan is pending 	Commissioning and Operations Period	No
Surface Water and Groundwater				
11.2	<p>Surface water and groundwater related mitigation and environmental management / monitoring measures during construction will include:</p> <ul style="list-style-type: none"> Construction phase drainage will route stormwater from throughout the Site to a stormwater sedimentation pond and to the extent feasible, maintain existing drainage routes. Permanent SWM ponds may be constructed early to reduce need for sedimentation ponds. Use of perimeter ditching and site grading as well as silt fencing around forested areas to isolate runoff. Use of setback transition use areas and erosion control fencing along watercourses. ESC will be implemented during the construction phase to reduce potential soil loss and runoff velocities. During the construction phase, stormwater will be routed via conveyance swales and/or storm sewers draining catchbasins to a SWM pond in the southwest corner of the Site. The pond will discharge to the CN Rail swale and stormwater will subsequently be conveyed to Tooley Creek. In addition to the pond, lot level, and conveyance controls such as surface stabilization measures, sediment traps, and swales enhanced with rock check dams will also be employed. Grading plans will be designed to maintain existing drainage patterns which will ensure all captured stormwater will be routed through SWM features. Dewatering and excavation pumping is expected in order to establish a sufficiently dry environment to construct the Facility foundations. 	<ul style="list-style-type: none"> Required by Condition 4(6) of the Certificate of Approval Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations. Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions. Groundwater and Surface Water Monitoring and Reporting Plan submitted via email September 15, 2011 in accordance with EA Condition 20 includes monitoring of water quality in Tooley Creek using continuous data loggers, and documentation of regular inspection and maintenance of check dams and other sediment controls. 	Construction Period	No
11.2	<ul style="list-style-type: none"> A series of groundwater monitoring wells may be installed within the Site to assess the Facility's effects on both groundwater quantity and quality 	<ul style="list-style-type: none"> Groundwater and Surface Water Monitoring Plan submitted via email September 15, 2011 as per EA Condition 20.1 includes 	Fall 2011	No

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
	during construction to be determined at subsequent approvals stage.	groundwater monitoring wells to be installed prior to facility construction and 1 well to be installed after construction.		
11.2	<ul style="list-style-type: none"> Storm water pond design criteria will meet enhanced design guidance criteria found in the MOE SWM Planning and Design Manual; 	<ul style="list-style-type: none"> The stormwater management pond design provided in Section 6.2.4 of the Design Report 	Construction Period	No
11.2	<ul style="list-style-type: none"> Increase in runoff potential will be mitigated with peak flow attenuation, baseflow augmentation and SWM design that provides an enhanced level of receiving water protection; 	<ul style="list-style-type: none"> Pond has been designed with an active storage volume greater than the entire runoff volume from the 100 year storm. 	Construction Period	No
11.2	<ul style="list-style-type: none"> Accidents and malfunctions planning and spill management redundancy and stormwater control from source to discharge will ensure the protection of surface water and groundwater resources. 	<ul style="list-style-type: none"> Covanta will submit a Spill Contingency and Emergency Response Plan at least 120 days prior to commencement of operation (~January 2014) as required by Condition 17.1 of the Notice of Approval and Condition 11(2) of the Certificate of Approval Storage of waste and ash will be indoors on impervious surfaces with no drainage to outside the facility. Storage of all chemical reagents will be in accordance with applicable regulations. Storage of aqueous ammonia to include secondary containment. Outdoor surface drainage will discharge to the stormwater management ponds with gate valves on the outlets, providing an opportunity to contain and remediate any spills occurring outside the process buildings. 	Commissioning and Operations Period	No
11.2	<ul style="list-style-type: none"> Monitoring of stormwater end-of-pipe Facility discharge quality (as required as part of C of A); 	<ul style="list-style-type: none"> Groundwater and Surface Water Monitoring and Reporting Plan developed in consultation with MOE Central Region Office and to be submitted September 15, 2011 in accordance with EA Condition 20. 	Commissioning and Operations Period	No
	Soils			
11.2 & 11.3	Soils related mitigation and environmental management / monitoring measures during construction will include: <ul style="list-style-type: none"> Topsoil and subsoil salvage and storage. Apply erosion and sedimentation control measures (also described in surface water). 	<ul style="list-style-type: none"> Regions submitted a Soil Testing plan on September 23, 2011. Submission date of September 23, 2011 is within 90 days from the date of the Certificate of Approval (due September 26, 2011) as per Certificate of Approval Condition 13(4). Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations. Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions. 	Construction, Commissioning, and Operations Period	No

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
Acoustic				
11.4	<p>Acoustic related mitigation and environmental management / monitoring measures during construction will include:</p> <ul style="list-style-type: none"> • Pile driving effects will be reduced through alternative technologies (e.g., vibratory pile driving), controls, and scheduling. • Construction vehicle traffic is predicted to be acceptable against applicable criteria, but short-term (i.e., 1-hour) effects during peak demand are possible. These peaking issues will be reduced through scheduling and planning of vehicle trips. • A monitoring program and contingency plan will be implemented to address any issues that may arise during the construction and post-closure periods of the Facility. 	<ul style="list-style-type: none"> • The Regions submitted a Noise Monitoring and Reporting Plan in accordance with Condition 19 of the Notice of Approval on September 16, 2011 • Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations. • Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions. 	Construction Period	No
11.4	<p>Noise-related mitigation and environmental management/monitoring measures during operation will include:</p> <ul style="list-style-type: none"> • The Facility will be designed to current standards incorporating efficiencies and design enhancements that reduce sound emissions. • Where necessary, mitigation measures will be included to ensure applicable noise criteria are met at PORs as predicted. • Mitigation measures may include the use of equipment control options such as enclosures, local or property-line barriers, mufflers and silencers, and acoustic baffles or insulation. 	<ul style="list-style-type: none"> • The Regions submitted a Noise Monitoring and Reporting Plan in accordance with Condition 19 of the Notice of Approval on September 15, 2011 • Condition 19.3 of the Notice of Approval requires noise emissions from the facility comply with the limits set out in the Ministry of the environment's Publication NPC-205 "Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)", October 1995, as amended from time to time. • Acoustic modeling submitted with the Certificate of Approval Application for Air and Noise predicts that the facility will comply with NPC-205. • Compliance to be verified through an acoustic audit to completed within three months of the commencement of operations in accordance with Certificate of Approval Condition 7 (5). 	Commissioning and Operations Periods	No
Visual				
11.5	<p>Visual-related mitigation and environmental management / monitoring measures during construction will include:</p> <ul style="list-style-type: none"> • Staging of construction activities. • Timely removal of construction debris. • A monitoring program and contingency plan will be implemented to address any issues that may arise during the construction of the Facility. • Investment in architectural enhancements to the Facility. 	<ul style="list-style-type: none"> • An architectural concept for the facility has been developed in consultation with the Municipality of Clarington. • The project agreement requires the contractor to update the construction schedules weekly with detailed staging that will be reviewed at regularly scheduled construction meetings. • Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions. • Visual Screening addressed in Condition 8 (15) of the Certificate of Approval. 	Construction Period	No
11.5	Visual-related mitigation and environmental management / monitoring	<ul style="list-style-type: none"> • An architectural concept for the facility has been developed in consultation with the Municipality of Clarington. 	Operating Period	No

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
	measures during operation will include: <ul style="list-style-type: none"> • The use of neutral external colours and effective landscaping. • If concerns regarding Facility visibility are raised by members of the community in the vicinity of the Facility, mitigation measures will be considered such as planting trees or other suitable vegetation at the particular location to provide a screen within the line of the sight of the Facility. 	<ul style="list-style-type: none"> • Need for supplementary, off-site visual remediation will be assessed on a case-by-case basis after the facility is constructed. 		
Natural Environment				
11.6	Natural environment related mitigation and environmental management / monitoring during construction will include: <ul style="list-style-type: none"> • Protective protocols to avoid killing or harming wildlife during Project activities. • Wildlife corridor along the entire east-west length of the Facility's southern property line may be established to enhance wildlife movement. • Native tree and shrub species will be planted and existing species allowed to grow without disturbance providing additional habitat. • Undertake a pre-construction survey to assess bird nesting activity prior to clearing and grubbing. • Habitat enhancement for Chimney Swifts, if present onsite, and once construction has been completed, compensation for the loss of hedgerow by incorporating native shrubs and trees into landscaping for the Facility. 	<ul style="list-style-type: none"> • Landscape plan will be reviewed for consideration to wildlife habitat. • Pre-construction bird nesting survey to be completed prior to January 2012 start of construction • Onsite inspection to confirm habitat or wildlife presence to be conducted. • Construction Site Fencing to allow for a wildlife corridor to the North and South of the Site. 	Construction Period	No
Social / Cultural				
11.7, 8, 9	Social / cultural related mitigation and environmental management / monitoring measures during construction will include: <ul style="list-style-type: none"> • See Noise above for related mitigation / management measures. • See Visual above for related mitigation / management measures • Dust control during construction will be accomplished through a number of physical and operational methods such as construction exits, timely revegetation, watering, and staging of work. • Deeply buried archaeological resources could still exist and standard conditions regarding discovery of human remains and/or other cultural heritage values will apply. 	<ul style="list-style-type: none"> • Contract requires Covanta to document any findings of archaeological significance and to deal with these findings as directed in writing by the owner and in accordance with applicable laws. • Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations. • Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions. 	Construction Period	No
	<ul style="list-style-type: none"> • Road/pavement improvements to the South Service Road and Osborne Road to accommodate construction vehicles. 	<ul style="list-style-type: none"> • Construction of improvements to South Service Road and Osborne Road will be undertaken as required 		
	<ul style="list-style-type: none"> • Formation of a Thermal Treatment Facility Site Liaison Committee (SLC) for the construction period. 	<ul style="list-style-type: none"> • In addition to the Advisory Committee described in Notice of Approval Condition 8, the Regions have formed an Integrated Waste Management Committee (Energy from Waste-Waste 	Construction, Commissioning and	Ongoing

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
		<ul style="list-style-type: none"> Management Advisory Committee) intended to address issues of concern to the local community. Advertising for membership conducted September 2011 First meeting tentatively scheduled for November 2011 	Operations Periods	
	<ul style="list-style-type: none"> Development and implementation of a Community Relations Plan (CRP) through which Durham, York, and Covanta staff will relate to the local community, including advance notification to local authorities and residents near the Facility of any planned unusual noises or activities (e.g., pile driving, steam blows) or other events that may be of concern to the local community during the construction phase. The plan will also establish contacts and procedures for providing accurate and timely information to the community in the event of an unforeseen incident that may cause concern or impact upon the community. 	<ul style="list-style-type: none"> A requirement of the EA Notice of Approval [See Appendix A, Section 7 (Community Communications Plan)] 	Prior to receipt of non-hazardous municipal solid waste	Ongoing
	<ul style="list-style-type: none"> Development and implementation of a community complaints system for construction. 	<ul style="list-style-type: none"> Complaint protocol approved by the MOE July 13, 2011 as per Condition 6 of the EA Notice of Approval. Requirement of Condition 10 of the Certificate of Approval 	Construction, Commissioning, and Operations Periods	Ongoing
	<ul style="list-style-type: none"> Management of residual waste in enclosed vehicles and on enclosed tipping floor 	<ul style="list-style-type: none"> Noted in Sections 5.3 and 5.8 of the Design and Operations Report and required by Certificate of Approval Condition 4(2) and 4(5) 	Commissioning and Operations Periods	No
	<ul style="list-style-type: none"> Air from tipping floor is used as combustion air, destroying odours and maintaining negative pressure within receiving area. 	<ul style="list-style-type: none"> Required by Condition 8 (1) of the Certificate of Approval Noted in Section 5.8 of the Design and Operations Report 	Commissioning and Operations Periods	No
	<ul style="list-style-type: none"> Management of ash and residues using various measures to reduce ash emissions. 	<ul style="list-style-type: none"> Requirement of Condition 4 of the Certificate of Approval See Section 8.0 of the Design and Operation Report for additional details. Storage of ash, and will be indoors on impervious surfaces with no drainage to outside the facility. Ash is transported to the ash storage building in enclosed conveyors Bottom ash and fly ash handled separately. Building maintained under negative pressure and fully ventilated to a dust collection system Loading of trucks occurs indoors with the doors closed Fly ash is mixed with water, cement and pozzolan to render it non-hazardous and reduce dust. Bottom ash is immersed in quench water and retains 15-25% moisture content, reducing dust potential 	Commissioning and Operations Periods	No
	<ul style="list-style-type: none"> Mitigation of vectors/vermin through pest/vector control. 	<ul style="list-style-type: none"> Requirement of Condition 8 (14) of the Certificate of Approval 	Commissioning and	No

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
		<ul style="list-style-type: none"> Noted in Section 13.5 of the Design and Operations Report and Condition 8(14) Pest/Vector control will be subcontracted to a qualified pest control company and monitored for effectiveness. 	Operations Periods	
	<ul style="list-style-type: none"> Mitigation of litter through implementation of litter control program throughout the Site. 	<ul style="list-style-type: none"> Requirement of Condition 8(12) of the Certificate of Approval Site-wide litter collection on a daily basis as per Section 13.4 of the Design and Operations Report and Certificate of Approval Condition 8(12) 	Commissioning and Operations Periods	No
	<ul style="list-style-type: none"> Some traffic control measures (traffic signals, loop ramps, etc.) may be required to the adjacent road network to address future traffic conditions in the CEBP. 	<ul style="list-style-type: none"> Requirement of Condition 8(10) of the Certificate of Approval Will be addressed during design and approvals stage of Energy Park development. 	N/A	N/A
	<ul style="list-style-type: none"> The Host Community Agreement between Durham and the Municipality of Clarington includes the Region assuming the cost of construction of Energy Drive from Courtice Road to Osborne Road to serve the CEBP. 	<ul style="list-style-type: none"> Host Community Agreement executed on February 18, 2010 includes this provision Expropriation proceedings are underway to acquire the land to the west of the site needed to construct Energy Park Drive and separate truck access road. Design and approvals for Host Community Agreement commitments will commence when expropriation is complete and the Certificates of Approval and Building Permit for the Durham York Energy Centre are issued. Anticipated completion by commencement of operations; however, operations are not affected since site access will ultimately be provided via a private truck laneway from Courtice Road to the south edge of the property, or temporarily via South Service Road and Osborne Road. 	May 2015	No
	<ul style="list-style-type: none"> Soil testing for contaminants for a minimum of three years at which time its effectiveness will be evaluated (recommendation by Durham Region Medical Officer of Health, endorsed by both Regional Councils) 	<ul style="list-style-type: none"> Requirement of Condition 13 (4) of the Certificate of Approval Soil Testing plan submitted September 23, 2011 September 23, 2011 submission is within 90 days from the date of the Certificate of Approval (due September 26, 2011) 	Commissioning and Operations Periods	No
	<ul style="list-style-type: none"> Formation of a Thermal Treatment Facility Site Liaison Committee SLC for the operations period. 	<ul style="list-style-type: none"> In addition to the Advisory Committee described in Notice of Approval Condition 8, the Regions have formed an Integrated Waste Management Committee (Energy from Waste-Waste Management Advisory Committee) intended to address issues of concern to the local community. Advertising for membership conducted September 2011 First meeting tentatively scheduled for November 2011 	Construction, Commissioning and Operations Periods	Ongoing
	<ul style="list-style-type: none"> See construction above regarding development and implementation of a Community Relations Plan 	<ul style="list-style-type: none"> A requirement of the EA Notice of Approval [See Appendix A, Section 7 (Community Communications Plan)] 	Prior to receipt of non-hazardous	Ongoing

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
			municipal solid waste	
	<ul style="list-style-type: none"> See construction above regarding development and implementation of a community complaints system for operations 	<ul style="list-style-type: none"> Appendix A, Complaint Protocol (Notice of Approval Condition 6 applies to construction, commissioning, and operations periods) 	Construction, Commissioning and Operations Periods	Ongoing
Economic				
11.10	<ul style="list-style-type: none"> Establishment of a hazardous waste depot to serve Clarington residents. 	<ul style="list-style-type: none"> Will commence when land expropriation for other Host Community Agreement commitments is complete and the Certificates of Approval and Building Permit for the Durham York Energy Centre are issued. Anticipated completion by commencement of operations; however, operations are not affected. 	May 2015	No
11.10	<ul style="list-style-type: none"> Construction of Energy Drive from Courtice Road to Osborne Road to serve the Energy Park. 	<ul style="list-style-type: none"> Expropriation proceedings are underway to acquire the land to the west of the site needed to construct Energy Park Drive and separate truck access road. Design and approvals for Host Community Agreement commitments will commence when expropriation is complete and the Certificates of Approval and Building Permit for the Durham York Energy Centre are issued. Anticipated completion by commencement of operations; however, operations are not affected since site access will ultimately be provided via a private truck laneway from Courtice Road to the south edge of the property, or temporarily via South Service Road and Osborne Road. 	May 2015	No
11.10	<ul style="list-style-type: none"> Construction of a SWM Facility to serve the Energy Park. 	<ul style="list-style-type: none"> Tied to Host Community Agreement for Energy Park Drive Construction, see previous item. 	May 2015	No
11.10	<ul style="list-style-type: none"> Construction of a waterfront trail from Courtice Road to the eastern limit of the Durham property. 	<ul style="list-style-type: none"> Will commence when land expropriation for other Host Community Agreement commitments is complete and the Certificates of Approval and Building Permit for the Durham York Energy Centre are issued. Anticipated completion by commencement of operations; however, operations are not affected 	May 2015	No
11.10	<ul style="list-style-type: none"> Transfer of 22 acres of surplus land adjacent to the Courtice WPCP to Clarington. 	<ul style="list-style-type: none"> Transfer will occur when land expropriation for other Host Community Agreement commitments is complete and the Certificates of Approval and Building Permit for the Durham York Energy Centre are issued. 	January 2014	No
11.10	<ul style="list-style-type: none"> Commencement of the EA for servicing the Clarington Science Park. 	<ul style="list-style-type: none"> EA will commence when land expropriation for other Host 	January 2014	No

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date ^{1,2,3,4}	Complete?
		Community Agreement commitments is complete and the Certificates of Approval and Building Permit for the Durham York Energy Centre are issued		
	Human Health and Ecological Risk			
	<ul style="list-style-type: none"> • Refer to “Air Quality” above. 	<ul style="list-style-type: none"> • Refer to “Air Quality” above. 		

1. Future completion dates are estimates based on best available information. Completion dates occurring in the past are dates of actual completion
2. Anticipated construction period from January 2012 – May 2014
3. Anticipated commissioning period from May 2014 – August 2014.
4. Anticipated operations period from August 2014 – facility closure.

Appendix C

Advisory Committee Annual Report

An annual report on the Advisory Committee's activities will be provided as an appendix to the annual Compliance Reports as required by Condition 8.2 of the Notice of Approval.

Appendix C

Energy from Waste Advisory Committee Annual Report

Meeting #1 Agenda

Energy from Waste Advisory Committee Annual Report

Meeting #1 Correspondence

Energy from Waste Advisory Committee Annual Report

Draft Complaint Protocol Comment Table

Item #	Date	Comment
1	24-Jan-11	General Process for Receiving Complaints or Concerns- I would suggest that if a caller phones in after hours, and leaves their contact information, a follow-up call be made the next business day to advise the caller that their comments / complaints were received. I would also suggest providing them a tracking number as well.
2	24-Jan-11	Proposed process is generally good but it should include some form of tracking system so that a person making a complaint, Comment or question is given a tracking number so that at any time they can determine its status. Inherent in this type of logging is the ability to create a publicly accessible database of such comments, questions or complaints. This database should be searchable.
3	26-Jan-11	<p>Draft Complaint Protocol</p> <p>Introduction: "6.3 The proponent shall submit the Complaint Protocol to the Director within one year from the date of approval or a minimum of 60 days prior to the start of construction, whichever is earlier."</p> <p>We are being asked for comments on the draft Complaint Protocol and no schedule was presented for the overall project at the meeting, the EFWAC was informed that the draft complaint protocol had to be submitted as part of the initial C of A submission which was going forward at the end of January. As such this document is still draft and will continue to be until the appropriate software is purchased, customized and tested. Can the Project Team comment on how complaints will be handled in the interim? Also, once the software is acquired and up and running it would be beneficial to revisit this protocol with the EFWAC with an accompanying demonstration of the software.</p> <p>Item 1.1 – Since the Municipality of Clarington has been identified and it is anticipated that a number of complaints, concerns will be directed to the local municipality it would be appropriate for a Project Team representative, familiar with the complaint protocol to meet with and provide an overview to the Municipal Staff that it can be anticipated will be referring complaints and concerns.</p> <p>Appendix A – It would be worthwhile to include a box for "Referral from", and then the name of the referral agency/individual.</p>

4	28-Jan-11	<p>The following are general comments based on our initial review of the proposed document.</p> <ul style="list-style-type: none"> • In general I think the document should be simplified to clearly indicate the roles and responsibilities. • It is unclear who the “First Responder” is (EFW Project Team, Durham/York Region staff, or the Call Centre) and if/how this will transition from Phase 1 to Phase 2. What happens to the EFW Project Team once the facility is operational? • The contact number for the Call Centre or First Responder for the EFW should be clear to the public and to the lower tier municipalities. • The document outlines a two phase approach to managing complaints. Section 1.1 stipulates that contact between the public and DBO will be discouraged however section 3 refers to the DBO as having access to the database to record, track and log all complaints received at the Facility. Please clarify that this refers to complaints received by the “First Responders” and not from the general public. • All forms of Social Media including Facebook should be considered as effective means of communication. • Service levels should be established in order to determine if the protocol is successful and working effectively and efficiently as expected. • Documents referenced such as the Well Interference Complaint Protocol should be incorporated into the document • How will the information gathered be managed to protect the rights of the individual logging a complaint in compliance with the Ontario Privacy Commissioner?
5	28-Jan-11	<p>Thank you for the opportunity to review the draft Durham/York EFW Complaint Protocol for Design, Construction & Operation of the subject facility. As per your request for comments by January 28, 2011, please find below staff’s preliminary comments on the draft protocol. We will express any further comments that may arise pending our further review of the draft document. In general, we are very supportive of the protocol and the below represents our specific comments:</p> <ul style="list-style-type: none"> • The document is not clear if the First Responder is the one actually receiving the complaint from the public or if the First Responder is the first person to get the complaint from the Call Centre. I suspect there is a Call Centre person at the Region and/or Design Build Operator (DBO) who will be taking and logging the Complaint which then goes to a First Responder. These roles should be clarified in the document for both when the Region and DBO are performing as the First Responder role. • The contact number for the Call Centre (or First Responder) for the EFW must be made explicitly clear to the Lower Tier Municipalities, as it will be a direct transfer with NO record keeping maintained at the Lower Tier level, other than tracking the number of calls received. Only those waste collection issues under the jurisdiction of Whitby will be handled and recorded by Whitby. • The role of the Advisory Committee regarding the annual Quality Assurance review of the Complaint Management Process should be clarified.

		<ul style="list-style-type: none"> • The documentation should be provided to the Advisory Committee regarding the standing items of issues on the meeting agendas. • Lower Tier municipalities should be provided a hyper link with website, that would direct and link residents to the Complaints Protocol website. • The document references Twitter – and it should include also Facebook and any other relevant social medium of the day to increase communication and decrease complaints or inquiries. • Education with the area elected officials and the approximate Lower Tier staff, should occur so as they are aware of the complaint protocol for all modes – telephone, email, fax, letter, Twitter, Facebook, etc. • The protocol should clarify that it includes a follow-up procedure for all complaints so as to "close the loop" including those transferred by local municipalities and area elected officials. • Advanced and ongoing public and business advertising and education on complaint protocol will be critical. • The Region should provide written documentation and/or training for Lower Tier municipal staff and answering services, that will outline the complaint and inquiry procedures. • The Region should provide after hour and Emergency contact numbers, protocol and/or relevant documentation to Lower Tier Municipalities and Emergency Services.
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Energy from Waste Advisory Committee

Terms of Reference Comment and Response Table

February 18, 2011

	Draft	Comments Received	Revisions made	Rationale
1 Purpose	<p>The Energy from Waste (EFW) Advisory Committee (EFWAC) is established to provide a forum for the transfer of information between the facility design, build, operate (DBO) contractor, various stakeholders including The Regional Municipality of Durham (Durham) and The Regional Municipality of York (York) and the public during three distinct phases of the projects: design, construction and operation of the plant.</p>	<p>1. Given this as the purpose of the committee it is not logical that the membership (3.1) is limited to only 3 environmental groups named by the Ministry in the EA Approval and that the meetings are closed to the public (8.1). While the 3 environmental groups are important members of the public they are not the entirety of the public. Further limiting the attendance of the public to only the appointed members and their alternates does not fulfill the mandate of providing information to the public. There was discussion at the meeting that there would be other venues and advisory committees, however, given that this appears to be the only committee set out in the EA approval to satisfy the public advisory role these clauses in the Terms of Reference should be revised.</p>	<p>One of the Minister of Environment's Conditions of Approval for the Energy From Waste (EFW) Environmental Assessment (EA) was the establishment of an EFW Advisory Committee (EFWAC). The EFWAC is established to provide a forum for the transfer of information between the Proponent (Durham Region and York Region) and the various stakeholders including the Design-Build-Operate contractor, the local municipalities in Durham and York Regions, the Central Lake Ontario Conservation Authority, and three local community groups. Representatives from other agencies and members of the general public may attend as observers. The Committee will remain active during three distinct phases of the projects: design, construction and operation of the plant. This document outlines the role of the EFWAC, presents guidelines for how the committee will operate, the membership and when meetings will take place. This document may be amended as the project unfolds and the process develops.</p>	<p>Meets the requirements of the EA Condition. Intended to be a technical forum where specific stakeholders can exchange information and keep current with the Proponent on the Undertaking. Based on the comments received, future meetings will be open for the public as observers. This will ensure an open and transparent process.</p>
Mandate	<p>Pursuant to Condition 8 of the Minister of the Environment's (Minister) Notice of Approval, the purpose of the EFWAC is to ensure that concerns about the design, construction and operation of the undertaking are considered and mitigation measures are implemented where appropriate. Additionally, EFWAC will discuss any other related strategic waste diversion and management issues.</p>	<p>2. Part of the mandate is to "discuss any other related strategic waste diversion and management issues.". I trust that this does not mean that this committee will be commenting on local municipalities' waste collection practices and/or frequency of collection for specific items. If this is not the case, then I would suggest that this part be clarified so that it is clearer as to what this committee is discussing, and not leave it so open ended.</p> <p>3. The EFWAC was established as one of the conditions of the Minister of the Environment for the approval of the project to proceed. The purpose of the EFWAC is to provide a forum for the transfer of information between the various stakeholders, including the public during the three distinct phases of the project and to ensure that concerns about the design, construction and operation of the plant are considered and mitigation measures are implemented where appropriate. Given that the purpose and mandate of the EFWAC is to provide a forum for the transfer of information, we would suggest that the meetings be open to the public, in addition to the appointed members and alternates. In consideration of the venue limitations in terms of space, an option could be given to requesting applications from the public to participate so as to have designated public representation.</p>	<p>Pursuant to Condition 8 of the Minister of the Environment's (Minister) Notice of Approval, the purpose of the EFWAC is to ensure that concerns about the design, construction and operation of the undertaking are considered and mitigation measures are implemented where appropriate by the Proponent.</p> <p>The Mandate of the EFWAC is to:</p> <ul style="list-style-type: none"> • Provide a balanced, inclusive discussion and forum for stakeholders to provide advice to the Project Team. • To serve as a formal mechanism to exchange ideas and concerns related to the EFW project. 	<p>Meets the requirements of the EA Condition. Keeps the focus of discussion on the Undertaking and not any and all issues related to Waste. The EA Condition is scoped to keep the focus on the Project.</p> <p>Based on the comments received, future meetings will be open to the public to attend and observe the proceedings. This will ensure an open and transparent process.</p>

4. Was provided a draft ToR and spent very little time reviewing or discussing it at the first meeting. Concerned that the final version will not be brought back to the committee to be ratified.

5. Section 3.1 of the DTR details the composition of the Advisory Committee in accordance with conditions 8.3, 8.4 and 8.5 of the Notice of Approval. There is no reference to condition 8.6, which allows the opportunity to “invite other stakeholders to participate in the advisory committee”. Furthermore, in the letter dated November 19th, 2010, to each of the Regional Chair’s from the Minister of the Environment, it seems apparent that the intent of this Advisory Committee was to provide openness and transparency with respect to the operations, inspections and audits of this facility. There is specific reference to a “public and government agency advisory committee”, which does not appear to be reflected in Section 3.1 of the DTR. Based on the comments provided, it seems apparent that the DTR does not adequately deal with the issue of transparency and recognize the role that the public should continue to play in this approval process.

Recognizing that the issue of location and technology has been dealt with, it is important that further opportunity be provided to the public with respect to the design, construction and operation.

6. We have reviewed the ToR from an operational perspective and generally agree with them in principle.

At the initial EFWAC meeting, there was a presentation on the ToR followed by considerable discussion. EFWAC members received the draft ToR one week prior to the meeting for review. Additionally, members were provided a three week window following the meeting to further review the ToR and provide comments. Based on the comments received by the members from the initial meeting and the email correspondence regarding the draft ToR, the Project Team amended the draft ToR. If at any time the Committee should choose to amend their ToR in the future, they have the opportunity to do so.

Based on the comments received, future meetings will be open to the public to attend and observe the proceedings. This will ensure an open and transparent process.

2 Scope of Activities

The issues that the EFWAC may discuss and address information relevant to the Durham and York’s (Regions) EFW facility include:

- a) Compliance Monitoring Program required by Condition 4;
- b) Annual Compliance Report required by Condition 5;
- c) Complaint Protocol required by Condition 6;
- d) Community Communications Plan required by Condition 7;
- e) The Annual Reports required by Condition 10;

1. I think it would be good to have this committee look at a summary of complaints received from the public. This would provide some real numbers in terms of what are the key issues being raised, and where are they coming from geographically.

Pursuant to Condition 8.8, the advisory committee shall be provided with a copy of the documents listed below by the Facilitator through the Project Team for information and may review the documents as appropriate and provide comments to the proponent about the documents, including the:

- a) Compliance Monitoring Program required by Condition 4;
- b) Annual Compliance Report required by Condition 5;
- c) Complaint Protocol required by Condition 6;
- d) Community Communications Plan required by Condition 7;
- e) The Annual Reports required by Condition 10;
- f) Ambient Air Monitoring and Reporting Plan required by Condition 11;
- g) Air Emissions Monitoring Plan required by Condition 12;
- h) Written report prepared and signed by the qualified

Agreed.

f) Ambient Air Monitoring and Reporting Plan required by Condition 11;

g) Air Emissions Monitoring Plan required by Condition 12;

h) Written report prepared and signed by the qualified professional required by Condition 16.5;

i) Spill Contingency and Emergency Response Plan required by Condition 17;

j) Odour Management and Mitigation Plan and the Odour Management and Mitigation Monitoring Reports required by Condition 18;

k) Noise Monitoring and Reporting Plan required by Condition 19;

l) Groundwater and Surface Water Monitoring Plan, the results of the groundwater and surface water monitoring program, the annual report on the results of the groundwater and surface water monitoring program required by Condition 20;

professional required by Condition 16.5;

i) Spill Contingency and Emergency Response Plan required by Condition 17;

j) Odour Management and Mitigation Plan and the Odour Management and Mitigation Monitoring Reports required by Condition 18;

k) Noise Monitoring and Reporting Plan required by Condition 19;

l) Groundwater and Surface Water Monitoring Plan, the results of the groundwater and surface water monitoring program, the annual report on the results of the groundwater and surface water monitoring program required by Condition 20

2. Feels the wording should state condition 8.8 " the committee shall review..."

3. A review of Certificate of Approval Applications is necessary due to the fact that certain key concerns including health related issues were not addressed in the EA studies and were instead deferred to the C of A process, to be addressed there and in authority so cannot ensure that mitigation measures are implemented, but we could ensure that concerns are considered by the Project Team, the Ministry, and the DBO. Would also like to comment on DBO Contract.

Exact wording from the Conditions of Approval was used to be consistent. The Certificate of Approval Applications are being completed by the DBO contractor, Covanta, as part of their contractual obligations to the Regions. Upon submission to the Ministry of Environment, the application will be posted for viewing at www.durhamyorkwaste.ca The DBO Contract is now a public document and can also be viewed at www.durham.ca

3

Membership and Code of Conduct

3.1 Membership As per Conditions 8.3, 8.4, 8.5, the Minister has mandated that the Regions invite the following to participate on the Committee.

The EFWAC shall be comprised of one representative from each of the following:

- a) Each of the lower tier municipalities in the Regional Municipality of Durham
- b) Each of the lower tier municipalities in the Regional Municipality of York
- c) A staff member each from the Municipalities of Durham and York Regions

1. Please advise how clause 8.6 of the EA Approval is being addresses or can be in the future, given the limitations that have been included in the draft Terms of Reference.

The proponent was asked to consider additional members under Condition 8.6 and it was determined that the membership was sufficient to uphold advisory duties. Based on the comments received, future meetings will be open to the public to attend as an observer. This will ensure an open and transparent process.

- d) Central Lake Ontario Conservation Authority
- e) DurhamCLEAR
- f) Durham Environmental Watch
- g) Zero Waste 4 Zero Burning
- h)

2. Feels the membership does not have enough public member representation. Additional public members should be added, restricted to those who have had sustained and intensive involvement in the process throughout the EA, and who submitted comments to the Ministry and to Regional Councils during the process should be. These are citizens with in-depth knowledge of the process and the key concerns that were not addressed in the EA studies and were deferred until a later date by the Ministry.

3. As written in sections a, b and c, it appears that there will be one representative from each of the lower tier municipalities in Durham and York Regions, and one staff member from each of the Municipalities of Durham and York Regions. That would appear to include both a political or public appointee and a staff appointee (appointed by each of the lower tier Municipal Councils). This must be clarified as none of the lower tier Municipal Councils was contacted by the Proponents and most none of the lower tier Municipal Councils was contacted by the Proponents and most were unaware of these appointments. It also appears that only staff were invited to attend or sit on the committee, with one from each municipality (and an alternate who is not encouraged to attend if the primary member is present), not two. This section is not clear.

4. Durham Environmental Watch should be Durham Environment Watch

The proponent was asked to consider additional members under Condition 8.6 and it was determined that the membership was sufficient to uphold advisory duties. Based on the comments received, future meetings will be open to the public to attend as an observer. This will ensure an open and transparent process.

A letter will be sent to all the municipal clerks advising them of the committee and how the membership was determined. Due to the technical nature of the documents in need of review the Project Team selected municipal managers and directors with in depth waste and/or environmental services knowledge. If the municipalities decide they would prefer to choose a member, they are welcome to do so and advise the Facilitator of their contact information.

Agreed

3.2 Invites

- Staff representative from Durham and York's Health Departments
- Staff representative from the Municipality of Clarington
- Staff representative from the Ministry of the Environment

1. 2nd bullet point: Staff representative from the Municipality of Clarington Is this in addition to a staff member as referred to in section 3.1 a)?

This was removed.

Clarington Council appointed a staff representative to sit as a member on the Committee. Clarington will also have an alternate and any other staff member may attend as an observer.

3.3 Code of Conduct

In accordance with Condition 8.10, Committee members, guests and the facilitator shall:

- Strive to attend all meetings (excluding guests).
- Declare any situation which is, or has the potential to be, a conflict of interest before agenda items are presented.
- Carry out their functions with integrity, and act in the best interests of the mandate and the Minister's Conditions.
- Act responsibly and fairly with the care, diligence and prudence of a reasonable individual.
- Respect all viewpoints and follow rules of decorum.
- Ensure opinions expressed outside the Committee represent personal viewpoints versus those of the Committee.
- Not use any information provided to the Committee for personal gain.

1. The code of conduct for the meetings needs to be made explicitly clear so to ensure the meetings stay on track and focused. More detail in this section is required. It should be clear that the Committee is not a forum for debate on the merit of the project, but rather a venue to discuss and consider issues and mitigative measures to be implemented where appropriate.

In accordance with Condition 8.10, Committee members, guests and the Facilitator shall:

- Attend all meetings.
- Declare any situation which is, or has the potential to be, a conflict of interest before agenda items are presented.
- Carry out their functions with integrity, and act in the best interests of the mandate and the Minister's Conditions.
- Act responsibly and fairly with the care, diligence and prudence of a reasonable individual.
- Respect all viewpoints and follow rules of decorum.
- Ensure opinions expressed outside the Committee represent personal viewpoints versus those of the Committee.
- Not use any information provided to the Committee for personal gain.

In the spirit of the Minister's Conditions, the EFWAC shall:

- Not be used as a venue for review of the past decisions associated with the approved undertaking;
- Not be an approval body or steering Committee; and
- Not be a forum to solicit data or information on matters outside the mandate of the committee.

The revisions were already in the document under a different heading (4. Expectations of committee members) and moved to fall under Code of Conduct

3.4 Call for Membership

A letter will be sent to the Directors in each of the lower tier municipalities in Durham and York inviting them to select a member and an alternate to represent their seat. The non-government agencies will also be sent letters to the respective Administrator advising them of their seats as participants on the Committee.

1. To comply with the Minister's Notice of Approval, the letters should have been sent to the attention of the Council of each lower tier municipality and these councils should have made the decision as to who would represent them

A letter was sent to the Directors in each of the lower tier municipalities in Durham and York inviting them to represent their municipality on the committee. The local community groups identified in the EA also received an invitation to participate on the Committee. Based on the technical nature of the project, it was determined by the Project Team that the list of invited members would only be sent to senior managers or directors at the municipal level, regulatory agencies, plus the three local community groups identified in Condition 8, who have familiarity with the project. However, local municipalities may select any other member of staff or council to sit at the committee.

A letter will be sent to all the municipal clerks advising them of the committee and how the membership was determined. Due to the technical nature of the documents in need of review the Project Team selected municipal managers and directors with in depth waste and/or environmental services knowledge. If the municipalities decide they would prefer to choose a member, they are welcome to do so and advise the Facilitator of their contact information.

2. A letter should have been sent to the Municipal Councils of each of the lower tier municipalities in Durham and York, inviting to select a member and alternate to represent their seat. This should be rectified asap.

3. The proponents elected to add one staff member from Durham Region and from York Region (not specifically listed in the Minister's requirements) but declined to invite Council liaisons or interested/involved members of the public or other stakeholders.

A letter will be sent to all the municipal clerks advising them of the committee and how the membership was determined. Due to the technical nature of the documents in need of review the Project Team selected municipal managers and directors with in depth waste and/or environmental services knowledge. If the municipalities decide they would prefer to choose a member, they are welcome to do so and advise the Facilitator of their contact information.

4 Expectation of Committee Members/Roles

Durham and York acknowledge that membership on the Committee does not constitute support for the approved undertaking.

Members are expected to:

- Participate voluntarily.
- Adhere to the code of conduct (Section 3.3).
- Provide advice that is reflective of the views of the organization and/or the community to which they belong; members may actively solicit the viewpoints of their organization or community.
- Uphold the Committee purpose.
- Become familiar with what is in the approved Final Residual Waste Study Environmental Assessment Report and the Minister's Conditions.
- Make presentations if/where required.
- In the assurance of the Minister's Conditions, the Committee shall:
- Review the implementation of the undertaking and provide advice to help ensure that the commitments made by the proponents in the approved Environmental Assessment are being met.
- Not be used as a venue for review of

Durham and York acknowledge that membership on the Committee does not constitute support for the approved undertaking.

The local community groups identified as members of the Committee shall be compensated for mileage to attend meetings. Mileage claims shall be supported by Google map and submitted to the staff liaison to process the claim.

Members are expected to:

- Participate voluntarily.
- Adhere to the code of conduct (Section 3.3).
- Provide advice that is reflective of the views of the organization and/or the community to which they belong; should they choose members may actively solicit the viewpoints of their organization or community.
- Uphold the Committee purpose.
- Become familiar with what is in the approved Final Residual Waste Study Environmental Assessment Report and the Minister's Conditions.
- Make presentations if/where required.

the decisions associated with the approved undertaking.

- Not be an approval body or steering committee.
- Not be a forum to solicit data or information on matters outside the mandate of the Committee.

1. Item 4 indicates that the EFWAC shall “provide advice to help ensure commitments”, this clause should be reworded to indicate that the EFWAC mandate is only an advisory committee and does not have any approval authority.

This point removed.

2. How does the project team expect to consult with the public on the CofA process? Ministry provided a letter to committee member advising of public consultation before , during and after CofA process.

3. Please reword this section. The EFWAC is only advisory and does not have any approval authority. As such, they can only advise the Project team and Regions, they cannot ensure that the Project team or Regions follow their advice.

This point removed.

4. Concern that there are no voting or decision making opportunities and that the "Project Team will make the decisions."

Covanta is under contract to Durham and York Region to complete the CofA process. The Region has developed a public consultation strategy in consultation with the Ministry.

See revision for 8.4. Voting opportunities will exist to manage procedural issue by majority vote.

5 Expectation of the Facilitator/Roles

In contrast to the previous Energy from Waste Site Liaison Committee established for the Environmental Assessment, the new Committee meetings will be lead by a facilitator instead of a Chair, to ensure they are efficient and effective. The facilitator will be appointed by Durham and York and can be removed or replaced only by the Regions. The facilitator is expected to:

- Provide guidance and support to the committee in setting meeting agendas and determining the frequency of meetings.
- Manage the meetings and adherence to protocols.
- Ensure the committee adheres to the mandate and that discussions are focused and in-scope.
- Moderate the discussion to ensure a

1. While it may be appropriate that the initial facilitator could be appointed by the Regions, that facilitator must be independent from the proponent (which the committee is monitoring.)The committee must always be free to remove and replace any facilitator for 'cause' (bias, unproductive, overstepping authority, etc.)The membership of the committee was established by the Minister and the facilitator has no role to “review and evaluate the membership”. The committee itself might want to review the membership and might want to make recommendations to the Ministry.

In contrast to the previous Energy from Waste Site Liaison Committee established for the Environmental Assessment, the new Committee meetings will be lead by a Facilitator instead of a Chair. An independent Facilitator will be appointed by the Project Team and can be removed or replaced only by the Project Team. The Facilitator is expected to:

- Provide guidance and support to the committee in setting meeting agendas and determining the frequency of meetings.
- Manage the meetings and adherence to protocols.
- Ensure the committee adheres to the mandate and that discussions are focused and in-scope.
- Moderate the discussion to ensure a balanced and inclusive exchange of ideas.
- Encourage advice and feedback from all members.
- Ensure the code of conduct is adhered to by all present during meetings.
- Support and guide the Committee in determining options for managing disruptions to meetings.
- Determine the timing of; calling to order, breaks and adjournment of meetings having due regard to the tenor

The committee is not a decision making body; it is a committee to exchange information between the project team and the committee members. A Facilitator is there to ensure the meeting follows the agenda and stays on track and is not in a position of authority. The Project Team is currently in the process of engaging an independent Facilitator to ensure a fair, open and transparent process. Being that the Project Team is responsible for meeting their conditions of approval it should rest with the Project Team to retain a Facilitator.

balanced and inclusive exchange of ideas.

- Encourage advice and feedback from all members.
- There will be a no tolerance rule for members who make it difficult for others to have their opinions heard.
- Support and guide the Committee in determining options for managing disruptions to meetings.
- Call the meeting to a close if meeting etiquette can not be maintained.
- Periodically review and evaluate the membership. Membership will be evaluated based on the ability of members to carry out advisory duties, attendance and whether the current membership continues to meet the needs and requirement of fulfilling the Committee mandate and the Minister's Conditions.

and productivity of meetings.

2. I do not support the comment made at the meeting that the EFWAC should have the authority to remove the facilitator. This should remain a municipal decision by York and Durham; however, I would suggest that you may wish to look at a process whereby a member can lodge a complaint or concern about the facilitator, if so warranted.

3. The facilitator should be only used for the initial meeting(s) and should independent from the proponent, not a staff member, as the committee is mandated to monitor the proponent. After the initial meeting(s), a Chair should be elected from the Committee members, as has been stated by Durham Region's Commissioner of Works several times in response to questions from Regional Councillors. This would give the Committee independence from the Proponents, so as to be able to freely monitor conditions and provide advice on concerns. If a facilitator is to be used rather than electing a Chair, then the facilitator should be completely independent of the proponents, not a member of Regional staff, employed directly by the Region. "The facilitator will be appointed by Durham and York and can be removed or replaced only by the Regions." The Committee should be free to remove or replace a facilitator if issues should arise. The Proponents should not have complete control over the Committee nor meetings as is presently the case.

Agreed.

The committee is not a decision making body; it is a committee to exchange information between the project team and the committee members. A Facilitator is there to ensure the meeting follows the agenda and stays on track and is not in a position of authority. The Project Team is currently in the process of engaging an independent Facilitator to ensure a fair, open and transparent process. Being that the Project Team is responsible for meeting their conditions of approval it should rest with the Project Team to retain a Facilitator.

4. "The facilitator is expected to periodically review and evaluate the membership."
Since the Committee membership is established by the Minister in his Conditions of Approval, and as the facilitator is not a voting member of the committee, he/she should have no authority to "review and evaluate the membership". If a membership review is to take place, it should be at the discretion of the Committee itself.

This statement was removed.

The requirements for membership of the EFWAC is set out in the Conditions of Approval.

6 Expectation of the Project Team/Roles

- Appoint a senior team member(s) to be a regular resource person at Committee meetings to provide project updates and respond to Committee questions and comments.
- Appoint a facilitator to ensure guidance, support and to maintain constructive meetings.
- Appoint a staff liaison to the EFWAC to provide administrative, procedural and technical support to the EFWAC. Durham liaison will be responsible for minutes, agendas, uploading meeting minutes, coordinating flow of information and other information which is deemed important to the project website
- Coordinate the attendance of other specialists as required to address specific issues or reports. Upon request, the representatives of the DBO Contractor and governmental / regulatory bodies shall ensure that all studies and other information relevant to the EFWAC's mandate are made available to the EFWAC.
- As per Condition 8.2 d) and Condition 5, the project team shall prepare an annual report summarizing the activities completed by the EFWAC.

7 Alternates and Resignations

Alternates can be replaced by the member's organization at any time.

If a member's alternate is present at a meeting at the same time as the member, the alternate will be an observer and not have speaking rights. If an alternate is present at the meeting representing the member, the alternate will be assumed to be speaking on behalf of the member.

Alternates can be replaced by the member's organization at any time **with advance notice provided.**

If a member's alternate is present at a meeting at the same time as the member, the alternate will be an observer and not have speaking rights.

If an alternate is present at the meeting representing the member, the alternate will be assumed to be speaking on behalf of the member.

Current contact information for all members, including new and alternates to ensure all members are kept up to date on the activities of the EFWAC.

Resignations shall be given in writing to the facilitator.

Resignations shall be given in writing to the facilitator.

8 Protocol for Disseminating and Review of Information

8.1 Meetings

As per Section 8.9 of the Minister's Conditions, the initial meeting is to take place within three months of the date of Environmental Assessment approval, on or about February 19, 2011. Meetings should be held more frequently through the design and construction stages.

- The EFWAC shall meet annually at a minimum, with one meeting scheduled after the DBO emissions and compliance reports have been released and reviewed by members. The EFWAC will establish a meeting schedule at its inaugural meeting. The EFWAC shall provide Durham and York with a meeting schedule once times and dates have been established.

- Meetings will take place during business hours, Monday to Friday from 8:30 a.m. to 4:30 p.m. Meeting dates must be determined such that they are synchronized with other committees.

1. Concern that no clear meeting schedule was established.

1. As with most Council meetings the EFWAC meetings should be held at times that are convenient to the public. At the very least this should be at the discretion of the committee, not the proponent.

2. My preference is for meetings to be held during the day during business hours, Monday to Friday inclusive. If need be, I have no objection to the meetings moving from Durham to York on a rotating basis

As per Section 8.9 of the Minister's Conditions, the initial meeting was held on January 20th, 2011.

- Meetings should be held quarterly through the design and construction stages of the facility.
- Meetings will be event or milestone driven and called by the Project Team, however, should a member(s) feel a meeting shall be called, they will advise the Facilitator as to the relevance. If the Facilitator deems the need for a meeting to be within the purpose and mandate of the Committee, they shall call a meeting.
- The EFWAC shall meet annually at a minimum after initial start-up and regular facility operation, with one meeting scheduled after the DBO emissions and compliance reports have been released and reviewed by members.
- Meetings will generally take place during business hours, or as determined by the Committee to facilitate maximizing member attendance. Meetings may also be held after hours to accommodate the local community groups and members of the public wishing to attend for special presentations.
- The meeting location may be subject to change. Potential locations could include the EFW facility itself once it is operational and provided space is available.
- All meetings will be open to the public as observers to ensure openness and transparency.
- Meetings will follow a format of: review of comments from previous meeting, presentation, comments and questions.

First meeting was held Jan 20th, 2011 at Durham Regional Headquarters.

To provide clarity and to separate the design build stage from regular operations and to keep members abreast of critical milestones and ensure a venue for exchange of information.

Calendar dates for meetings have not been set. They will be held quarterly and may include additional meetings for milestone events.

Meeting times can be discussed with members and determined by majority vote.

Meeting times can be discussed with members and determined by majority vote.

3. While this accommodates the majority of members of the EFWAC, it does not accommodate the public members or provide for wider public participation. Some meetings could be after hours, especially if the presentation topic is something that a wider group of the public might wish to attend, there could be a balance between daytime and nighttime meetings to better meet everyone's calendar and volunteer commitments.

Meeting times can be discussed with members and determined by majority vote.

4. The draft TOR indicated that meetings would be held during the hours from 8:30 a.m. to 4:30 p.m. and during the week Monday to Friday. In order to accommodate public members of the committee, a balance between daytime and evening meetings should be considered.

Meeting times can be discussed with members and determined by majority vote.

5. The draft TOR indicated that meetings would be held during the hours from 8:30 a.m. to 4:30 p.m. and during the week Monday to Friday. In order to accommodate public members of the committee, a balance between daytime and evening meetings should be considered.

Meeting times can be discussed with members and determined by majority vote.

6. This schedule would accommodate paid employees of the Regions or lower tier municipalities, but not the public (unpaid) appointees nor members of the public (who should be allowed to attend as observers) and would discourage wider public participation. The meeting schedule and times and locations should be left up to the discretion of the Committee, not the proponents. "The meeting location may be subject to change once the EFW facility is operational and providing space is available." In a staff report at a municipal Council meeting, it was reported that staff members attending the EFWAC had been called after the initial meeting to discuss the possibility of holding future meetings in York Region. The 3 public members of the Committee were unaware of these phone calls and were not given the opportunity to have input on this change, nor even notified that it was being considered. That is a significant concern.

Meeting times can be discussed with members and determined by majority vote. Public members may also be compensated for mileage to attend meetings.

7. If further opportunities are going to be provided for public engagement, I would suggest that the meetings and locations be scheduled to provide convenience for all stakeholders.

Agreed.

- The meeting location may be subject to change once the EFW facility is operational and providing space is available.

Following the meeting on Jan 20, the facilitator called members asking if holding meeting in York was acceptable, there was no discussion of this at the meeting itself. Upon reflection since all the public members are from Durham it would make sense to hold the meetings in Durham to better accommodate their participation. Meetings could be held in York if there was a specific purpose, but an appropriate balance should be struck.

Generally the meeting dates, times and locations will be discussed among the members and set to ensure the greatest participation as well as to ensure fairness and equality for all members participating on this committee.

- All meetings will be closed to the public. Only members, alternates, invited representatives, and guests making presentations may attend meetings.

1. These are matters of public concern and meetings must be open to the public.

Agreed.

2. There is no reason for this clause to be in the ToR and we request it be deleted. The public attended the meetings of the EA Site Liaison Committee and were respectful, well-informed and interested in the proceedings. Given their ongoing participation and the requirement in the EA approval to include certain groups as member stakeholders, their participation should be respected and welcomed.

Agreed.

3. The TOR notes the meetings are closed to the public. Given that the purpose and mandate of the EFWAC is to provide a forum for the transfer of information, we would suggest that the meetings be open to the public, in addition to the appointed members and alternates. In consideration of the venue limitations in terms of space, an option could be given to requesting applications from the public to participate so as to have designated public representation.

Agreed.

4. The Minister of Environment's Nov. 19 Press Release stated that the conditions include "A public advisory committee so that the community continues to be involved in the project." All meetings must be open to the public. There is no reason to keep it closed to the public as there is a significant public interest in this issue. The public should be encouraged to continue to be involved, rather than being shut out by the Proponents.

Agreed.

5. Finally, Section 8.1 of the DTR makes it very clear that "all meetings will be closed to the public".

Agreed.

Based on my review of the available documentation, and the extent of public engagement throughout the EA process, I believe that the intent of the Ministry of the Environment was to ensure that this Advisory Committee continued to engage the public, providing opportunities for on-going dialogue and input.

- Meetings will follow a format of: review of comments from previous meeting, presentation, comments and questions.

8.2 Minutes

- Minutes will be taken for each meeting.
- Previous minutes will be circulated and reviewed prior to the subsequent meeting.

- Minutes will be taken for each meeting.
- Draft minutes will be distributed via email for review within two weeks of the meeting date.
- Members will have one week after the draft minutes have been circulated to review and provide approval or suggest

- Minutes will be approved at the subsequent meeting.
- Once the minutes have been reviewed and approved by the Committee, they should be forwarded posted on the project website. Final versions of other Committee materials will also be posted on the project website, within two weeks.
- Issues requiring follow-up will be addressed at the next meeting.

changes or clarifications be made to draft minutes.

- Once the minutes have been reviewed and approved by the Committee, they will be posted on the project website. Final versions of other Committee materials will also be posted on the project website, within three weeks of the meeting date.
- Issues requiring follow-up will be addressed at the next meeting.

1. Minutes should be circulated within 1 week of each meeting (can be done by email or on website) and corrections posted as received. Approved minutes could then be posted within 3 days of their approval. This due to the fact that the "subsequent meeting" may be months later, and Committee and public dissemination of minutes should not have to wait until that time.

Agreed. Draft minutes can be approved via email.

2. Approved minutes should be posted within 2 days of their approval.

3. Draft minutes including presentation materials should be circulated within 7 days of each meeting and posted on a secure section of the website. Proposed corrections should be posted as addenda as they are received.

Once minutes are approved they will be posted to the website.

4. I fully support only posting the approved meeting minutes on the web site. The suggestion made to post draft minutes on a public web site, to me, is irresponsible.

Agreed. The committee members should approve all draft minutes prior to being posted on the website.

5. It is also recommended that the minutes be distributed 2 weeks after the meeting and that all agendas and materials be distributed at least 1 week prior to the meeting date.

Agreed.

6. After the word forwarded in the above paragraph, insert the words "to Committee members, Ministry of the Environment, Durham and York Regional Councils and all lower tier Municipal Councils and" posted on the project website.

As part of the Committees annual report (Condition 8.2 c), all details, including the comment response log will be provided to the Ministry in order to ensure compliance and will be forwarded to the municipal clerks for information to Regional Council.

7. Finally, under Section 8.2, it states that "Final versions of other Committee materials will also be posted on the project website, within two weeks". It does not appear, that as the documents are made available to Advisory Committee members, that they will also be made available to the public on the website, to provide an opportunity for their review and comment.

Documents will be posted on the website after the Committee members have had the opportunity to review and comment. To observe exchange of information regarding the project all materials presented at the meetings will be posted to the website.

8. The dissemination of information is not entirely clear. There is no reference to the amount of time that will be given to review the information detailed in Section 2 – Scope of Activities. Will they be circulated a minimum of one (1) month prior to their consideration by the Advisory Committee? How will the information be disseminated (electronically, hard copy etc.) and by whom?

Project Team provides the documents to the Facilitator to distribute to members for review.

8.3 Agendas

- Final agendas will be circulated prior to the meetings.

1. Final agendas to be circulated at least 2 days prior to the meeting

- Final agendas will be circulated one week prior to the meetings.
- Members of the committee will be able to suggest changes to the agenda
- Agendas will be prepared for all meetings.
- Agendas will include a suggested duration for discussion of items.
- Final agendas will be posted on the project website.

Agreed. Changes were made to provide clarity around timelines.

- Agendas will be prepared for all meetings.

2. As with any organization, the committee must be free to revise the agenda

Agreed. Changes were made to provide clarity.

- Agendas will include a prescribed duration for discussion of items.

3. Agendas **may** include **suggested** durations for discussion of items

Agreed.

- Final agendas will be posted on the project website.

4. It is also recommended that the minutes be distributed 2 weeks after the meeting and that all agendas and materials be distributed at least 1 week prior to the meeting date.

Agreed. Changes were made to provide clarity around timelines.

5. Agendas should be circulated a minimum of 3 days prior to meetings (longer if possible). Any documentation to be reviewed or discussed should be circulated a minimum of 2 weeks prior to the meeting, longer if possible, except in extraordinary circumstances. The Committee should be free to revise the agenda. Duration for discussion of items may be suggested, but the duration for discussion should be left up to the committee, rather than controlled by the Proponents or facilitator. Final agendas should be posted on the project website a minimum of 2 days prior to the meeting, to facilitate wider public participation.

Agreed. Changes were made to provide clarity around timelines.

6. Section 8.3 indicates that Final Agendas will be circulated prior to the meetings. How far in advance will these agendas be circulated, and will Advisory Committee members be given an opportunity to request agenda items?

Agreed. Changes were made to provide clarity around timelines.

8.4 Presentations and Discussions at Meetings

- A quorum is not necessary for meetings to proceed.
- Significant reports and documents tabled for discussion at meetings will include a presentation by the DBO Contractor or designate.
- Each meeting will include an agenda item for review of community feedback, concerns and complaints and complaint resolution.
- Where there is a need for further review and/or comment on reports or documents, members will be asked to provide comments two weeks prior the next meeting so that the DBO contractor or designate will have the opportunity to review and respond at the next meeting.
- The Committee will review member suggestions for invited guests who might make a presentation on a topic that is in keeping with the Committee mandate and the Minister's Conditions.
- Presentations should be vetted to the facilitator prior to the meeting two weeks in advance.
- One presentation should be included per meeting, limited to 15 minutes.
- The Committee facilitator will inform members of all requests for presentations during regular meetings.
- The facilitator will provide members or guests making presentations with advice, guidance and constructive suggestions on presentation content and materials.

1. Documentation re concerns/complaints/complaint resolution should be provided in advance to committee members for review prior to meeting.

2. Delete item about facilitator vetting presentations

3. "Presentations should be vetted to the facilitator prior to the meeting two weeks in advance." Delete

4. Delete item about number and length of presentations – this should be at the discretion of the committee

- A minimum eleven (11) members must be present for a quorum.
- Procedural issues will be resolved through majority vote.
- Significant reports and documents tabled for discussion at meetings may include a presentation by the Project Team or designate.
- Where there is a need for further review and/or comment on reports or documents, members will be asked to provide comments two weeks prior the next meeting so that the Project Team and/or DBO contractor will have the opportunity to review and respond at the next meeting.
- Request for presentations will be provided to the Facilitator two weeks in advance of the meeting for consideration to ensure content is relevant to the mandate of the committee. The Facilitator may seek advice from members to determine if the presentation conforms to Committee mandate.
- The Committee Facilitator will inform members of all requests for presentations.
- The Facilitator may provide members or guests making presentations with advice, guidance and constructive suggestions on presentation content and materials if they should choose.

To ensure adequate representation when voting on procedural issues.

It may not always be necessary for a presentation.

Agreed. This information may be included as correspondence and attached to the Agenda.

The intent is to ensure the presentation topic is relevant to the scope and mandate of the committee.

The intent is to ensure the presentation topic is relevant to the scope and mandate of the committee.

Agreed.

5. "One presentation should be included per meeting, limited to 15 minutes." Delete Presentations and duration should be at the discretion of the Committee.

Agreed.

6. Delete the final item

Only advice to assist the presenter with topic and background on the committee.

7. "The facilitator will provide members or guests making presentations with advice, guidance and constructive suggestions on presentation content and materials." Only if requested by members or guests. Otherwise delete.

Only advice to assist the presenter with topic and background on the committee.

9 Reporting Relationship

N/A

1. As was stated by one of the public groups at the January 20, 2011, meeting, there is nothing in the document stating where decisions and/or comments from the EFWAC go. It should be clear as to where the group's comments/decisions are going after they have been made.

The EFWAC is acting in an advisory capacity to the Project Team. The Project Team has a responsibility to report to the Ministry of Environment regarding the activities of the Committee in order to meet the conditions of approval of the Environmental Assessment. The EFWAC has a communication and correspondence relationship with the Ministry of Environment and the Project Team. All recommendations and comments from the EFWAC will be documented in the minutes and correspondence will be documented in a comment response log and provided to the Ministry as part of the annual report (Condition 8.2 d). A rationale for all decisions made by the Project Team will be provided. A diagram of the reporting structure is provided as Attachment #1.

As a point of Clarification.

2. Needs clarity under reporting structure. It is not specified to whom the advice will be provided other than to the PROPONENT'S Project Team. (Attach #2) From the initial meeting of the Committee, it appears we will only provide advice to the proponents, through the filter of the proponent's project team. Yet Durham Regional Chair and Durham's Commissioner of Works has said to Regional Council, to Clarington Council, and to some of Durham Region's standing Committees that this Committee will report directly to MoE. Durham Staff provided a Reporting Structure handout to a Joint Committee on February 3rd that shows the EFWAC (the Committee, not through the Proponents' Project Team) reporting directly to the Ministry. This should be clarified and adhered to. In addition, a diagram showing the reporting relationship for the EFWAC was provided on Feb. 3 at Joint Finance & Admin and Works Committee meeting, which shows a very long and convoluted path to Regional Council from this Committee. Regional Council should be provided with a copy of minutes and direct advice from committee, rather than going through so many steps/groups/committees before reaching them. I counted 7. What they receive could be very different from what the Committee produces, by the time it reaches them.

As a point of Clarification.

The Committee can be dissolved at any time by the members in recognition that there is no need to continue, having fulfilled the Minister's Conditions or upon the decommissioning of the facility.

Meeting #1 Minutes & Presentations

Energy from Waste Advisory Committee Annual Report



Energy from Waste Advisory Committee (EFWAC) Meeting #1

MINUTES

SUBJECT:	Energy from Waste Advisory Committee Meeting #1
ATTENDEES:	Please refer to page 8 of 8 for complete listing.
LOCATION:	The Regional Municipality of Durham, Meeting Room 1G 605 Rossland Road East, Whitby
DATE AND TIME:	Thursday, January 20, 2011 at 2:00 p.m.

Please note: Energy from Waste Advisory Committee (EFWAC) Meeting #1 was closed to the public.

ITEM	ACTION
<p>1. <u>DURHAM DIRECTOR'S WELCOME</u></p> <p>Mirka Januszkiewicz greeted the attendees of the first Energy from Waste Advisory Committee (EFWAC) and summarized the committee's structure and purpose.</p>	
<p>2. <u>INTRODUCTIONS</u></p> <p>Each party in attendance introduced themselves.</p>	
<p>3. <u>ORIENTATION TO EFWAC</u></p> <p>The following meeting conduct guidelines were reviewed:</p> <ul style="list-style-type: none">• Respect others when they are talking, listen carefully to the other speakers and to your own reactions.• Respect the validity of another point of view.• Share your views fully and honestly with everyone.• Ask questions and focus on ideas	
<p>4. <u>BACKGROUND ON EA & MINISTER'S APPROVAL AND CONDITIONS</u></p> <p>Jim McKay (HDR) provided an overview of the Durham/York Residual Waste Study Environmental Assessment (EA) process that began in 2004 and ended with a Notice of Approval of the Undertaking by the Ministry of the Environment (MOE) on November 19, 2010. Mr. McKay outlined the details of each step in the Durham/York EA process (Attachment #1).</p>	

<p>Mr. McKay provided current project status and next steps including:</p> <ul style="list-style-type: none">• Power Purchase Agreement for sale of electricity in final stage of Negotiations. Receiving a premium at 8 cents per kilowatt.• Establish Advisory Committee and have first meeting by February 2011.• Preparation and submission of Certificate of Approval for review by MOE (this is being completed by Covanta).• Once Certificate of Approval is approved, Notice to Proceed is issued and construction starts.• Approximately 40 months to construct and commission.• Facility fully operational by late 2014.	
<p>5. <u>CERTIFICATE OF APPROVAL PROCESS</u></p> <p>Dave Gordon explained that while the EA looked at alternative methods of achieving the same objective and provided for stakeholder input, the Certificate of Approval is a detailed site specific permitting process governed by the Environmental Protection Act and the Ontario Water Resources Act . The Certificate of Approval translates EA Conditions into specific operating parameters and provides the basis for enforcement (Attachment #2).</p> <p>This project requires Certificate of Approvals for Air and Noise (EPA, S.9), Waste Management (EPA, S.27) and Sewage – for Stormwater Management (OWRA, S.53). The MOE has decided to amalgamate all three into a single “multi-media” Certificate of Approval.</p> <p>Once the Certificate of Approval document is submitted, the complete application package will be available on the new Durham/York website (www.durhamyorkwaste.ca). Final certificate is anticipated by July 2011.</p>	
<p>6. <u>QUESTION PERIOD</u></p> <p>Members were advised that a comprehensive EFW report is being brought to a Joint Committee meeting on Thursday, February 3.</p> <p>The project team clarified that a “multi-media” Certificate of Approval is a new approach used by the MOE for projects of this magnitude. This would allow MOE’s different divisions to work together as a comprehensive team, with the same assumptions for all media moving forward and is part of the MOE’s initiative to modernize approvals.</p>	
<p>7. <u>DRAFT TERMS OF REFERENCE</u></p> <p>Lyndsay Waller presented EFWAC meeting components and requirements of the members (Attachment #2).</p> <p><u>A typical meeting may include:</u></p> <ul style="list-style-type: none">• Table draft EFW document or report	

- Presentation on draft EFW document or report
- Question & answer session at meeting

Members are requested to:

- Read and provide comments to facilitator (by email) on draft EFW documents in between meetings before the date specified for comment submission which will be determined at each meeting.
- Final comment date will generally be two weeks after meeting or after document/report is tabled.

Meeting documentation:

- Minutes will be taken at each meeting.
- Comment / response table is an on-going list of comments and responses, and acts as a 'living document'.
- Commitment that the recording secretary will make best effort to provide agenda, draft minutes and other documentation to EFWAC one week prior to meeting.
- EFWAC to adopt minutes at the beginning of each meeting.
- Website – www.durhamyorkwaste.ca – will be primary document repository for EFWAC – including final documents, final presentation materials, comment/response table, agendas and final minutes.

Draft Terms of Reference:

The advisory committee will be reporting to the project team and the project team will be overseen by the MOE. This is a similar structure as the 407 and York/Durham Southeast Collector (SEC) advisory committees.

Purpose of the EFWAC:

- To provide input and advice on some of the EA Conditions to the Proponent (Durham and York Regions).
- To “ensure concerns about the project design, construction and operation are considered and mitigation measures are undertaken where appropriate”.

Mandate of the EFWAC:

- Provide a balanced, inclusive discussion and forum for stakeholders to provide advice to the Proponent’s Project Team as per EA Condition 8.
- To serve as a formal mechanism to exchange ideas and concerns related to the design, construction and operation of the EFW project.

Scope of the EFWAC:

- Limited to post-EA approval – not be used as a venue for review of the decisions associated with the approved undertaking.
- This is not a decision making body

Project Team

<ul style="list-style-type: none"> • Not all meetings should be held during the day. 	
<p>9. <u>DRAFT COMPLAINT PROTOCOL</u></p> <p>Greg Borchuk presented on the draft Complaint Protocol (Attachments #2 and #3).</p> <p>The basic intent is to ensure that any and all complaints are captured by the Complaint Protocol, not just from this committee but from anyone. To provide a timely response to complaints, and to track, monitor and maintain the complaint log. As a requirement of the Certificate of Approval and EA Conditions, these will be compiled as a part of reporting process and made available to this committee, on the website and to the MOE.</p> <p>Standardized complaint form is open for comment and suggestion as to how this form will be used. Complaints will be handled by the Project Team, different departmental staff and subject matter experts as well as Covanta during the design and build stage and for the life of the project.</p> <p>The way the document is drafted is a two part system (1) design/construction and (2) operation that will evolve as the project proceeds. During part (1), the Proponent will be the central point of contact. During part (2), it is anticipated that more direct contact with the Facility will occur.</p> <p>The Project Team will re-send an electronic copy of the draft complaint protocol to all current EFWAC members.</p> <p>EFWAC members are asked to return comment on this draft document directly to Facilitator at Lyndsay.Waller@durham.ca by Thursday, January 27 (consensus of due date occurred in Section 11, Next Steps).</p>	<p>Project Team</p> <p>Members</p>
<p>10. <u>QUESTION PERIOD</u></p> <p>In response to a member's request for the ability to track the complaints and suggestion that they be assigned a number which would allow the public to see what is happening with their complaint, the Project Team advised that they are trying to make this as focused as possible with one toll free number, one website and one email, with computer tracking and complaint protocol.</p> <p>The Project Team also confirmed that any complaints that come to the local municipality should be forwarded to the Project Team and both the complaint will be addressed and a reply will be provided to that municipality.</p>	
<p>11. <u>NEXT STEPS</u></p> <p>The Facilitator advised that the project team will determine the date of the next meeting. This date will be set based on the finalization of upcoming reports currently being prepared by the Proponent and Covanta. The Facilitator confirmed that advanced notice will be provided. It was suggested by the committee that the more notice given the better and that the Project Team should send a notice to 'save the date' - with or without a time.</p>	<p>Project Team</p>

<p>The Project Team confirmed that the complaint protocol (Attachment #3) is part of the EFWAC Terms of Reference and not the Certificate of Approval. The Project Team advised that the Certificate of Approval applications will be available online at www.durhamyorkwaste.ca once it is submitted. Further, any delays or amendments will be posted on the website.</p>	Project Team
<p>It was further confirmed by the Project Team that the redacted Project Agreement with Covanta will be available online at www.durhamyorkwaste.ca and a hard copy of this contract can be obtained via Durham Clerk's Department. Any questions about the Agreement are to go through the Clerk's Department.</p>	Project Team
<p>Discussion ensued about the timing of the meeting being held either during the day or in the evening. The project team was working under the assumption the intent was to get as many members as possible to attend the meetings. A compromise was suggested of a combination of evening and day time meetings. The Facilitator tabled the issue for internal discussion.</p>	Project Team
<p>The MOE representative responded to the questions regarding the final interpretation of the Minister's Conditions. The MOE suggested that it would be between the EA Branch and the Project Team. The members were advised that the Project Team will get clarification from the MOE and confirm.</p>	Members
<p>A member of the committee addressed issue of the mandate of the committee and concurred with the draft Terms of Reference and the mandate and purpose of this committee.</p>	Members
<p>Committee concurred with proposed deadlines for submitting comments to the team on Complaint Protocol and the draft Terms of Reference (February 10).</p>	Project Team
<p>The Project Team confirmed that the new website will soon be 'live'. Further, members were advised that all documents on this website are being reviewed to ensure that all relevant new and old documentation is readily available and easy to find.</p>	Project Team
<p>Meeting closed at 4:15 p.m.</p>	

PRESENT

Dhaval Pandya, Coordinator of Transportation Engineering, City of Pickering
Murray Gale, Supervisor of Solid Waste, Town of Whitby (Alternate)
Faye Langmaid, Manager of Special Projects, Municipality of Clarington
Dave Meredith, Director of Operations and Environmental Services, Town of Ajax
Nathalie Henning, Manager of Waste and Environmental Programs, City of Oshawa (Alternate)
Ian Roger, Director of Public Works and Parks, Township of Scugog
Ben Kester, Director of Public Works, Township of Uxbridge
Brian Jones, Director, Public Works Services, Town of Newmarket
Peter Loukes, Director of Operations, Town of Markham
Rob Flindall, Director of Engineering and Public Works, Township of King
Brian Anthony, Director, Public Works, City of Vaughan
Bob Magloughlen, Director of Engineering and Public Works, Town of Georgina
Councillor Phil Craig, Town of Georgina
Ilmar Simanovskis, Director of Infrastructure and Environmental Services, Town of Aurora
Perry Sisson, Director of Engineering and Field Operations, Central Lake Ontario Conservation Authority (Alternate)
Doug Anderson, DurhamCLEAR
Kerry Meydam, Durham Environment Watch
Linda Gasser, Zero Waste 4 Zero Burning
Tracey Ali, Zero Waste 4 Zero Burning (Alternate)

Project Team

Mirka Januszkiewicz, Director, Waste Management, The Regional Municipality of Durham
Greg Borchuk, Project Manager, Waste Management, The Regional Municipality of Durham
Lyndsay Waller, Operations Technician and EFWAC Facilitator, The Regional Municipality of Durham
Dave Gordon, Manager, Waste Management Program Planning and Policy, The Regional Municipality of York
Jim McKay, Regional Manager Solid Waste – Canada, HDR Inc.

Other

Ken Gorman, Director, Environmental Health, The Regional Municipality of Durham
Joanne Paquette, Manager, Communications (Works), The Regional Municipality of Durham
Dave Fumerton, District Manager, Ministry of the Environment
Steve Elford, Senior Environmental Officer #1184, Ministry of the Environment

REGRETS

Gioseph Anello, Manager, Waste Planning and Technical Services, The Regional Municipality of Durham
Laura McDowell, Director, Environmental Promotion and Protection, The Regional Municipality of York
Township of Brock – membership currently vacant
Jeff Meggitt, Manager of Waste, Fleet and Traffic Operations, Town of Richmond Hill (Alternate)
Christopher Kalimootoo, Director of Engineering and Environmental Services, Town of East Gwillimbury
Paul Whitehouse, Director, Public Works, Town of Whitchurch-Stouffville



Residual Waste Study

Durham/York Energy-From-Waste Facility Advisory Committee

Environmental Assessment Process (2004 – 2010)

Jim McKay, HDR Engineering
January 20, 2011



Outline

Residual Waste Study

- ◆ Overview of the EA Process
- ◆ EA Submission & Approval
- ◆ EA Approval Conditions
- ◆ Project Status
- ◆ Next Steps



The Planning Process

Residual Waste Study

- ◆ The Durham/York EA process consisted of:
 - ◆ Completion of the EA Terms of Reference;
 - ◆ Evaluation of “Alternatives to” the Undertaking (ie. Technologies);
 - ◆ Evaluation of “Alternative methods” of implementing the Undertaking (ie. Sites); and,
 - ◆ Completion of Site and Vendor specific studies to confirm suitability of site for the Undertaking.



Residual Waste Study

Environmental Assessment Terms of Reference

- ◆ EA Terms of Reference Document
- ◆ Supporting Background Documents
 - Purpose & Need for the Undertaking – Quantities & Composition
 - Consideration of Alternatives To – Technology Selection
 - Consideration of Alternative Methods – Facility Siting
 - Description of the Environment Potentially Effected
 - Approvals Requirements
- ◆ Record of Public & Agency Consultation
- ◆ Submitted to MOE – December 31, 2005
- ◆ Approved by Province of Ontario – March 31, 2006



Residual Waste Study

Environmental Assessment Terms of Reference

- ◆ EA Terms of Reference Document
- ◆ Supporting Background Documents
 - ◆ Purpose & Need for the Undertaking – Quantities & Composition
 - ◆ Consideration of Alternatives To – Technology Selection
 - ◆ Consideration of Alternative Methods – Facility Siting
 - ◆ Description of the Environment Potentially Effected
 - ◆ Approvals Requirements
- ◆ Record of Public & Agency Consultation
- ◆ Approved by Province of Ontario – March 31, 2006



Residual Waste Study

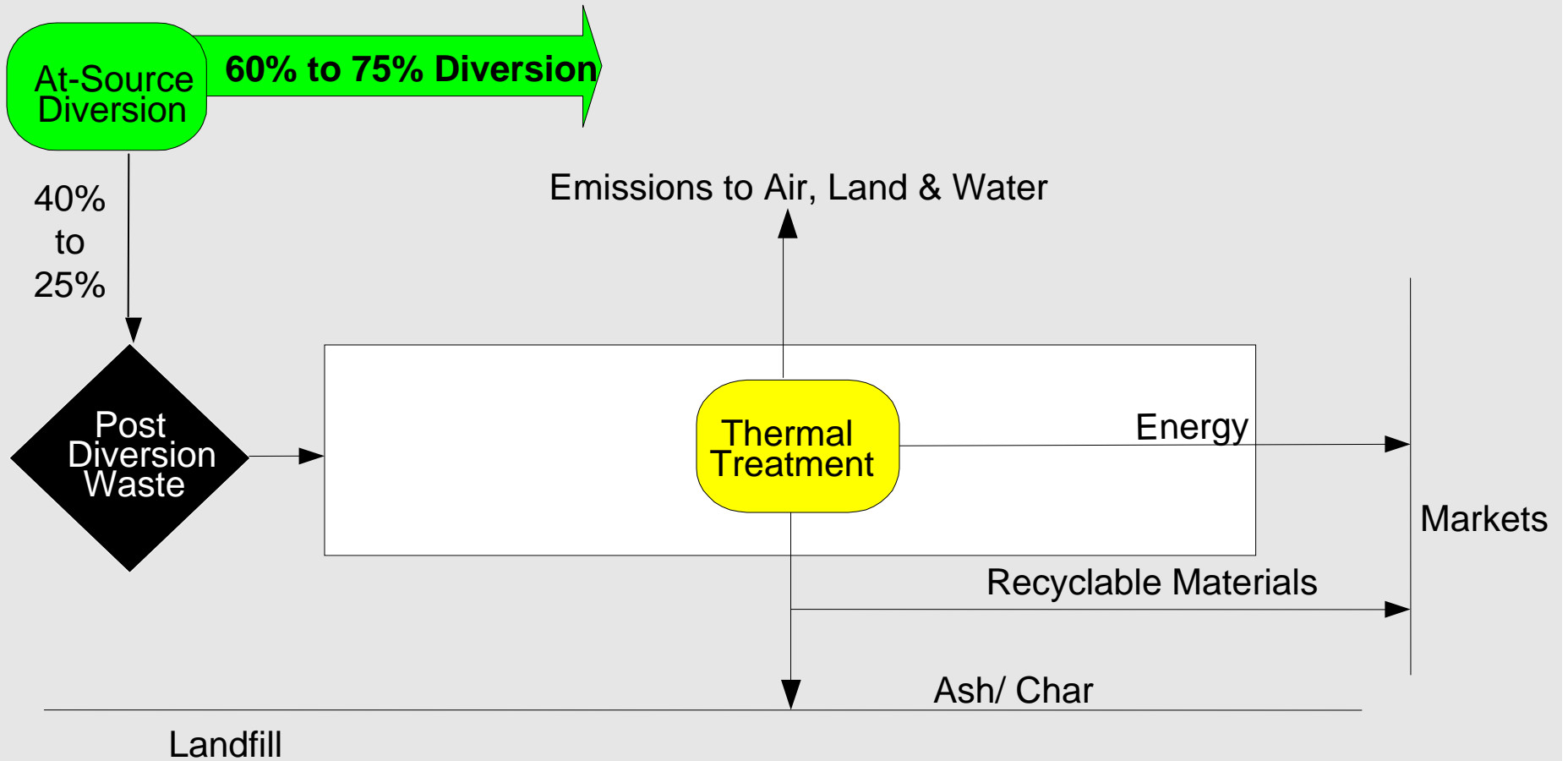
“Alternatives to” Systems and Technologies

- ◆ 7 Step evaluation process
- ◆ Study of additional at-source diversion
- ◆ Formulation of Alternatives Disposal Systems including Mechanical, Biological and Thermal Treatment alternatives
- ◆ Technical studies of the alternatives
- ◆ Studies of environment potentially effected
- ◆ Approved by Regional Councils in June 2006



"Alternatives to" Systems and Technologies

Residual Waste Study





Residual Waste Study

"Alternative Methods" Siting

- ◆ 7 Step evaluation process
- ◆ Suitable area screening, Long-List identification, Short-List identification, Preferred site identification
- ◆ Technical and Environmental studies of sites
- ◆ Clarington 01 approved by Regional Councils in January 2008



"Alternative Methods" Siting

Residual Waste Study





Residual Waste Study

Vendor Identification (RFQ & RFP Process)

- ◆ Covanta Energy Corporation
 - ◆ Founded in 1983
 - ◆ 35 operating EFW facilities in North America
 - ◆ Provide full range of design, construction, startup and operation services
 - ◆ Each year, Covanta facilities in North America:
 - ◆ Process more than 15 million tons of waste;
 - ◆ Generate more than 7 million megawatt hours of electricity; and,
 - ◆ Produce 10 billion pounds of steam.



Residual Waste Study

Why was Covanta selected as the Preferred Vendor?

- ◆ The evaluation team unanimously recommended Covanta Energy Corporation as the preferred vendor based on the teams consensus evaluation.
- ◆ Proposals evaluated based on:
 - ◆ Technical – Highest Score - Covanta
 - ◆ Project Delivery – Highest Score - Covanta
 - ◆ Cost & Commercial – Highest Score - Covanta
- ◆ Covanta achieved the highest aggregate score of all submissions as well as highest score in each of the three evaluation categories.



Residual Waste Study

Site Specific & Vendor Specific Studies and Assessments

◆ Site Specific/Vendor Specific Studies included:

- ◆ Air Quality Assessment;
- ◆ Surface Water and Groundwater Assessment;
- ◆ Facility Energy and Life Cycle Assessment;
- ◆ Geotechnical Investigation;
- ◆ Acoustic Assessment;
- ◆ Visual Assessment;
- ◆ Natural Environment Assessment;
- ◆ Social/Cultural Assessment;
- ◆ Stage 2 Archaeological Assessment and Built Heritage Assessment;
- ◆ Traffic Assessment;
- ◆ Economic Assessment; and,
- ◆ Site-Specific Human Health and Ecological Risk Assessment.



EA Submission & Approval

Residual Waste Study

◆ EA Submission & Approval Timeline

Timeline	Activity
May 2009	Draft EA Prepared and Issued for Consultation
June 2009	Regional Councils Approval of Final EA Documents
July 2009	Submission of EA Document to MOE
November 2009	Submission of Amended EA Document to MOE
February 2010	MOE Review Issued
November 2010	EA Approval Issued



Residual Waste Study

EA Approval Conditions

- ◆ Waste Diversion/Integrated Waste Management System
 - ◆ Maintenance and improvement of current system (70% diversion by 2016)
 - ◆ Waste received must have access to Regional waste diversion programs
 - ◆ Implicit need for flow control and accounting
- ◆ Administrative Requirements
 - ◆ Reporting, inspections, advisory committee, etc.



◆ Operating Requirements

- ◆ Facility will be held to new Ontario Guideline A-7 requirements for air emissions (as operating parameters)
- ◆ Annual 3rd Party Audit required
- ◆ Service area and waste quantity restrictions

◆ Monitoring Requirements

- ◆ Air Emissions, Ambient Air Quality, Surface Water, Groundwater, Noise, and Odour.



Residual Waste Study

- ◆ Minister of Environment Approved Environmental Assessment on November 19, 2010.
- ◆ DBOM Contract signed with Covanta on November 24, 2010.
- ◆ Power Purchase Agreement for sale of Electricity in Final Stage of Negotiations.
- ◆ Host Community Agreement already in place.
- ◆ Certificates of Approval being prepared by Covanta Team.



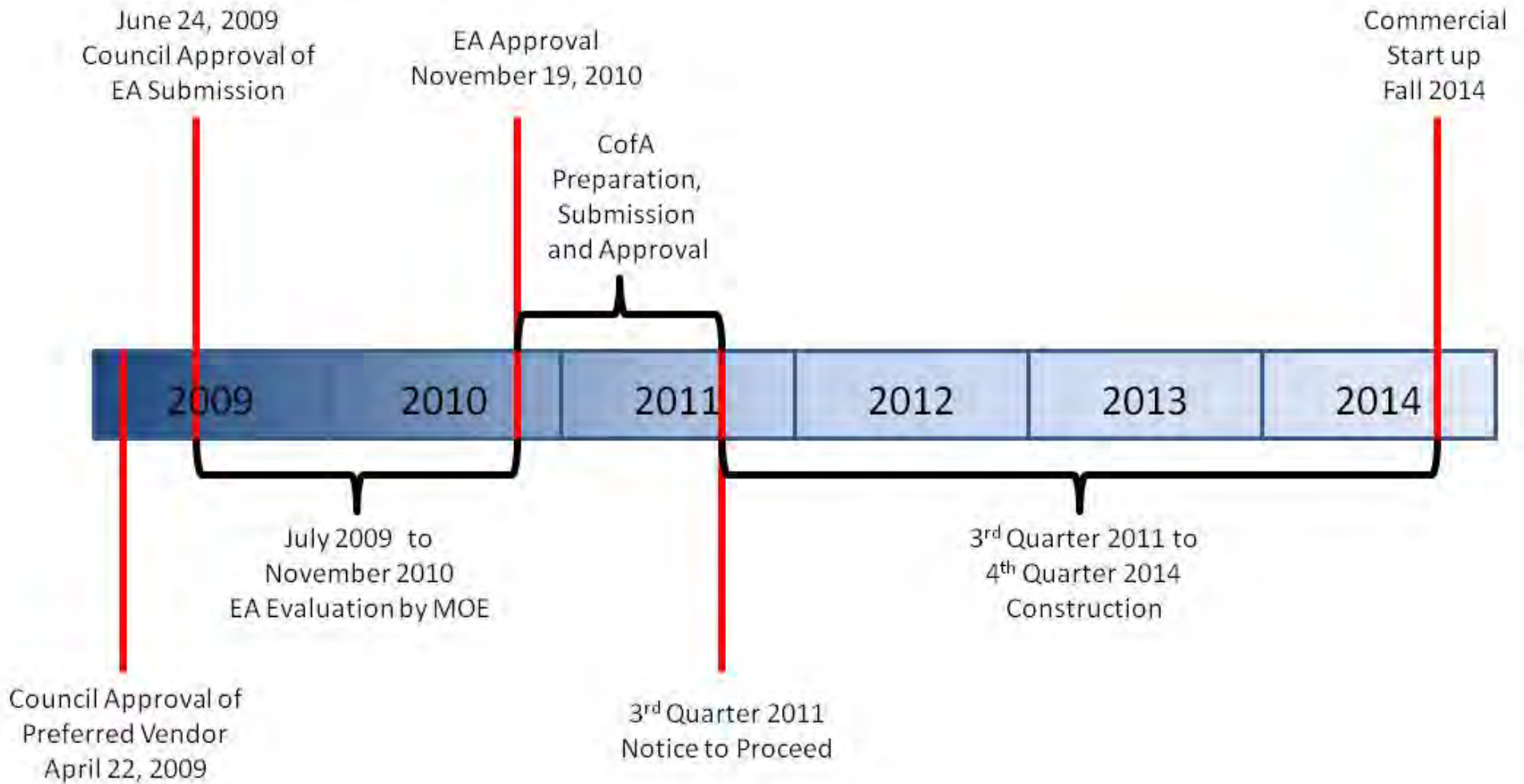
Residual Waste Study

- ◆ Establish Advisory Committee and First Meeting by February 2011
- ◆ Preparation and Submission of Certificates of Approval for Review by MOE
- ◆ Once Approved – issuance of Notice to Proceed and Construction starts
- ◆ Approx. 40 months to construct and commission
- ◆ Facility fully operational by Late 2014



Project Schedule

Residual Waste Study





Energy from Waste Advisory Committee

Advisory Committee Meeting #1
January 20, 2011
Region of Durham Municipal Offices
605 Rossland Road East
Introduction Meeting

Jan 20, 2011



Agenda

- | | |
|-----------|--|
| 2:00-2:05 | Durham Directors Welcome |
| 2:05-2:20 | Introductions |
| 2:20-2:40 | Orientation to EFWAC format and Ground Rules |
| 2:40-3:00 | Background on EA and Minister's Conditions of Approval (Jim McKay) |
| 3:00-3:15 | Certificate of Approval Process (Dave Gordon) |
| 3:15-3:30 | Question period |
| 3:30-3:45 | Draft Terms of Reference (Facilitator) |
| 3:45-4:00 | Question Period |
| 4:00-4:15 | Draft Complaint Protocol (Greg Borchuk) |
| 4:15-4:45 | Question Period |
| 4:45-5:00 | Next Steps |
- Set next meeting date
 - ToR & Complaint Protocol Comments deadline
 - Review finalized ToR & Complaint Protocol



Participants



Individuals and their alternates from the following list have been invited to sit on the EFWAC advisory committee:

- One representative from each area municipality in the Regional Municipality of Durham;
- One representative from each area municipality in the Regional Municipality of York;
- One representative from the Central Lake Ontario Conservation Authority (CLOCA);
- One representative from Zero Waste 4 Zero Burning;
- One representative from Durham Environment Watch;
- One representative from DurhamCLEAR
- Others present: EFWAC Secretariat (staff liaison), facilitator, co-facilitator, Project Technical Team, MOE staff observer, Durham and York Health Department observers



Introductions

Name, where do you live, affiliation

Interest / background with EFWAC



Facilitators Commitment

- Ensure the Committee adheres to the mandate and that discussions are focused and in scope with the ToR.
- Provide guidance to the committee in setting meeting agendas and frequency of meetings.
- Keep to the agenda – rework when appropriate.
- Ensure all comments and responses are maintained as a “living” comment / response table.
- Encourage members to participate.
- Help to provide clarifications.
- Ensure a productive meeting environment.



Facilitator's Ground Rules

1. Listen actively: respect others when they are talking, listen carefully to the other speakers and to your own reactions. There will be no tolerance for members who make it difficult for others to have their opinions heard.
2. Respect: accept the validity of another point of view, even if you disagree. There will be no tolerance for personal attacks.
3. Suspend judgment: consider the possibility that others may be right or have an approach that you had not considered.
4. Speak up: share your views fully and honestly with everyone.
5. Ask: If you don't understand what is being said, please ask – if you have a question, others probably have the same question. Refrain from making assumptions.
6. Focus on ideas: do not be afraid to respectfully challenge one another by asking questions, but refrain from personal attacks.
7. Deeper understanding: the goal is not necessarily to agree -- it is to gain a deeper understanding.
8. Meetings will be called to a close if etiquette can not be maintained.



EA History & Approval Conditions

Presentation by Jim McKay-HDR



Certificate of Approval Process

Presentation by Dave Gordon



Durham York Energy From Waste Facility

Certificate of Approval Process Overview

Advisory Committee Meeting #1

January 20, 2011

Region of Durham Municipal Offices

605 Rossland Road East

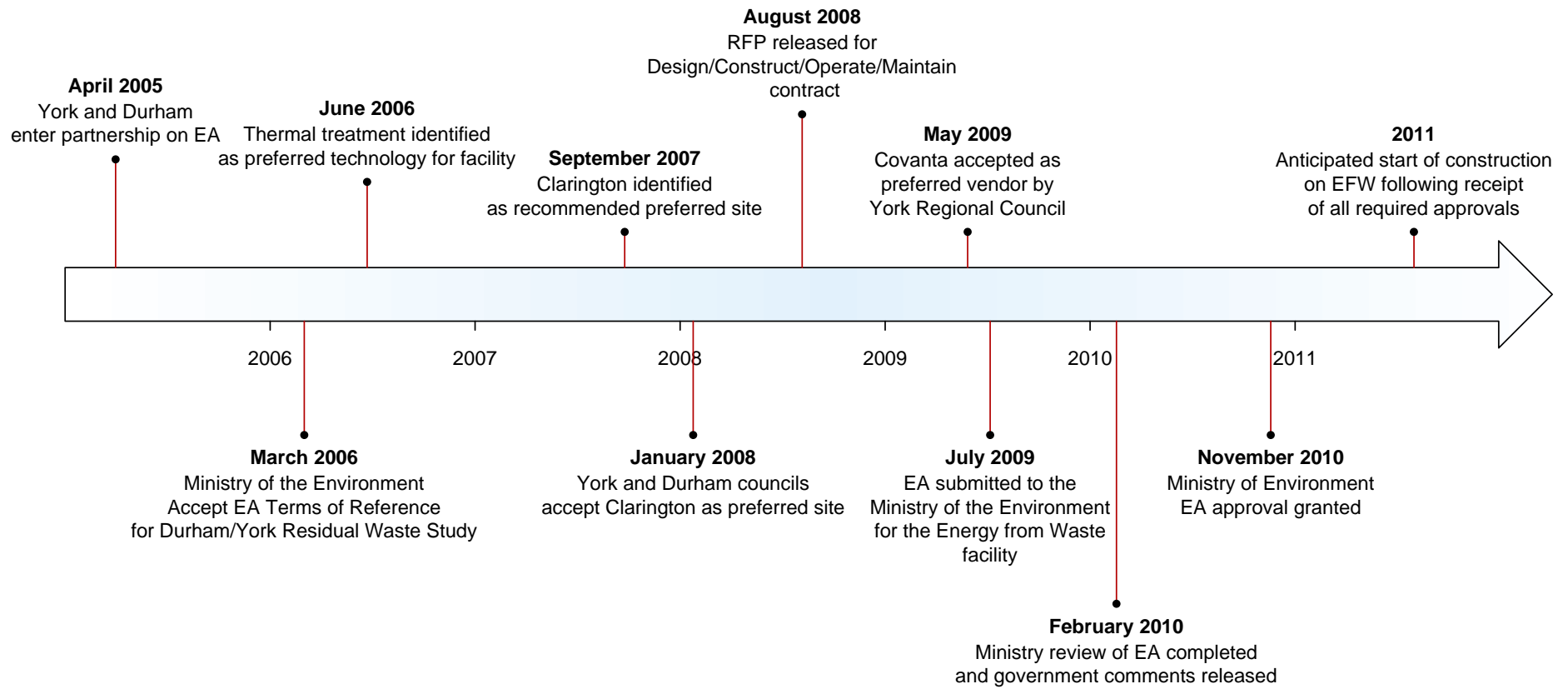


Outline

- Background
- Environmental Assessment Process
- Certificate of Approval Process
- Status of Application Process
- Next Steps



Background





Environmental Assessment Process

- Environmental Assessment (EA)
 - a planning process
 - governed by the *Environmental Assessment Act*
 - considers alternative methods
 - environmental, social, and financial impacts
 - asks “is this the right project? the right method? the right time? the right place”

EA approval establishes the project as the preferred method for disposing of the Regions' residual waste



Certificate of Approval Process

- Certificate of Approval (C of A)
 - a site specific permitting process
 - governed by the *Environmental Protection Act* and the *Ontario Water Resources Act*
 - translates EA conditions into specific operating parameters
 - basis for enforcement

Certificate of Approval establishes the details of how the facility is required to operate



Typical C of A Requirements

- Design Report
- Performance Standards
- Operating Procedures
- Site Security
- Mitigation of Impacts
- Inspection and Maintenance
- Monitoring
- Record Keeping and Reporting



Certificates of Approval for Different Media

- Certificates of Approval Required for
 - Air and Noise (EPA, S. 9)
 - Waste Management (EPA, S. 27)
 - Sewage – for Stormwater Management (OWRA, S. 53)
- MOE to combine these three Certificates into a single “multi-media” C of A



- Submission of Certificate of Approval applications targeted for January 31, 2011
- Complete application packages will be posted on the Durham-York Website



Next Steps

- Finalize and submit CofA applications
- Liaise with MOE Approvals staff on applications
- Designate EFW as 'Priority Approval' to expedite approvals
- Final Certificates anticipated June/July 2011



- Questions and Comments will be recorded for the comment/response log.



Orientation to EFWAC

Presentation by Facilitator



EFWAC Format



A typical meeting may include:

- Table draft EFW document or report
- Presentation on draft EFW document or report
- Question & answer session at meeting



Member Assignments

This will occur after and in-between meetings.

Members are requested to:

- Read and provide comments to Facilitator (by email) on draft EFW documents in between meetings
- Dates for final EFWAC comment submission will be specified
- Final comment date will generally be two weeks after meeting or after document/report is tabled
- Between meetings: Where applicable or requested, workshops, working group sessions or conference calls can be held to assist members with their review and comment



Subsequent Meeting

- Next EFWAC meeting, finalized EFW document or report is reviewed at meeting with revisions
- Incorporated comments / responses recorded
- Finalized document or report is submitted to MOE as required, with comments / responses



Meeting Documentation

- Minutes to capture comments / responses
- Comment / response table – “living document”, an on-going list of comments and responses
- Commitment – Secretary/Clerk will make best effort to provide agenda, draft minutes and other documentation to EFWAC one week prior to meeting
- EFWAC to review and comment on minutes and comment / response table updates at the beginning of each meeting
- Website – www.durhamyorkwaste.ca– will be primary document repository for EFWAC – including final documents, final presentation materials, comment/response table, agendas and final minutes



Comment / Response Table

- EFW Project Team and York / Durham disposition comments from EFWAC members

Comments may be:

- Accepted and document / report revised
- Not accepted with rationale
- Otherwise dispositioned with notes
- EFWAC members may have concerns about dispositioning noted on the Comment / Response Table
- Names are not recorded on Comment /Response Table



Privacy of Members

- Recommendation – Names only on minutes and public documentation – no addresses, email addresses or phone numbers
- Request your permission to provide your contact information to other EFWAC members, York/Durham and Project Team
- Request your permission to provide only your name and organization or municipality for public documentation



Draft Terms of Reference

- Review of Draft ToR
- Comment Period
- Approval of Draft



Draft Terms of Reference Overview

The EFWAC is condition 8 of the Minister's approval.

Purpose

- To provide input and advice on some of the EA conditions to the Proponent (Durham and York)
- To “ensure concerns about the project design, construction and operation are considered and mitigation measures are undertaken where appropriate”.

Mandate

- Provide a balanced, inclusive discussion and forum for stakeholders to provide advice to the proponent's Project Team as per the EA Condition.
- To serve as a formal mechanism to exchange ideas and concerns related to the design, construction and operation of EFW project.



Draft Terms of Reference Overview

Scope

- Limited to post EA approval – not be used as a venue for review of the decisions associated with the approved undertaking.
- This is not a decision making body – it is one forum for stakeholder consultation.
- Not be a forum to solicit data or information on matters outside the mandate of the committee.



Draft Terms of Reference Overview



Membership

- Limited to members of the municipal and regulatory agencies plus the non-governmental agencies specified by the EA Conditions
- Membership is limited to one active participant from each invited agency. Regular attendance is requested.
- 'Alternates' should only attend in the absence of the lead member.
- If both do attend the 'Alternate' will not sit at the table or have speaking rights.
- Due to the technical nature and scope of this condition it was determined membership would be limited to those with detailed technical experience and/or knowledge of the project
- Therefore this is not an open public forum. The Regions will continue to provide public outreach where it is more appropriate forum for public engagement.

Reporting Relationship

- The EFWAC reports to the Proponent's – Durham and York Regions Project Team
- Oversight of the Proponent is done by MOE through the EA Compliance condition

1. Purpose

The energy-from-waste (EFW) Site Liaison Advisory Committee (EFWAC) is established to provide a forum for the transfer of information between the facility design, build, operate (DBO) contractor, various stakeholders including the Regional Municipality of Durham (Durham) and the Regional Municipality of York (York) and the public during three distinct phases of the projects: design, construction and operation of the plant.

Mandate

Pursuant to Condition 8 of the Minister of the Environment (Minister's) Notice of Approval, the purpose of the EFWAC is to ensure that concerns about the design, construction and operation of the undertaking are considered and mitigation measures are implemented where appropriate. Additionally, EFWAC will discuss any other related strategic waste diversion and management issues.

2. Scope of Activities

The issues that the EFWAC may discuss and address information relevant to Durham and York's (Regions) EFW facility include:

- Compliance Monitoring Program required by Condition 4;
- Annual Compliance Report required by Condition 5;
- Complaint Protocol required by Condition 6;
- Community Communications Plan required by Condition 7;
- The Annual Reports required by Condition 10;
- Ambient Air Monitoring and Reporting Plan required by Condition 11;
- Air Emissions Monitoring Plan required by Condition 12;
- Written report prepared and signed by the qualified professional required by Condition 16.5;
- Spill Contingency and Emergency Response Plan required by Condition 17;
- Odour Management and Mitigation Plan and the Odour Management and Mitigation Monitoring Reports required by Condition 18;
- Noise Monitoring and Reporting Plan as required by Condition 19;
- Groundwater and Surface Water Monitoring Plan, the results of the groundwater and surface water monitoring program, the annual report on the results of the groundwater and surface water monitoring program required by Condition 20

3. Membership and Code of Conduct

3.1 Membership

As per Conditions 8.3, 8.4, 8.5, the Minister has mandated that the regions invite the following to participate on the Committee.

The EFWAC shall be comprised of one representative from each of the following:

- Each of the lower tier municipalities in the Regional Municipality of Durham;
- Each of the lower tier municipalities in the Regional Municipality of York;
- A staff member each from the Municipalities of Durham and York Regions
- Central Lake Ontario Conservation Authority;
- DurhamCLEAR;
- Durham Environmental Watch
- Zero Waste 4 Zero Burning

3.2 Invitations to attend EFWAC meetings will be provided to the following:

- Staff representative from Durham and York's Health Departments
- Staff representative from the Municipality of Clarington
- Staff representative from the Ministry of the Environment

3.3 Code of Conduct

In accordance with Condition 8.10, Committee members, guests and the facilitator shall:

- Strive to attend all meetings (excluding guests)
- Declare any situation which is or has the potential to be, a conflict of interest before agenda items are presented.
- Carry out their functions with integrity, and act in the best interests of the mandate and the Minister's Conditions.
- Act responsibly and fairly with the care, diligence and prudence of a reasonable individual.
- Respect all viewpoints and follow rules of decorum.
- Ensure opinions expressed outside the committee represent personal viewpoints versus those of the committee.
- Not use any information provided to the committee for personal gain.

3.4 Call for Membership

A letter will be sent to the Directors in each of the lower tier municipalities in Durham and York inviting them to select a member and an alternate to represent their seat. The non-government agencies will also be sent letters to the respective Administrator advising them of their seats as participants on the Committee.

4. Expectations of Committee Members/Roles

Durham and York Region acknowledge that membership on the Committee does not constitute support for the approved undertaking.

Members are expected to:

- Participate voluntarily
- Adhere to the code of conduct (Section 3.3)
- Provide advice that is reflective of the views of the organization and/or the community to which they belong; should they so choose, members may actively solicit the viewpoints of their organization or community
- Uphold the Committee purpose
- Become familiar with what is in the approved Final Residual Waste Study Environmental Assessment Report and the Minister's Conditions
- Make presentations if/where required

In the assurance of the Minister's Conditions, the Committee shall:

- Review the implementation of the undertaking and provide advice to help ensure that the commitments made by the proponents in the approved Environmental Assessment are being met.
- Not be used as a venue for review of the decisions associated with the approved undertaking
- Not be an approval body or steering committee
- Not be a forum to solicit data or information on matters outside the mandate of the committee

5. Expectation of the Facilitator/Roles

In contrast to the previous Energy from Waste Site Liaison Committee established for the Environmental Assessment, the new Committee meetings will be lead by a facilitator instead of a Chair, to ensure they are efficient and effective. The facilitator will be appointed by Durham and York Region and can be removed or replaced only by the Regions.

The facilitator is expected to:

- Provide guidance and support to the committee in setting meeting agendas and determining the frequency of meetings.
- Manage the meetings and adherence to protocols.
- Ensure the committee adheres to the mandate and that discussions are focused and in-scope.
- Moderate the discussion to ensure a balanced and inclusive exchange of ideas
- Encourage advice and feedback from all members.
- There will be a no tolerance rule for members who make it difficult for others to have their opinions heard.
- Support and guide the Committee in determining options for managing disruptions to meetings.
- Call the meeting to a close if meeting etiquette can not be maintained.
- Periodically review and evaluate the membership. Membership will be evaluated based on the ability of members to carry out advisory duties, attendance and whether the current membership continues to meet the needs and requirement of fulfilling the Committee mandate and the Minister's Conditions.

6.0 Expectation of the Project Team (DBO contractor and Durham and York project team staff)

- Appoint a senior team member(s) to be a regular resource person at Committee meetings to provide project updates and respond to Committee questions and comments.
- Appoint a facilitator to ensure guidance, support and to maintain constructive meetings.
- Appoint a staff liaison to the EFWAC to provide administrative, procedural and technical support to the EFWAC. Durham liaison will be responsible for minutes, agendas, uploading meeting minutes, coordinating flow of information and other information which is deemed important to the project website
- Coordinate the attendance of other specialists as required to address specific issues or reports. Upon request, the representatives of the DBO contractor and governmental / regulatory bodies shall ensure that all studies and other information relevant to the EFWAC's mandate are made available to the EFWAC.
- As per Condition 8.2 d) and Condition 5, the project team shall prepare an annual report summarizing the activities completed by the EFWAC.

7. Alternates and Resignations

- Alternates can be replaced by the member's organization at any time
- If a member's alternate is present at a meeting at the same time as the member, the alternate will be an observer and not have speaking rights.
- If an alternate is present at the meeting representing the member, the alternate will be assumed to be speaking on behalf of the member.
- Resignations shall be given in writing to the facilitator.

8. Protocol for Disseminating and Review of Information

8.1 Meetings

As per Section 8.9 of the Ministers Conditions, the initial meeting is to take place within three months of the date of Environmental Assessment approval, on or about February 19, 201. Meetings should be held more frequently through the design and construction stages.

- The EFWAC shall meet annually at a minimum, with one meeting scheduled after the DBO emissions and compliance reports have been released and reviewed by members. The EFWAC will establish a meeting schedule at its inaugural meeting. The EFWAC shall provide the Durham and York Region's with a meeting schedule once times and dates have been established.
- Meetings will take place during business hours, Monday to Friday from 8:30 a.m. to 4:30 p.m. Meeting dates must be determined such that they are synchronized with other committees.
- The meeting location may be subject to change once the EFW facility is operational and providing space is available.
- All meetings will be closed to the public. Only members, alternates, invited representatives, and guests making presentations may attend meetings.
- Meetings will follow a format of: review of comments from previous meeting, presentation, comments and questions.

8.2 Minutes

- Minutes will be taken for each meeting.
- Previous minutes will be circulated and reviewed prior to the subsequent meeting.
- Minutes will be approved at the subsequent meeting.
- Once the minutes have been reviewed and approved by the Committee, they should be forwarded and posted on the project website. Final versions of other Committee materials will also be posted on the project website, within two weeks.
- Issues requiring follow-up will be addressed at the next meeting.

8.3 Agendas

- Final agendas will be circulated prior to the meetings.
- Agendas will be prepared for all meetings.
- Agendas will include a prescribed duration for discussion of items.
- Final agendas will be posted on the project website.

8.4 Presentations and Discussions at Meetings

- A quorum is not necessary for meetings to proceed.
- Significant reports and documents tabled for discussion at meetings will include a presentation by the Project Team, DBO Contractor or designate
- Each meeting will include an agenda item for review of community feedback, concerns and complaints and complaint resolution.
- Where there is a need for further review and/or comment on reports or documents, members will be asked to provide comments two weeks prior the next meeting so that the DBO contractor or designate will have the opportunity to review and respond at the next meeting.
- The Committee will review member suggestions for invited guests who might make a presentation on a topic that is in keeping with the Committee mandate and the Minister's Conditions.
- Presentations should be vetted to the facilitator prior to the meeting two weeks in advance.
- One presentation should be included per meeting, limited to 15 minutes.
- The Committee facilitator will inform members of all requests for presentations during regular meetings.
- The facilitator will provide members or guests making presentations with advice, guidance and constructive suggestions on presentation content and materials.

9.0 EFWAC Dissolution

The Committee can be dissolved at any time by the members in recognition that there is no need to continue, having fulfilled the Minister's Conditions or upon the decommissioning of the facility.



- Questions and Comments will be recorded for the comment/response log



Draft Complaint Protocol

- Review of Document
- Comment Period
- Approval of Draft



Proposed Complaint Protocol Overview

Basic Intent

- to ensure we capture any and all complaints
- Provide a timely response
- Develop an effective and efficient system
- Streamlined process
- Transparent logging and reporting to this committee, website and MOE
- Standardized Complaint form
- Complaints will be handled by the Project Team
 - Includes Region staff (engineering/health), consultants, Covanta



Overview continued

- Two part system (design/construction & operation) that will evolve as the project proceeds
 - Region owned project so we expect there will always be questions/comments/complaints taken by us
 - Initially we envision the Region's being the central point of contact
 - Via web links and telephone call centre
 - Gradually that will shift in Operations Phase and we expect more direct contact to the facility will occur.
- This is intended to be a 'living' protocol that will evolve over time as the project advances



Next Steps

- Review committee comments to this draft and finalize protocol
- Submit protocol to the MOE Director as per EA Condition 6
- Once approved, it will be communicated to the public and all agencies around this table

Introduction

- The Minister of the Environment granted approval on November 3, 2010 of the Individual Environmental Assessment for the Energy from Waste (EFW) facility. One of the conditions of approval was the establishment of a detailed protocol to address concerns received from the public during design, construction and operation activities. Specifically, the Minister's Condition for the Complaint Protocol states that:
 - 6.1 The proponent shall prepare and implement a Complaint Protocol setting out how it will deal with and respond to inquiries and complaints received during the design, construction and operation of the undertaking.
 - 6.2 The Complaint Protocol shall be provided to the advisory committee for review prior to submission to the Director.
 - 6.3 The proponent shall submit the Complaint Protocol to the Director within one year from the date of approval or a minimum of 60 days prior to the start of construction, whichever is earlier.
 - 6.4 The Director may require the proponent to amend the Complaint Protocol at any time. Should an amendment be required, the Director will notify the proponent in writing of the required amendment and date by which the amendment must be completed.
 - 6.5 The proponent shall submit the amended Complaint Protocol to the Director within the time period specified by the Director in the notice.
- This document outlines the protocol on how Durham and York Regions will deal with and respond to inquiries, complaints and concerns received during the design, construction and operation of the Undertaking. The document will be posted on the EFW project website at www.durhamyorkwaste.ca.
- Due to the nature of this Undertaking being a Design-Build-Operate project, for practical purposes the Complaint Protocol has been split into two phases:

Phase 1 & 2

- **Phase 1 – Design & Construction Phase**

For the purposes of this document, inquiries, complaints or concerns from the public for the design and construction work is considered Phase 1 of the Complaint Protocol roll out. It is anticipated the majority of complaints or concerns arising during this phase will be related to EA follow-up, detailed design, early site investigation work, soil and groundwater investigations, heavy construction activity and project schedule. These inquiries will flow through the intake process as described in this document and be managed and directed as per this protocol. (see Figure 1)

- **Phase 2 – Operation Phase**

Phase 2 of the Complaint Protocol will roll out as the project moves from construction and through to the Operation Phase of the Undertaking after the facility is commissioned and operating as a Waste Management Facility. At that time it is anticipated the majority of complaints or concerns will be directed to facility personnel and follow the flow chart in Figure 2 of this document. Phase 2 Complaint Protocol will develop more fully as the project progresses and be amended as required to meet the future needs.

1.0 Complaints Received on the Energy from Waste (EFW) Project

1.1 General Process for Receiving Complaints or Concerns

- The public will be advised to provide comments, complaints and concerns directly to Durham Region and York Region through one or more of the following means: email (direct or via project website), telephone, letter or fax. It is recognized that inquiries of this nature could be received by local municipalities and the MOE Spills Action Centre. Appropriate staff at these organizations will be instructed to route these inquiries to the EFW phone number or email address for response and action.
- The Complaint Protocol is to be fully implemented with staff (known as First Responders) who will be trained to respond to queries and the prescribed Complaint Protocol process. The First Responder is the initial point of contact for the person registering a complaint or concern and is responsible for starting the record of complaint process and determining the nature of the complaint. **Direct contact between the public and the Design-Build-Operator (DBO) contractor will be discouraged in order to promote direct contact between the Regions and the public. All main contact points will flow through the Region's first before being directed where appropriate to the DBO.**
- The following means will be available for the public to make complaints and concerns known during the design and construction phase of the project to the EFW Project Team:
- Email: durhamyorkwaste@durham.ca
- Telephone (during business hours) – toll free 1-800-667-5671
- Telephone (during after hours) – toll free project number 1-800-667-5671 to be answered by an automated system which will direct the caller appropriately if it is an Emergency or request that the caller leave the pertinent information which will be immediately transferred as a voice recording to dedicated email addresses of the EFW Project Team.
- Letter:

• The Regional Municipality of Durham	The Regional Municipality of York
• c/o EFW Project Team	c/o EFW Project Team
• 605 Rossland Road	17250 Yonge St.
• Whitby, ON L1N 6A3	Newmarket, ON L3Y 6Z1
- OR
- Comment form from the project website: www.durhamyorkwaste.ca
- Fax: Durham 905-666-6206
- York 905-830-6927
- Note: The Municipality of Clarington and the Durham Works Depot and York Operations Centre may receive calls or emails directly related to the EFW project. In this event, these concerns or complaints will be forwarded to the EFW phone number or email address.

1.2 Informing the Public of the Complaint Process

- Durham and York Regions have committed in the IEA to undertake a comprehensive communications program to inform the public on the various ways of providing feedback, complaints or concerns regarding design, construction and operations activities. A Communications Plan will be prepared that will include some or all of the following methods of informing the public on how to communicate with the EFW Project Team:
- Project sign boards at the construction site compound will list the toll free project number and project website
- The EFW project website will include a Complaint Form and information on the toll free project number, project addresses and contacts, fax numbers and email addresses for Durham and York Regions
- Personalized letters may be sent to the project mailing list providing details on the toll free project number, project addresses and contacts, fax numbers and email addresses for Durham and York Regions
- EFW project newsletters will be used at various stages of the preconstruction and construction phases to inform the public on design and construction activities and include information on how to contact the project team as outlined in Section 2.1
- Electronic notifications to subscribers of the EFW dedicated email and Twitter account

3. General Description of Complaint Management Process during Phase 1, Design and Construction

- The Complaint Protocol Process for the Design and Construction Phase is shown in Figure 1.
- All complaints received from residents and stakeholders will be centralized into one centralized complaint system managed by the Durham and York Region EFW Project Team.
- Phone complaints or concerns will be received during daytime operation hours (Monday to Friday 8:00 to 5:00) by a live operator at the Region of Durham Waste Management Call Centre (Call Centre) who will record details and log the Originators concerns before directing all EFW related complaints or concerns to an EFW Project Team member (First Responder).
- After hours calls received on the Call Centre voicemail will ask the caller to leave a detailed message with a call back number. This message will be recorded and logged into a software database and directed to dedicated email addresses of EFW Project Team Members the next business day. Emergency calls will be redirected using touch tone options to a live operator.
- Complaints and concerns submitted via email or via the comment form on the project website will receive an automated response to acknowledge receipt of the comment.
- Complaints and concerns received via correspondence (not phone or email) shall be acknowledged within one business day by the First Responder provided that contact information for the Originator is included.
- Investigation of complaints and concerns will be conducted in a timely manner, as quickly as is reasonable considering the particular situation surrounding the complaint or concern. This may include meeting with the Originator as required to investigate the background and/or origin of the issue.
- An appropriate software package will be used to manage the information related to the Record of Complaint (RoC) including key information such as:
 - Name, address and contact information (confidentiality will be protected in the event the Originator wishes to remain anonymous)
 - Nature of the complaint or concern
 - Action taken to address or respond to the issue
 - Response provided to the Originator
 - Resolution of complaint
- A quality Assurance review of the Complaint Management Process will be undertaken annually by Durham and York Regions and modified where appropriate to ensure a high level of service to the public and stakeholders on complaints and concerns.
- A summary of issues and issue resolutions will be presented as a standing item on the EFW Advisory Committee meeting agenda.

4. General Description of Complaint Management Process during Phase 2, Operations

- After major construction is complete and the facility is commissioned, the DBO will become more involved as a First responder. Complaints or concerns received via the receptors indicated in Section 1.1. Durham and York Region staff will direct Facility Operational complaints or concerns to the EFW Plant via the process outlined in Section 2 above. Once the Facility is operational the DBO will have direct access to the computer software database to record, track and log all complaints so the BDO can also add complaints received at the Facility into the system. The centralized system will be monitored by Durham and York Region.

3.1 Covanta Protocol for Complaint Management

3.1.1 Emergency Situations

- Should the complaint relate to an emergency requiring immediate reaction or response, the compliant will be relayed to the Supervisor on Shift via telephone. Upon his/her assessment and verification, immediate actions will take place in accordance with Facility Emergency Action Plan. This plan covers the plant specific plans, appropriate notifications and additional actions beyond resolution of the emergency situation. The actual emergency action plan will be one of many plant specific safety procedures developed as part of the plant commissioning. It will be developed based on plant specific conditions in accordance with a guidance document (reference tool) developed and managed by
- Should there not be one system, with the Region responsible, and the DBO as responder to the appropriate complaints? This seems the most consistent approach.

3.1.2 Non-Emergency Situations

- Non-emergency complaints will be routed through the Facility Manager and/or Business Manager, documented and assigned for evaluation and resolution to the appropriate facility management team member. Operational issues will be addressed by the Chief Engineer or his designee, Maintenance issues by the Facility Maintenance manager, and Health and Safety issues addressed by the Facility Environmental Engineer and/or Safety Coordinator. This will include follow-up communication with the compliant originator as appropriate. The results/resolution of the compliant will be directed through facility management as part of final resolution/close out of the complaint.

5. Record of Complaint (RoC)

- The RoC will be entered into a complaint management software database. The software database will log the issue, track process and record the action plan and resolution of an issue. The intent of this document is to have real time information logged about the complaint or concern, status and resolution. This provides a record to allow all interested/appropriate levels of managers to be kept apprised of issues.
- The RoC is maintained throughout the complaint resolution process and supports accurate data collection, timely and appropriate action and supports quality assurance and monitoring for reporting purposes. A typical RoC would include entry of the following information:
- Step 1: Nature of complaint/concern
Length of time (if applicable) of occurrence
Pertinent details – ie location of complaint
- Step 2: The Originator's contact information
Date/time for reporting the complaint/concern
Date/time of incident complaint/concern
- Step 3: Actions taken Owner of DBO
- Step 4: Outcome/resolution of issue and timing of completion
- Recommendations for future if appropriate
- Confirmation that originator has been advised as to the outcome (date/time) to ensure that calls have been tracked to completion and calls are then considered closed

6. First Responder Roles and Responsibilities

- First Responders will typically be Durham and York Region EFW Project Team members during Phase 1. When required they will direct the DBO staff to respond as First Responders - predominantly during Phase 1 construction activities and then fully transitioned by Phase 2 operations of the facility.

6.1 Description Overview

- The First Responder(s) will be trained to have a high level of project knowledge (part of the EFW Project Team) and generally be familiar with the project status.
- The First Responder(s) reports directly to the Regional Project Manager, who is accountable to Durham and York Regions.
- The Regional Project Manager co-ordinates the First Responder(s) to ensure coverage during regular business hours and the after hours process.
- The First Responder(s) is the person who receives the complaint or concern.
- The First Responder(s) assesses and assigns the complaint to one of the Complaint Resolution Teams:
 - Construction Contractor (DBO)
 - Durham/York Regions (EFW Project Team member)
 - Subject Matter Experts
- The First Responder(s) reviews the progress of the actions of the Complaints Resolution Team to ensure that issues are being resolved and that the Originator is being apprised of the action(s) taken.
- The First Responder(s) tracks the resolution of complaints or concerns and provides reports on the management of complaints or concerns in accordance with the Complaint Protocol; these reports are compiled and assessed as part of the Service Level Performance procedure

6.2 Receipt of Complaint

- The First Responder is the initial point of contact for the person registering the complaint or concern, responsible for starting the RoC process and determining the nature of the complaint. (except for complaints or concerns via telephone which will be first processed through the Call Centre toll free number)
- The RoC will be set up using a computer complaint management system with standardized questions to ensure adequate information concerning the complaint or concern is recorded to assess and determine the initial plan of action.
- The First Responder will determine if additional information is needed to assess an appropriate action or response concerning the complaint or concern. Additional information concerning the complaint or concern may necessitate further calls to the Originator or a field investigation.
- The First Responder will have communication with the job site via telephone and email.

6.3 Issue Identification & Triage

- The First Responder will initially determine if the complaint or concern is an Emergency or can be managed under a planned response.
- The Emergency Response Protocol will follow the Standard Operation Procedure (SOP) currently established by the Emergency Management Offices of Durham and York Regions or the Covanta Emergency Response Team. The First Responder will determine the appropriate emergency response to initiate based on information collected from the Originator.
- For non-emergency complaints or concerns, the First Responder will initiate the appropriate planned Action/Response steps which involves assigning the resolution of the complaint to one of the Complaint Resolution Teams
- The Ministry of Environment will be informed of all complaints that may constitute a potential adverse effect.

7. Action/Response

7.1 Description

Action/Response refers to the steps taken to address and/or resolve the Originator's complaint or concern.

Following assessment of the complaint or concern by the First Responder, all non-emergency complaints would be referred to one or more of the following complaint resolution teams:

Durham or York Region Works Department: For complaints or concerns that are directly related to the Regions integrated waste management plan, the First Responder will direct the issue to an appropriate party in the Waste Management Division for response under the current standard operating procedures. These would include issues related to blue box recycling or green bin organics programs, curbside collection issues, or any other waste related issues under the Region of Durham's jurisdiction and not directly related to the EFW facility.

EFW Project Team: complaints or concern of a specific nature may require the Proponent's to involve a Subject Matter Expert.

Durham Region Hydrogeologist

- » Complaints or concerns related to private wells will be handled through the standard Well Interference Complaint Protocol
- » Complaints or concerns related to surface water and ground water issues

HDR

- » Complaints or Concerns related to Project Oversight

DBO

- » Complaints or concerns related to detailed EFW design issues

Stantec:

- » Complaints or concerns related to ambient air monitoring
- » Complaints or concerns related to Health Risk Assessment issue

Health Department:

- » Complaints or concerns related to ambient air monitoring
- » Complaints or concerns related to Health Risk Assessment issue

Construction Contract Issues:

- For complaints or concerns that are directly related to the contractor's construction operations, the First Responder will contact the DBO Construction Project Administrator. The contract conditions include "good construction practices" to manage complaints relating to annoyance issues such as dust control, noise and vibration issues. In the event of a "health and safety" issue that may impact the public, the Contractor will be directed to immediate action to resolve these types of complaints or concerns, such as general site housekeeping, traffic control and speed, idling of vehicles, hours of operation and worker conduct/courtesy.

7.2 Examples of Non-Emergency Complaints or Concerns

	Complaint Example 1	Typical Response Time	Complaint Example 2	Typical Response Time
Issue	Dirt on road from construction vehicles near project site		Well Water complaint	
Step 1 First Responder	First Responder assigns resolution to DBO Construction Administrator. Cause identified as wheel wash out of service.	Typical investigation time 3 - 5 hours	First Responder assigns resolution to hydrogeological expert	Typical assignment to hydrogeological expert is immediate
Step 2 Resolution Team Action and Resolution	Parts ordered for back in service within one week. Alternative mitigation measures implemented to have street sweeper clean affected areas daily.	Final resolution (typically within week to replace parts and put system back in service) Interim solution (immediate action to initiate street sweeper to road cleaning)	Hydrogeological expert investigates; using previously established Well Mitigation process	Subject Matter Expert to investigate. Hydrogeological expert to investigate existing well records, contact property owner and carry out site investigation. Typical investigation 1 – 2 days.
Step 3 Monitoring, Reporting and Communications	EFW Project Team monitoring the site conditions daily. Weekly updates to be provided by Complaint Resolution Team to the Originator.	Initial communication to Originator within 24 hours of initial complaint. Weekly updates on progress of final solution.	Weekly updates to be provided by Complaint Resolution Team (hydrogeological expert) to the Originator	Initial communications to Originator at end of site investigation – typically 1 – 2 days. Weekly updates on progress of final solution.

8. Quality Assurance

8.1 Description

- Quality assurance is a management function. It is the activity that checks to determine if the process which has been set out and agreed upon has been followed. Quality assurance is performed by senior management through regular review, audits and analysis using software and dialogue with team members. In addition, during the long term Operating Phase the DBO is contractually responsible for registering and complying with ISO 14001 Environmental Management System. ISO compliance requires internal and external communications protocols and regular 3rd party audits to ensure quality assurance is maintained. In addition, the Regions will assess the DBO contractors' complaints performance as part of the Service Level Performance Incentive Program.

8.2 Process

- A regular review of the Complaint Protocol will be undertaken to determine if any changes or revisions are required. Weekly reviews will be conducted during the start up month of construction and thereafter the Complaint Protocol will be reviewed quarterly, or as required.
- The type and frequency of complaints or concerns will be reviewed weekly during the start up month of construction, and thereafter quarterly or as required to determine the need for changes to construction practices.
- High level summaries on types, time to respond, frequency charts, etc., can be provided to senior management of Durham and York Regions to confirm the effectiveness of the Complaint Management Protocol.
- EFW Advisory Committee will be provided regular summaries at each meeting on complaint resolutions.

Appendix A Complaint Form

**Appendix A
Complaint Form**

Date Received:

Received by:

Concern received by: Email Telephone Office Visit Facility Visit
 Other (please specify) _____

Complainant Contact Information (information required if a response is requested)

Name: _____

Address: _____

Telephone #: _____

Email address: _____

Complaint Details/Description:

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EFW First Responder to respond or redirect complaint/concern to appropriate party for response as per Complaint Protocol	
Response/remedial action:	
Is the concerned party satisfied with the response and follow-up? Yes <input type="checkbox"/> No <input type="checkbox"/>	
If NO, please provide reason(s):	
First Responder's Signature: _____	Date (dd-mm-yyyy): _____
Project Manager's Signature: _____	Date (dd-mm-yyyy): _____
WHEN COMPLETE, PLEASE FORWARD THIS FORM AND RELATED DOCUMENTATION TO THE (To Be Determined) FOR FILING.	

Figure 1 – Design & Construction Phase

Figure 1 – Design & Construction Phase

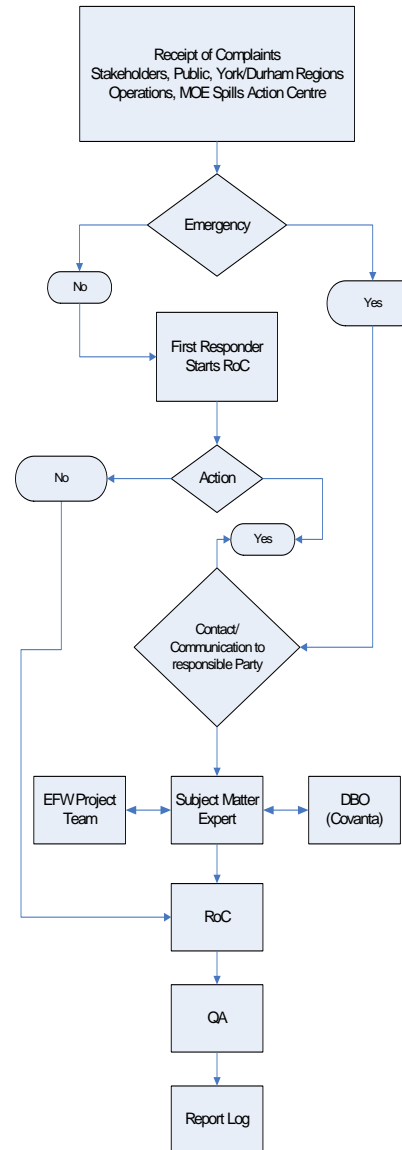
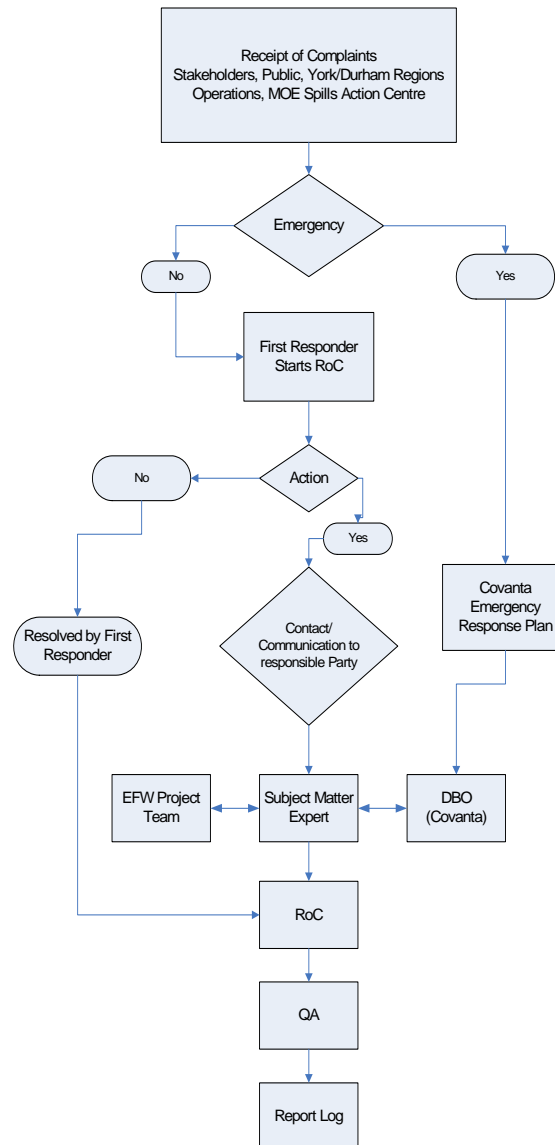


Figure 2 – Operations Phase

Figure 2 – Operations Phase



Covanta – Emergency Action Plan Reference Tool



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- 1.0 Purpose
- 2.0 Scope
- 3.0 Responsibilities
- 4.0 Situations, Assumptions, and Notification of a Emergency
- 5.0 Activating and Deactivating the Plan
- 6.0 Concepts of Operations
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- Appendix A Laying Out Organizational Responsibilities (Example Plan)
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*Example Only
To be Made Project Specific*



- Questions and Comments will be recorded for the comment/response log



Thank-you

**Durham/York Energy from Waste Complaint Protocol for
Design, Construction & Operations**

Date: 2011-01-10

Draft 1

DRAFT

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Introduction

The Minister of the Environment granted approval on November 3, 2010 of the Individual Environmental Assessment for the Energy from Waste (EFW) facility. One of the conditions of approval was the establishment of a detailed protocol to address concerns received from the public during design, construction and operation activities. Specifically, the Minister's Condition for the Complaint Protocol states that:

- 6.1 The proponent shall prepare and implement a Complaint Protocol setting out how it will deal with and respond to inquiries and complaints received during the design, construction and operation of the undertaking.
- 6.2 The Complaint Protocol shall be provided to the advisory committee for review prior to submission to the Director.
- 6.3 The proponent shall submit the Complaint Protocol to the Director within one year from the date of approval or a minimum of 60 days prior to the start of construction, whichever is earlier.
- 6.4 The Director may require the proponent to amend the Complaint Protocol at any time. Should an amendment be required, the Director will notify the proponent in writing of the required amendment and date by which the amendment must be completed.
- 6.5 The proponent shall submit the amended Complaint Protocol to the Director within the time period specified by the Director in the notice.

This document outlines the protocol on how Durham and York Regions will deal with and respond to inquiries, complaints and concerns received during the design, construction and operation of the Undertaking. The document will be posted on the EFW project website at www.durhamyorkwaste.ca.

Due to the nature of this Undertaking being a Design-Build-Operate project, for practical purposes the Complaint Protocol has been split into two phases:

Phase 1 – Design & Construction Phase

For the purposes of this document, inquiries, complaints or concerns from the public for the design and construction work is considered Phase 1 of the Complaint Protocol roll out. It is anticipated the majority of complaints or concerns arising during this phase will be related to EA follow-up, detailed design, early site investigation work, soil and groundwater investigations, heavy construction activity and project schedule. These inquiries will flow through the intake process as described in this document and be managed and directed as per this protocol. (see Figure 1)

Phase 2 – Operation Phase

Phase 2 of the Complaint Protocol will roll out as the project moves from construction and through to the Operation Phase of the Undertaking after the facility is commissioned and operating as a Waste Management Facility. At that time it is anticipated the majority of complaints or concerns will be directed to facility personnel and follow the flow chart in Figure 2 of this document. Phase 2 Complaint Protocol will develop more fully as the project progresses and be amended as required to meet the future needs.

1. Complaints Received on the Energy from Waste (EFW) Project

1.1 General Process for Receiving Complaints or Concerns

The public will be advised to provide comments, complaints and concerns directly to Durham Region and York Region through one or more of the following means: email (direct or via project website), telephone, letter or fax. It is recognized that inquiries of this nature could be received by local municipalities and the MOE Spills Action Centre. Appropriate staff at these organizations will be instructed to route these inquiries to the EFW phone number or email address for response and action.

The Complaint Protocol is to be fully implemented with staff (known as First Responders) who will be trained to respond to queries and the prescribed Complaint Protocol process. The First Responder is the initial point of contact for the person registering a complaint or concern and is responsible for starting the record of complaint process and determining the nature of the complaint. **Direct contact between the public and the Design-Build-Operator (DBO) contractor will be discouraged in order to promote direct contact between the Regions and the public. All main contact points will flow through the Region's first before being directed where appropriate to the DBO.**

The following means will be available for the public to make complaints and concerns known during the design and construction phase of the project to the EFW Project Team:

- Email: durhamyorkwaste@durham.ca
- Telephone (during business hours) – toll free 1-800-667-5671
- Telephone (during after hours) – toll free project number 1-800-667-5671 to be answered by an automated system which will direct the caller appropriately if it is an Emergency or request that the caller leave the pertinent information which will be immediately transferred as a voice recording to dedicated email addresses of the EFW Project Team.

- Letter:
The Regional Municipality of Durham
c/o EFW Project Team
605 Rossland Road
Whitby, ON L1N 6A3

OR

The Regional Municipality of York
c/o EFW Project Team
17250 Yonge St.
Newmarket, ON L3Y 6Z1

- Comment form from the project website: www.durhamyorkwaste.ca
- Fax: Durham 905-666-6206
York 905-830-6927

Note: The Municipality of Clarington and the Durham Works Depot and York Operations Centre may receive calls or emails directly related to the EFW project. In this event, these concerns or complaints will be forwarded to the EFW phone number or email address.

1.2 **Informing the Public of the Complaint Process**

Durham and York Regions have committed in the IEA to undertake a comprehensive communications program to inform the public on the various ways of providing feedback, complaints or concerns regarding design, construction and operations activities. A Communications Plan will be prepared that will include some or all of the following methods of informing the public on how to communicate with the EFW Project Team:

- Project sign boards at the construction site compound will list the toll free project number and project website
- The EFW project website will include a Complaint Form and information on the toll free project number, project addresses and contacts, fax numbers and email addresses for Durham and York Regions
- Personalized letters may be sent to the project mailing list providing details on the toll free project number, project addresses and contacts, fax numbers and email addresses for Durham and York Regions
- EFW project newsletters will be used at various stages of the preconstruction and construction phases to inform the public on design and construction activities and include information on how to contact the project team as outlined in Section 2.1

- Electronic notifications to subscribers of the EFW dedicated email and Twitter account

2. **General Description of Complaint Management Process during Phase 1, Design and Construction**

- The Complaint Protocol Process for the Design and Construction Phase is shown in Figure 1.
- All complaints received from residents and stakeholders will be centralized into one centralized complaint system managed by the Durham and York Region EFW Project Team.
- Phone complaints or concerns will be received during daytime operation hours (Monday to Friday 8:00 to 5:00) by a live operator at the Region of Durham Waste Management Call Centre (Call Centre) who will record details and log the Originators concerns before directing all EFW related complaints or concerns to an EFW Project Team member (First Responder).
- After hours calls received on the Call Centre voicemail will ask the caller to leave a detailed message with a call back number. This message will be recorded and logged into a software database and directed to dedicated email addresses of EFW Project Team Members the next business day. Emergency calls will be redirected using touch tone options to a live operator.
- Complaints and concerns submitted via email or via the comment form on the project website will receive an automated response to acknowledge receipt of the comment.
- Complaints and concerns received via correspondence (not phone or email) shall be acknowledged within one business day by the First Responder provided that contact information for the Originator is included.
- Investigation of complaints and concerns will be conducted in a timely manner, as quickly as is reasonable considering the particular situation surrounding the complaint or concern. This may include meeting with the Originator as required to investigate the background and/or origin of the issue.

- An appropriate software package will be used to manage the information related to the Record of Complaint (RoC) including key information such as:
 - Name, address and contact information (confidentiality will be protected in the event the Originator wishes to remain anonymous)
 - Nature of the complaint or concern
 - Action taken to address or respond to the issue
 - Response provided to the Originator
 - Resolution of complaint
- A quality Assurance review of the Complaint Management Process will be undertaken annually by Durham and York Regions and modified where appropriate to ensure a high level of service to the public and stakeholders on complaints and concerns.
- A summary of issues and issue resolutions will be presented as a standing item on the EFW Advisory Committee meeting agenda.

3. General Description of Complaint Management Process during Phase 2, Operations

After major construction is complete and the facility is commissioned, the DBO will become more involved as a First responder. Complaints or concerns received via the receptors indicated in Section 1.1 above will be handled in the same manner. Durham and York Region staff will direct Facility Operational complaints or concerns to the EFW Plant via the process outlined in Section 2 above. Once the Facility is operational the DBO will have direct access to the computer software database to record, track and log all complaints so the BDO can also add complaints received at the Facility into the system. The centralized system will be monitored by Durham and York Region.

3.1 Covanta Protocol for Complaint Management

3.1.1 Emergency Situations

Should the complaint relate to an emergency requiring immediate reaction or response, the complainant will be relayed to the Supervisor on Shift via telephone. Upon his/her assessment and verification, immediate actions will take place in accordance with Facility Emergency Action Plan. This plan covers the plant specific plans, appropriate notifications and additional actions beyond resolution of the emergency situation. The actual emergency action plan will be one of many plant specific safety procedures developed as part of the plant commissioning. It will be developed based on plant specific conditions in accordance with a guidance document (reference tool) developed and managed by

Covanta's Corporate Resources. A sample/example Table of Contents is attached.

3.1.2 Non-Emergency Situations

Non-emergency complaints will be routed through the Facility Manager and/or Business Manager, documented and assigned for evaluation and resolution to the appropriate facility management team member. Operational issues will be addressed by the Chief Engineer or his designee, Maintenance issues by the Facility Maintenance manager, and Health and Safety issues addressed by the Facility Environmental Engineer and/or Safety Coordinator. This will include follow-up communication with the compliant originator as appropriate. The results/resolution of the compliant will be directed through facility management as part of final resolution/close out of the complaint.

4. Record of Complaint (RoC)

The RoC will be entered into a complaint management software database. The software database will log the issue, track process and record the action plan and resolution of an issue. The intent of this document is to have real time information logged about the complaint or concern, status and resolution. This provides a record to allow all interested/appropriate levels of managers to be kept apprised of issues.

The RoC is maintained throughout the complaint resolution process and supports accurate data collection, timely and appropriate action and supports quality assurance and monitoring for reporting purposes. A typical RoC would include entry of the following information:

- Step 1: Nature of complaint/concern
Length of time (if applicable) of occurrence
Pertinent details – ie location of complaint
- Step 2: The Originator's contact information
Date/time for reporting the complaint/concern
Date/time of incident complaint/concern
- Step 3: Actions taken Owner of DBO
- Step 4: Outcome/resolution of issue and timing of completion
Recommendations for future if appropriate
Confirmation that originator has been advised as to the outcome (date/time) to ensure that calls have been tracked to completion and calls are then considered closed

5. First Responder Roles and Responsibilities

First Responders will typically be Durham and York Region EFW Project Team members during Phase 1. When required they will direct the DBO staff to respond as First Responders - predominantly during Phase 1 construction activities and then fully transitioned by Phase 2 operations of the facility.

5.1 Description Overview

- The First Responder(s) will be trained to have a high level of project knowledge (part of the EFW Project Team) and generally be familiar with the project status.
- The First Responder(s) reports directly to the Regional Project Manager, who is accountable to Durham and York Regions.
- The Regional Project Manager co-ordinates the First Responder(s) to ensure coverage during regular business hours and the after hours process.
- The First Responder(s) is the person who receives the complaint or concern.
- The First Responder(s) assesses and assigns the complaint to one of the Complaint Resolution Teams:
 - Construction Contractor (DBO)
 - Durham/York Regions (EFW Project Team member)
 - Subject Matter Experts
- The First Responder(s) reviews the progress of the actions of the Complaints Resolution Team to ensure that issues are being resolved and that the Originator is being apprised of the action(s) taken.
- The First Responder(s) tracks the resolution of complaints or concerns and provides reports on the management of complaints or concerns in accordance with the Complaint Protocol; these reports are compiled and assessed as part of the Service Level Performance procedure

5.2 Receipt of Complaint

- The First Responder is the initial point of contact for the person registering the complaint or concern, responsible for starting the RoC process and determining the nature of the complaint. (except for complaints or concerns via telephone which will be first processed through the Call Centre toll free number)

- The RoC will be set up using a computer complaint management system with standardized questions to ensure adequate information concerning the complaint or concern is recorded to assess and determine the initial plan of action.
- The First Responder will determine if additional information is needed to assess an appropriate action or response concerning the complaint or concern. Additional information concerning the complaint or concern may necessitate further calls to the Originator or a field investigation.
- The First Responder will have communication with the job site via telephone and email.

5.3 Issue Identification & Triage

- The First Responder will initially determine if the complaint or concern is an Emergency or can be managed under a planned response.
- The Emergency Response Protocol will follow the Standard Operation Procedure (SOP) currently established by the Emergency Management Offices of Durham and York Regions or the Covanta Emergency Response Team. The First Responder will determine the appropriate emergency response to initiate based on information collected from the Originator.
- For non-emergency complaints or concerns, the First Responder will initiate the appropriate planned Action/Response steps which involves assigning the resolution of the complaint to one of the Complaint Resolution Teams
- The Ministry of Environment will be informed of all complaints that may constitute a potential adverse effect.

6. Action/Response

6.1 Description

- Action/Response refers to the steps taken to address and/or resolve the Originator's complaint or concern.
- Following assessment of the complaint or concern by the First Responder, all non-emergency complaints would be referred to one or more of the following complaint resolution teams:
 - *Durham Region Works Department:* For complaints or concerns that are directly related to Durham Regions integrated waste management plan, the First Responder will direct the issue to an appropriate party in the Waste Management Division for response under the current standard operating procedures. These would include issues related to blue box recycling or green bin organics programs, curbside collection issues, or any other waste related issues

under the Region of Durham's jurisdiction and not directly related to the EFW facility.

- *York Region Environmental Services Department*: For complaints or concerns that are directly related to York Regions integrated waste management plan, the First Responder will direct the issue to an appropriate party in the Waste Management Program Planning & Policy Division for response. These would include issues related to blue box recycling or green bin organics programs, curbside collection issues, or any other waste related issues under the Region of York's jurisdiction and not directly related to the EFW facility.
- *EFW Project Team*: complaints or concern of a specific nature may require the Proponent's to involve a Subject Matter Expert.
 - Durham Region Hydrogeologist
 - Complaints or concerns related to private wells will be handled through the standard Well Interference Complaint Protocol
 - Complaints or concerns related to surface water and ground water issues
 - HDR
 - Complaints or Concerns related to Project Oversight
 - DBO
 - Complaints or concerns related to detailed EFW design issues
 - Stantec:
 - Complaints or concerns related to ambient air monitoring
 - Complaints or concerns related to Health Risk Assessment issue
 - Health Department:
 - Complaints or concerns related to ambient air monitoring
 - Complaints or concerns related to Health Risk Assessment issue

- Construction Contract Issues:
 - For complaints or concerns that are directly related to the contractor’s construction operations, the First Responder will contact the DBO Construction Project Administrator. The contract conditions include “good construction practices” to manage complaints relating to annoyance issues such as dust control, noise and vibration issues. In the event of a “health and safety” issue that may impact the public, the Contractor will be directed to immediate action to resolve these types of complaints or concerns, such as general site housekeeping, traffic control and speed, idling of vehicles, hours of operation and worker conduct/courtesy.

6.2 Examples of Non-Emergency Complaints or Concerns

	Complaint Example 1	Typical Response Time	Complaint Example 2	Typical Response Time
Issue	Dirt on road from construction vehicles near project site		Well Water complaint	
Step 1 First Responder	First Responder assigns resolution to DBO Construction Administrator. Cause identified as wheel wash out of service.	Typical investigation time 3 - 5 hours	First Responder assigns resolution to hydrogeological expert	Typical assignment to hydrogeological expert is immediate
Step 2 Resolution Team Action and Resolution	Parts ordered for back in service within one week. Alternative mitigation measures implemented to have street sweeper clean affected areas daily.	Final resolution (typically within week to replace parts and put system back in service) Interim solution (immediate action to initiate street sweeper to road cleaning)	Hydrogeological expert investigates; using previously established Well Mitigation process	Subject Matter Expert to investigate. Hydrogeological expert to investigate existing well records, contact property owner and carry out site investigation. Typical investigation 1 – 2 days.
Step 3 Monitoring, Reporting and Communications	EFW Project Team monitoring the site conditions daily. Weekly updates to be provided by Complaint Resolution Team to the Originator.	Initial communication to Originator within 24 hours of initial complaint. Weekly updates on progress of final solution.	Weekly updates to be provided by Complaint Resolution Team (hydrogeological expert) to the Originator	Initial communications to Originator at end of site investigation – typically 1 – 2 days. Weekly updates on progress of final solution.

7. Quality Assurance

7.1 Description

Quality assurance is a management function. It is the activity that checks to determine if the process which has been set out and agreed upon has been followed. Quality assurance is performed by senior management through regular review, audits and analysis using software and dialogue with team members. In addition, during the long term Operating Phase the DBO is contractually responsible for registering and complying with ISO 14001 Environmental Management System. ISO compliance requires internal and external communications protocols and regular 3rd party audits to ensure quality assurance is maintained. In addition, the Regions will assess the DBO contractors' complaints performance as part of the Service Level Performance Incentive Program.

7.2 Process

- A regular review of the Complaint Protocol will be undertaken to determine if any changes or revisions are required. Weekly reviews will be conducted during the start up month of construction and thereafter the Complaint Protocol will be reviewed quarterly, or as required.
- The type and frequency of complaints or concerns will be reviewed weekly during the start up month of construction, and thereafter quarterly or as required to determine the need for changes to construction practices.
- High level summaries on types, time to respond, frequency charts, etc., can be provided to senior management of Durham and York Regions to confirm the effectiveness of the Complaint Management Protocol.
- EFW Advisory Committee will be provided regular summaries at each meeting on complaint resolutions.

Appendix A

Complaint Form

Date Received:

Received by:

Concern received by: Email Telephone Office Visit Facility Visit
Other (please specify)

Complainant Contact Information (information required if a response is requested)

Name:

Address:

Telephone #:

Email address:

Complaint Details/Description:

Appendix B

Complaint Log

To be developed once appropriate software is determined

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Figure 1 – Design & Construction Phase

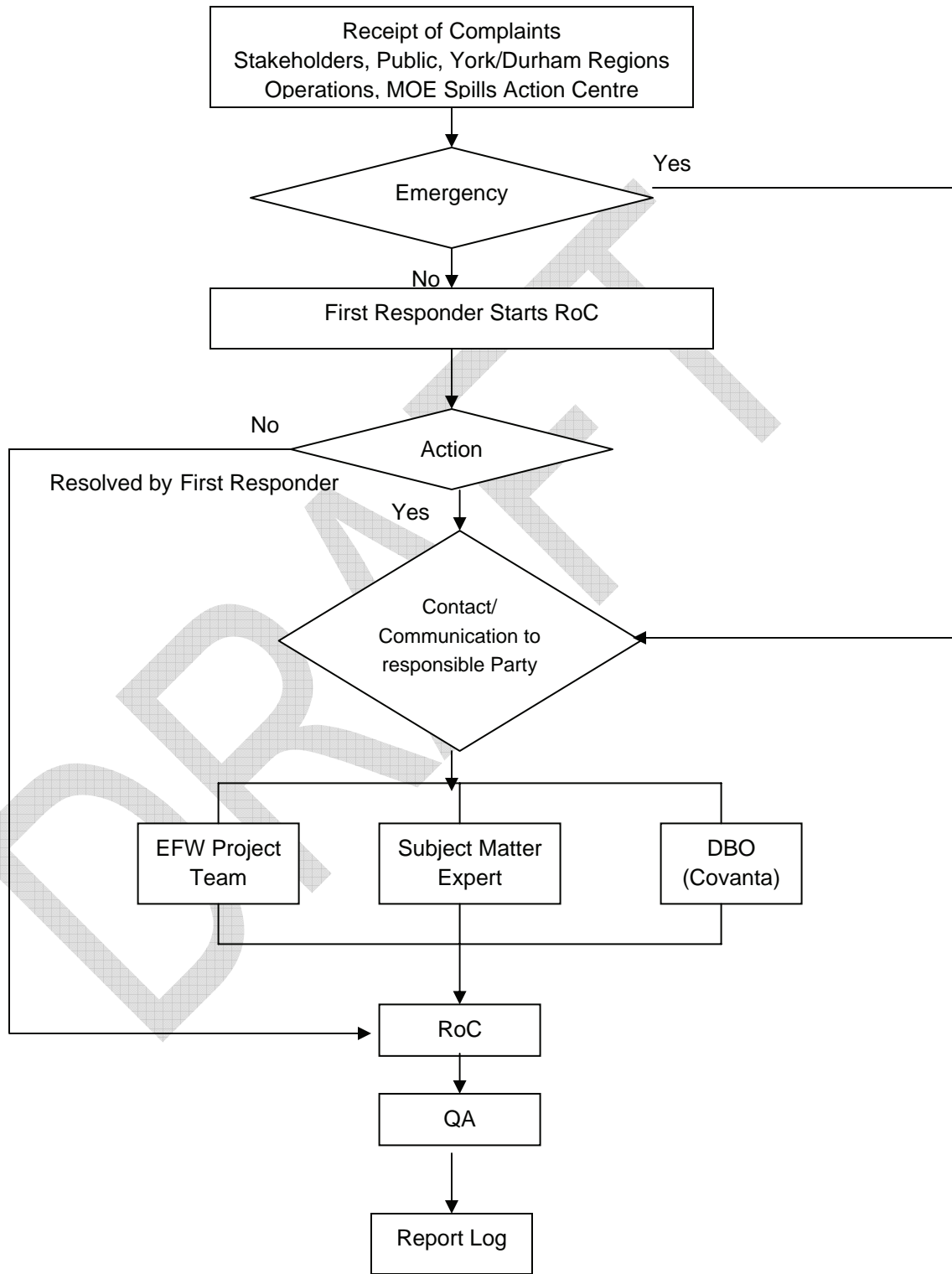
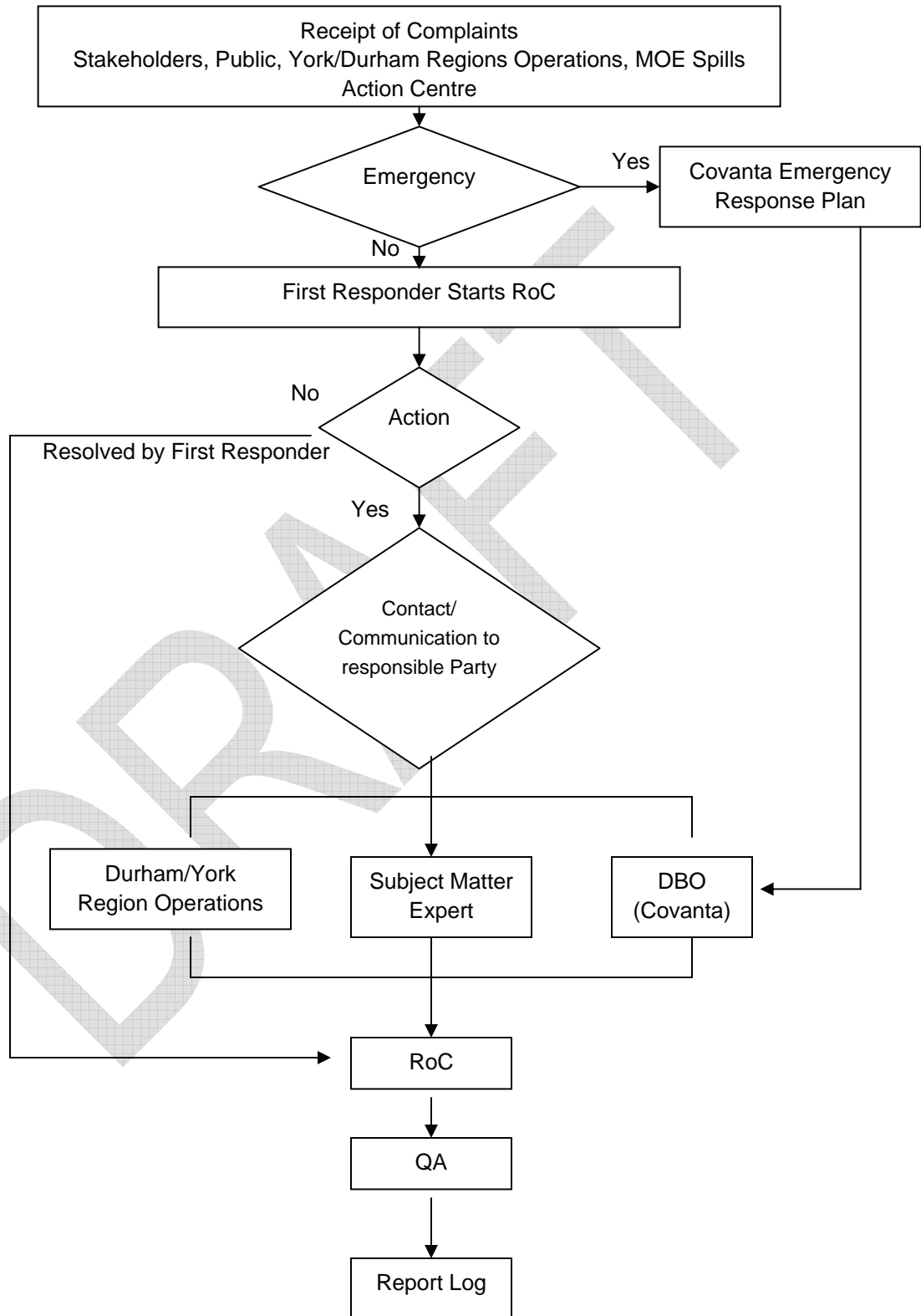


Figure 2 – Operations Phase



Appendix C



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- 3.0 Responsibilities
- 4.0 Situations, Assumptions, and Notification of a Emergency
- 5.0 Activating and Deactivating the Plan
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- 8.0 Organization/Responsibilities
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- Appendix H Facility Contact List Appendix
 - H.1 Corporate Contact List

Example Only
To be Made Project Specific



Energy from Waste Advisory Committee

Terms of Reference

(Per the Minister of the Environment's Conditions)

1. Purpose

The Energy from Waste (EFW) Advisory Committee (EFWAC) is established to provide a forum for the transfer of information between the facility design, build, operate (DBO) contractor, various stakeholders including The Regional Municipality of Durham (Durham) and The Regional Municipality of York (York) and the public during three distinct phases of the projects: design, construction and operation of the plant.

Mandate

Pursuant to Condition 8 of the Minister of the Environment's (Minister) Notice of Approval, the purpose of the EFWAC is to ensure that concerns about the design, construction and operation of the undertaking are considered and mitigation measures are implemented where appropriate. Additionally, EFWAC will discuss any other related strategic waste diversion and management issues.

2. Scope of Activities

The issues that the EFWAC may discuss and address information relevant to the Durham and York's (Regions) EFW facility include:

- a) Compliance Monitoring Program required by Condition 4;
- b) Annual Compliance Report required by Condition 5;
- c) Complaint Protocol required by Condition 6;
- d) Community Communications Plan required by Condition 7;
- e) The Annual Reports required by Condition 10;
- f) Ambient Air Monitoring and Reporting Plan required by Condition 11;
- g) Air Emissions Monitoring Plan required by Condition 12;
- h) Written report prepared and signed by the qualified professional required by Condition 16.5;
- i) Spill Contingency and Emergency Response Plan required by Condition 17;
- j) Odour Management and Mitigation Plan and the Odour Management and Mitigation Monitoring Reports required by Condition 18;
- k) Noise Monitoring and Reporting Plan required by Condition 19;

- l) Groundwater and Surface Water Monitoring Plan, the results of the groundwater and surface water monitoring program, the annual report on the results of the groundwater and surface water monitoring program required by Condition 20;

3. Membership and Code of Conduct

3.1 Membership

As per Conditions 8.3, 8.4, 8.5, the Minister has mandated that the Regions invite the following to participate on the Committee.

The EFWAC shall be comprised of one representative from each of the following:

- a) Each of the lower tier municipalities in the Regional Municipality of Durham
- b) Each of the lower tier municipalities in the Regional Municipality of York
- c) A staff member each from the Municipalities of Durham and York Regions
- d) Central Lake Ontario Conservation Authority
- e) DurhamCLEAR
- f) Durham Environmental Watch
- g) Zero Waste 4 Zero Burning

3.2 Invitations to attend EFWAC meetings will be provided to the following:

- Staff representative from Durham and York's Health Departments
- Staff representative from the Municipality of Clarington
- Staff representative from the Ministry of the Environment

3.3 Code of Conduct

In accordance with Condition 8.10, Committee members, guests and the facilitator shall:

- Strive to attend all meetings (excluding guests).
- Declare any situation which is, or has the potential to be, a conflict of interest before agenda items are presented.
- Carry out their functions with integrity, and act in the best interests of the mandate and the Minister's Conditions.

- Act responsibly and fairly with the care, diligence and prudence of a reasonable individual.
- Respect all viewpoints and follow rules of decorum.
- Ensure opinions expressed outside the Committee represent personal viewpoints versus those of the Committee.
- Not use any information provided to the Committee for personal gain.

3.4 Call for Membership

A letter will be sent to the Directors in each of the lower tier municipalities in Durham and York inviting them to select a member and an alternate to represent their seat. The non-government agencies will also be sent letters to the respective Administrator advising them of their seats as participants on the Committee.

4. Expectations of Committee Members/Roles

Durham and York acknowledge that membership on the Committee does not constitute support for the approved undertaking.

Members are expected to:

- Participate voluntarily.
- Adhere to the code of conduct (Section 3.3).
- Provide advice that is reflective of the views of the organization and/or the community to which they belong; members may actively solicit the viewpoints of their organization or community.
- Uphold the Committee purpose.
- Become familiar with what is in the approved Final Residual Waste Study Environmental Assessment Report and the Minister's Conditions.
- Make presentations if/where required.

In the assurance of the Minister's Conditions, the Committee shall:

- Review the implementation of the undertaking and provide advice to help ensure that the commitments made by the proponents in the approved Environmental Assessment are being met.
- Not be used as a venue for review of the decisions associated with the approved undertaking.
- Not be an approval body or steering committee.

- Not be a forum to solicit data or information on matters outside the mandate of the Committee.

5. Expectation of the Facilitator/Roles

In contrast to the previous Energy from Waste Site Liaison Committee established for the Environmental Assessment, the new Committee meetings will be lead by a facilitator instead of a Chair, to ensure they are efficient and effective. The facilitator will be appointed by Durham and York and can be removed or replaced only by the Regions. The facilitator is expected to:

- Provide guidance and support to the committee in setting meeting agendas and determining the frequency of meetings.
- Manage the meetings and adherence to protocols.
- Ensure the committee adheres to the mandate and that discussions are focused and in-scope.
- Moderate the discussion to ensure a balanced and inclusive exchange of ideas.
- Encourage advice and feedback from all members.
- There will be a no tolerance rule for members who make it difficult for others to have their opinions heard.
- Support and guide the Committee in determining options for managing disruptions to meetings.
- Call the meeting to a close if meeting etiquette can not be maintained.
- Periodically review and evaluate the membership. Membership will be evaluated based on the ability of members to carry out advisory duties, attendance and whether the current membership continues to meet the needs and requirement of fulfilling the Committee mandate and the Minister's Conditions.

6. Expectation of the Project Team (DBO contractor and Durham and York project team staff)

- Appoint a senior team member(s) to be a regular resource person at Committee meetings to provide project updates and respond to Committee questions and comments.
- Appoint a facilitator to ensure guidance, support and to maintain constructive meetings.

- Appoint a staff liaison to the EFWAC to provide administrative, procedural and technical support to the EFWAC. Durham liaison will be responsible for minutes, agendas, uploading meeting minutes, coordinating flow of information and other information which is deemed important to the project website
- Coordinate the attendance of other specialists as required to address specific issues or reports. Upon request, the representatives of the DBO Contractor and governmental / regulatory bodies shall ensure that all studies and other information relevant to the EFWAC's mandate are made available to the EFWAC.
- As per Condition 8.2 d) and Condition 5, the project team shall prepare an annual report summarizing the activities completed by the EFWAC.

7. Alternates and Resignations

Alternates can be replaced by the member's organization at any time.

If a member's alternate is present at a meeting at the same time as the member, the alternate will be an observer and not have speaking rights.

If an alternate is present at the meeting representing the member, the alternate will be assumed to be speaking on behalf of the member.

Resignations shall be given in writing to the facilitator.

8. Protocol for Disseminating and Review of Information

8.1 Meetings

As per Section 8.9 of the Minister's Conditions, the initial meeting is to take place within three months of the date of Environmental Assessment approval, on or about February 19, 2011. Meetings should be held more frequently through the design and construction stages.

- The EFWAC shall meet annually at a minimum, with one meeting scheduled after the DBO emissions and compliance reports have been released and reviewed by members. The EFWAC will establish a meeting schedule at its inaugural meeting. The EFWAC shall provide Durham and York with a meeting schedule once times and dates have been established.
- Meetings will take place during business hours, Monday to Friday from 8:30 a.m. to 4:30 p.m. Meeting dates must be determined such that they are synchronized with other committees.

- The meeting location may be subject to change once the EFW facility is operational and providing space is available.
- All meetings will be closed to the public. Only members, alternates, invited representatives, and guests making presentations may attend meetings.
- Meetings will follow a format of: review of comments from previous meeting, presentation, comments and questions.

8.2 Minutes

- Minutes will be taken for each meeting.
- Previous minutes will be circulated and reviewed prior to the subsequent meeting.
- Minutes will be approved at the subsequent meeting.
- Once the minutes have been reviewed and approved by the Committee, they should be forwarded posted on the project website. Final versions of other Committee materials will also be posted on the project website, within two weeks.
- Issues requiring follow-up will be addressed at the next meeting.

8.3 Agendas

- Final agendas will be circulated prior to the meetings.
- Agendas will be prepared for all meetings.
- Agendas will include a prescribed duration for discussion of items.
- Final agendas will be posted on the project website.

8.4 Presentations and Discussions at Meetings

- A quorum is not necessary for meetings to proceed.
- Significant reports and documents tabled for discussion at meetings will include a presentation by the DBO Contractor or designate
- Each meeting will include an agenda item for review of community feedback, concerns and complaints and complaint resolution.
- Where there is a need for further review and/or comment on reports or documents, members will be asked to provide comments two weeks prior the next meeting so that the DBO contractor or designate will have the opportunity to review and respond at the next meeting.

- The Committee will review member suggestions for invited guests who might make a presentation on a topic that is in keeping with the Committee mandate and the Minister's Conditions.
- Presentations should be vetted to the facilitator prior to the meeting two weeks in advance.
- One presentation should be included per meeting, limited to 15 minutes.
- The Committee facilitator will inform members of all requests for presentations during regular meetings.
- The facilitator will provide members or guests making presentations with advice, guidance and constructive suggestions on presentation content and materials.

9. EFWAC Dissolution

The Committee can be dissolved at any time by the members in recognition that there is no need to continue, having fulfilled the Minister's Conditions or upon the decommissioning of the facility.

Meeting #2 Agenda

Energy from Waste Advisory Committee Annual Report



AGENDA

EFW Advisory Committee (EFWAC) Meeting #2 April 11, 2011

EFW Advisory Committee (EFWAC)	
SUBJECT	Meeting #2
MEETING DATE	Tuesday, April 11, 2011, 10:00 a.m. – 1:00 p.m.
LOCATION	Regional Municipality of Durham HQ 605 Rossland Road East, Whitby, Meeting Room LL-C
The focus of this meeting will be on the Certificate of Approval Applications. Sue Cumming will overview Facilitator's Commitment and Committee Ground Rules. Meeting notes from the first meeting held on January 20, 2011 will be confirmed. These are included with the agenda. Please direct any comments or clarifications to Sue Cumming prior to the meeting. The Certificate of Approval Applications are posted on the web site at www.durhamyorkwaste.ca Future meeting dates will be discussed with the possibility of holding some as evening meetings.	<ol style="list-style-type: none">1. Welcome and Introduction (10:00 a.m.)2. Meeting Purpose and Committee Organization (10:15 a.m.)<ul style="list-style-type: none">• Facilitators Commitment and Committee Ground Rules• Acceptance of January 20, 2011 Meeting Notes• Selection of EFWAC representative to attend Ambient Air Monitoring and Reporting Working Group3. Presentation on Certificate of Approval Application (10:45 a.m.)<p>Representatives from Covanta and Golder Engineering will provide a short presentation to the Committee on the Certificate of Approval Applications. Comments and questions would be received and discussed.</p>4. Next Steps and Topics for Meetings (12:30 p.m.)<ul style="list-style-type: none">• Discussion of topics for next few meetings• Set next two meeting dates. Review of schedule, time of day and opportunity for holding some as evening meetings5. Meeting Adjourns (1:00 p.m.)

Please contact Facilitator Sue Cumming, MCIP RPP, Cumming+Company at 866 611-3715 or cumming1@total.net with any questions

Meeting #2 Correspondence

Energy from Waste Advisory Committee Annual Report

April 4, 2011

Good afternoon EFWAC Members:

Below and attached, please find correspondence on behalf of the Durham/York Energy from Waste Project Team.

Also attached, please find the distribution lists of the EFWAC Members and Alternates, and Observers and Regional Project Team Members who are in receipt of this correspondence.

On November 19, 2010, the Minister of the Environment (MOE) gave approval under the Ontario Environmental Assessment (EA) Act to proceed with the undertaking entitled the Durham and York Residual Waste Study. One of the conditions of this EA approval is to develop and implement an Ambient Air Monitoring and Reporting Plan. Towards this end, the MOE has tasked the Regions to establish a working group that will provide advice on the development of the Ambient Air Monitoring and Reporting Plan.

Section 11.3 The proponent shall establish a working group that will provide advice on the development of the Ambient Air Monitoring and Reporting Plan. The Regions will, at a minimum, extend an invitation to Health Canada, the Durham Region Health Department, York Region Public Health Services, one participant from the advisory committee, and any other relevant federal or provincial government agencies including the ministry.

The project team requests that the Municipality of Clarington representative be considered as the EFWAC participant on this Working Group. Please be aware that the EA approval condition 8.8, requires the proponents to provide a copy of the Ambient Air Monitoring and Reporting Plan to the EFWAC for information. The EFWAC may review the Ambient Air Monitoring and Reporting Plan and provide comments to the proponent.

The first meeting is scheduled to occur prior to the end of April 2011 at the Durham Region headquarters in Whitby. Teleconferencing will also be arranged to accommodate off-site participants. Additional details regarding the meeting will be forwarded once attendance is confirmed.

The project team seeks your concurrence for selecting the Municipality of Clarington representative as the EFWAC participant on this Ambient Air Monitoring and Reporting Plan Working Group. Should you have any objections to this, please contact Facilitator Sue Cumming, MCIP RPP, Cumming+Company at 866 611-3715 or cumming1@total.net at your earliest convenience.

From: "Linda Gasser" <gasserlinda@gmail.com>
To: "Melodee Smart" <Melodee.Smart@durham.ca>
CC: "Alex VanSteen" <Alex.VanSteen@durham.ca>, <"Regional Clerk, Durham" ...
Date: 2:05 PM Thursday, May 19, 2011
Subject: Comments : DRAFT Minutes from EFWAC Meeting #2 held April 11, 2011

Good Afternoon:

Below are my comments regarding the draft minutes for second EFWAC meeting.
I also have a question at the end of this message.

Page 1 -first sentence in last paragraph:

" Legal counsel advised that the ToR were drafted pursuant to the
Environmental
Assessment (EA) Conditions of Approval for the EFW."

Knowing that the above statement was not correct because what is specified
in EA condition 8.9 did not occur, at the meeting after Chamberlain's
"opinions", I drew the committee's attention to condition 8.9 of the EA
Approval, which states: " At the first meeting, the advisory committee
shall develop a Terms of Reference outlining the governance and function of
the advisory committee".

Recall it was the proponents who developed the draft ToR and there was
limited discussion at the first meeting of the ToR, with committee members
directed to provide individual comments to the Project Team about concerns
with the ToR. The proponents revised the ToR in isolation as THEY saw fit,
and while provided with a copy of the revised draft ToR for information, the
revised ToR was not brought back to the EFW AC to adopt, reject or modify.

Furthermore, I specifically requested that there be a clear process for the
EFW AC committee to amend the ToR, since development of the ToR was done by
the proponents, with any authority around ToR development or future
amendment, essentially removed from the Committee. It was clear to
committee members that MoE was the ultimate approval body for the ToR.

These specific comments should be contained in the minutes as they were made
at the meeting and with Chamberlain's comments essentially responding to
those concerns.

Page 2, paragraph 3:

At the firstmeeting this was discussed, however, upon review of the comments
submitted by
members on the ToR, the project team was satisfied that the current
membership
was sufficient and met MOE project approval requirements."

The above sentence requires clarification or possible correction, as a
review of the extract of Draft ToR comments from members provides no
evidence that anyone but the proponent thinks membership is sufficient and
furthermore, no reason for their decision was provided. Because EFW AC
members provided comments directly to the project team (not possible to
determine from how many members comments were provided), I can only rely on

a project team created extract to determine how this issue was addressed. Condition 8.6 clearly contemplates inviting additional members i.e. additional to those representatives mandated by Condition 8 of EA approval.

Page 2, paragraph 4

Legal counsel also noted that any suggestion the proponent constituted the committee incorrectly was inaccurate. The Regions created the ToR in accordance with the requirements set out in the EA Conditions."

As noted above, at the meeting legal counsel's attention was specifically drawn to the specific conditions regarding membership and ToR development. It is my opinion that his comments are NOT consistent with conditions 8.6 and 8.9 re committee membership and ToR development.

Page 4, paragraph 3:

The facilitator noted that due to time constraints any questions that do not get answered during this question period can be sent to her. She will compile the questions for the project team to answer formally. Legal Counsel advised that comments and questions should be sent directly to the MOE on the C of A Applications.

I had to leave the meeting at 12:15 and don't know when the above comment was made. Prior to my leaving, the facilitator made clear that members could submit questions to her to be answered by the Project Team, with responses to be then shared with all EFW AC members. Legal counsel's comment here appear inconsistent with what was decided at the meeting i.e. that, EFW AC members could send the project team questions further to the C of A as there was not enough time at the meeting to ask them all.

Members are clearly aware that they can submit comments/questions to MoE in addition, should they so choose. Some clarification or context for legal counsel's comment is required should what is now written in the draft minutes actually be what he said.

Page 5 - paragraph 2

"The 56,000 tonnes noted in the CofA application represents the maximum possible residue for a year, taking into account worst case facility outage scenarios. The typical annual residue is much lower, in the 30% range of incoming waste, and it is Covanta's responsibility to dispose it."

I asked this question and don't recall this as being the responses provided - I asked the question before leaving the meeting and received a response-but not the one shown in the draft minutes.

I asked for a breakdown of how they got to 56,000 tonnes e.g. ash bottom and fly, reagents and what else would be included. What is the calculation that

adds these "outage residuals" to those specified process residuals? That was included in my list of questions to the project team.

Page 5, paragraph 4:

"The project team noted that many of the questions being raised were already raised during delegations to Council and will be answered formally. The project team will provide EFWAC members these questions and answers."

In the minutes, the Project Team should indicate when responses to those questions would be provided so that readers might know when this could be expected.

Page 6, Paragraph 5

"It was requested that the Regions prepare a schedule for deliverables to make scheduling meetings easier and that reports should be brought to the EFWAC as draft so the committee can provide input before submission. The project team agreed that some items may be brought to the EFWAC in draft form to allow for comments from members"

What would be the purpose of EFW AC commenting on "final" documents i.e. those already submitted to MoE?
Should not all the documents listed in Condition 8.8 brought to EFWAC for comment be considered "draft" in that EFW AC comments would be considered by Project Team PRIOR TO submitting these to MoE?

I believe this needs to be clarified - perhaps at a subsequent meeting or some context for that response provided in these minutes.

As a general comment, here was nothing on the agenda to indicate legal counsel would be attending the meeting, especially since the issue of the ToR was not on the agenda.

His name is not shown on the Project Team participants' list provided at the meeting, though in the draft minutes he is identified as Project Team member. If Chamberlain is to be considered a member of the project team who may attend from time to time, he should be clearly identified as such prior to the meetings.

If he is to be a guest, then when the draft agenda is provided, members should be alerted to the fact that legal counsel would be attending and advised for what purpose. If advised in advance (e.g. via draft agenda) legal counsel would attend, EFW AC members could then prepare specific questions for him, similar to what occurs with other guests /speakers.

Regards.

Linda Gasser
ZeroWaste4ZeroBurning
905-665-5789

-----Original Message-----

From: Melodee Smart [mailto:Melodee.Smart@durham.ca]

Sent: Tuesday, May 03, 2011 1:03 PM

Cc: Alex VanSteen; Regional Clerk, Durham; Susan Cumming; Regional Clerk, York

Subject: DRAFT Minutes from EFWAC Meeting #2 held April 11, 2011

Good afternoon,

I forward the following message on behalf of Sue Cumming, Facilitator, Cumming+Company.

To EFWAC Members from Sue Cumming, Facilitator, Cumming+Company:

Attached please find the draft minutes from the meeting held on April 11, 2011. Kindly advise Sue Cumming by email of any clarifications or corrections at your earliest convenience. We would like to confirm these minutes by May 20th and will send out the final version the week following.

Sue Cumming, MCIP RPP
Cumming+Company
866 611-3715

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From: "Kerry Meydam" <ksam2@rogers.com>
To: "Melodee Smart" <Melodee.Smart@durham.ca>
CC: "Alex VanSteen" <Alex.VanSteen@durham.ca>, "Regional Clerk, Durham" <cle...>
Date: 10:03 AM Friday, May 20, 2011
Subject: Re: DRAFT Minutes from EFWAC Meeting #2 held April 11, 2011

Below you will find my comments on the draft minutes from EFWAC Meeting #2, held on April 11, 2011.

Page 1, Section 3

Re ToR for EFWAC. There was never a full acceptance of Draft or Revised ToR by the Committee. No opportunity to vote on the finalized version (finalized by the Proponents, not by the Committee), and I brought this up at the meeting during discussion of the minutes from Meeting #1.

Discussion also ensued re Section 8.9 of the Minister's Conditions of Approval which states, "At the first meeting, the advisory committee shall develop a Terms of Reference outlining the governance and function of the advisory committee." It was the Proponents who developed the Draft and Final ToR (not the Committee), with the Advisory Committee only allowed to make comments and with no approval of the draft or final version by the Committee. This was discussed at Meeting #1 and not even allowed to see the final version prior to its submission to the Ministry. The Proponents decided which comments should be incorporated into their final version without Committee approval. This was discussed at Meeting #2 and is not captured in the minutes. No resolution was agreed upon.

Page 2, Section 3 continued

Addition of members or possible change to the make-up of the committee had been requested at the first meeting of EFWAC, and while the proponents decided the make-up was sufficient, the committee never agreed with this, and when it was brought up at Meeting #2, the only answer from the Proponents was that they were satisfied with it. It appears the Proponents and not the Committee have total control over this committee, and this did not appear to be the intent of the minister in his conditions of approval. Condition 8.6 in the Conditions of Approval states, "The proponent may also invite other stakeholders to participate in the committee, including, but not limited to, interested members of the public, Aboriginal communities, and other federal or provincial agencies." This would be in addition to the member requirements set out in sections 8.3, 8.4, 8.5 of the Conditions of Approval. This was never addressed to the satisfaction of committee members, to my knowledge, at Meeting #1, Meeting #2 or in the Proponent's ToR.

Page 4, Section 5

"The facilitator noted that due to time constraints any questions that do not get answered during this question period can be sent to her. She will compile the questions for the project team to answer formally. Legal Counsel advised that comments and questions should be sent directly to the MOE on the C of A Applications."

This paragraph is not clear. DEW and I believe the other public representatives have sent further questions to the Facilitator so that the project team could answer them formally in writing. To date no response from the project team has been received. The last sentence from Legal Counsel makes it unclear whether the Proponents will answer questions from the Committee after the fact, or whether the Project Team wants comments and questions instead to be sent directly to the MoE on the C of A Applications.

We are submitting comments directly to MoE as well, but does this nullify the commitment made at Meeting #2 that the proponents would answer questions sent to them through the Facilitator? This should be clarified in the Minutes. Also mention of when responses from the Project Team may be anticipated.

Page 6, Section 6

"The MOE's decision regarding the issuance of the various CofAs is anticipated by

June of this year. If members would like to formally comment on the document they should communicate directly with the MOE as the EFWAC does not have a role in the CofA application process.”

If the role of EFWAC is to “ensure that concerns about the design, construction and operation of the undertaking are considered and mitigation measures are implemented where appropriate”, (Section 8.1 of Minister’s Conditions of Approval), what good does it do if EFWAC doesn’t receive the documentation for required specific Plans prior to their submittal to MoE? If our purpose is to advise the Proponents on the documents listed in section 8.8, shouldn’t EFWAC meetings be scheduled prior to their submission and approval, rather than after?

According to the Agenda for Meeting #2, point 4 included “Set next two meeting dates. Review of schedule, time of day and opportunity for holding some as evening meetings.”

Dates for further meetings were not set and the Project Team decided that only “some” items may be brought to EFWAC in draft form to allow for comments from members.

Also contained in section 6:
“The next report draft, Ground Water and Surface Water Monitoring, will be ready within the next month.”

Has this report been sent out yet to EFWAC members as I have not received it yet.

Question - has the Storm water CofA application been approved by MoE already as we have been told it has been?

Thanks.

Kerry Meydam
Durham Environment Watch

From: Melodee Smart
Sent: Tuesday, May 03, 2011 1:03 PM
Cc: Alex VanSteen ; Regional Clerk, Durham ; Susan Cumming ; Regional Clerk, York
Subject: DRAFT Minutes from EFWAC Meeting #2 held April 11, 2011

Good afternoon,

I forward the following message on behalf of Sue Cumming, Facilitator, Cumming+Company.

To EFWAC Members from Sue Cumming, Facilitator, Cumming+Company:

Attached please find the draft minutes from the meeting held on April 11, 2011. Kindly advise Sue Cumming by email of any clarifications or corrections at your earliest convenience. We would like to confirm these minutes by May 20th and will send out the final version the week following.

Sue Cumming, MCIP RPP
Cumming+Company
866 611-3715

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June 2, 2011

Ms. Agatha Garcia-Wright, Director
Environmental Assessment and Approvals Branch
Ministry of the Environment
2 St. Clair Avenue West, 12A Floor
Toronto, ON M4V 1L5

Dear Ms. Garcia-Wright:

**RE: Durham/York Energy from Waste Project
Energy from Waste Advisory Committee (EFWAC) Membership
MOE File No.: EA-08-02**

In the Notice of Approval to Proceed with the Undertaking for the amended Environmental Assessment for the Durham and York residual waste study, Condition 8.7 indicates that "A representative from the ministry shall be invited to attend meetings as an observer." At the last Energy from Waste Advisory Committee (EFWAC) meeting held April 11, 2011, a request was made that the proponents apply to the Ministry of the Environment (MOE) for an amendment that would revise this condition to indicate that a representative from the MOE shall be invited to participate on the advisory committee.

It was the opinion of several members of the EFWAC, that a MOE representative should be available at each meeting to interpret the intent of the Environmental Assessment Conditions.

We are available to meet and discuss this request at your convenience. Should you require additional information, please contact Mr. Gioseph Anello, Manager of Waste Planning and Technical Services at (905) 668-4113 ext. 3445.

Sincerely,

Mirka Januszkiewicz, P.Eng.
Director, Waste Management
The Regional Municipality of Durham

Laura McDowell, P.Eng.
Director, Environmental Promotion
and Protection
The Regional Municipality of York

- c. G. Sones, Director, Central Region, Ministry of the Environment
D. Dumais, Director, Approvals Program, Ministry of the Environment

Ministry of the Environment

Ministère de l'Environnement

Environmental Assessment and
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Direction des évaluations et des
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WASTE MANAGEMENT
RECEIVED

JUL 11 2011

WORKS
DEPT.

June 22, 2011

TO: Ms. Mirka Januszkiewicz, P. Eng
Director, Waste Management
The Regional Municipality of Durham
605 Rossland Road East
Whitby ON L1N 6A3

Ms. Laura McDowell, P.Eng
Director, Environmental Promotion and Protection
The Regional Municipality of York
17250 Yonge Street
Newmarket ON L3Y 6Z1

RE: Durham and York Energy from Waste Project
Energy from Waste Advisory Committee Membership

Dear Ms. Januszkiewicz and Ms. McDowell:

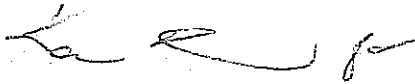
Thank you for your letter of June 2, 2011 in which you outline a request to potentially amend Condition 8.7 of the Durham and York Residual Waste Study Amended Environmental Assessment (EA) Notice of Approval. The purpose of the amendment would allow the Regions of Durham and York (Regions) to invite a representative from this ministry to participate on the Energy from Waste Advisory Committee (EWAC) as a committee member instead of participating only as an observer.

As a condition of *Environmental Assessment Act* (EAA) approval, the Minister of the Environment required that the Regional Municipalities of Durham and York (Regions) establish an advisory committee. The purpose of the advisory committee is to ensure that concerns about the design, construction and operation of the undertaking are considered and mitigation measures are implemented where appropriate.

Condition 8.7 of the Notice of Approval requires that the Regions invite a representative from this ministry to attend the EWAC meetings as an observer. The purpose of this is to allow this ministry to observe the proceedings of committee meetings to ensure that the ministry's expectations are being met.

I regret to inform you that under the EAA the Minister cannot amend a Notice of Approval. Therefore your request cannot be considered. Regardless, if the EWAC members would find it beneficial, the ministry would be pleased to have a representative from the Environmental Assessment and Approvals Branch attend a meeting of the EWAC to discuss the EA Conditions of Approval. I invite your offices to contact Ms. Ariane Heisey, Supervisor of the Environmental Assessment Project Coordination Section of this ministry's Environmental Assessment and Approvals Branch to arrange such an opportunity. Ms. Heisey can be reached by phone at 416-314-7241 or by e-mail at ariane.heisey@ontario.ca.

Yours sincerely,



Agatha Garcia-Wright
Director
Environmental Assessment and Approvals Branch

Replies to questions dated April 18, 2011, following EFWAC Meeting #2 held April 11, 2011.

1) Is there any sort of inventory or even an estimate of how much of those materials destined to become 'Hazardous and Special Waste' exists in the community and hence will eventually enter in the waste stream?

If so, how much?

Although the Regions do not have data on the total amount of hazardous materials sold in the province, we have undertaken a number of measures to quantify the amount of MHSW materials in the waste stream which are included in the response to question 3 below.

2) How much of the following materials are purchased into the Durham & York Regions market each year: a) Fluorescent bulbs (including CFLs), b) mercury containing batteries, c) cadmium containing batteries, d) lead containing batteries, e) chemical pesticides, fungicides & herbicides?

The Regions do not have access to purchased MHSW materials in the province however steps have been taken to attempt to quantify what MHSW materials exist in the residual waste stream, please see question 3 for more information. .

3) Are there any thorough waste inventories or waste audits (performed to the level that small batteries or CFLs would be identified and counted) in Durham or York Region or in an area which would likely have a similar waste profile?

If so, what quantities of the above listed hazardous products, as well as other mercury and heavy metal containing products (e.g. mercury thermometers, thermostats) were found?

There are many return to retail initiatives such as used paints to Home Depot, CFL's to Canadian Tire that augment the Region's extensive MHSW program. These programs do not provide information back to municipalities.

Durham:

The Region of Durham conducted an audit in 2009 to support a clear bag for garbage pilot project in Courtice and Pickering. The audit recorded any HHW material found within the waste stream although it did not segregate the HHW by specific material type such as batteries and CFLs.

As part of the additional 22 gal containers only blue box delivery in the fall 2010, a comprehensive waste audit was conducted pre roll out in 10 different neighbourhoods consisting of 1,000 total households each.

The capture results from the waste audit are illustrated in the following table:

Table 1: Region of Durham June 2010 Pre Roll out HHW

HHW Type	Durham Audited HHW % of Garbage Stream
Batteries	0.08%
Paint & Stains	0.27%
Motor Oil	0.03%
Other HHW Liquids	0.01%
Other HHW (incl. CFLs)	0.05%
Total	0.44%

York Region:

The Region has four MHSW depots which accept waste from residents: East Gwillimbury, Georgina, Markham, and Vaughan. Together these facilities diverted 1,635 tonnes of MHSW from disposal in 2010.

York Region has included audit data from waste audits performed in Richmond Hill in 2008 which indicates that a relatively low 0.47% of the residual waste stream is MHSW materials. When this factor is applied to 2010 total waste generation it indicates that 543 tonnes of HHW exist in the residual waste stream. This equates to a capture rate of 75% by the York Region MHSW depot system.

Richmond Hill Audit Data:

HHW Type	York (RH) Audited HHW % of Garbage Stream
Batteries	0.18%
Paint & Stains	0.00%
Motor Oil	0.09%
Other HHW Liquids	0.00%
Other HHW (incl. CFLs)	0.12%
Total	0.47%

The Region of York will be conducting a four season waste audit as a part of the Integrated Waste Management Master Plan over the next year. This will include an updated analysis of MHSW materials in the various waste streams and is expected to be completed in mid-2012.

4) What quantities of the listed hazardous waste products have been deposited at Durham's and York's waste depots in the last several years? - broken down by year and location?

A table has been attached which provides a summary of the various MHSW materials collected at the Region of Durham and Region of York Waste Management facilities in 2009, 2010 and 2011 to date.

5) What quantities of listed hazardous waste products have been deposited at various waste events in Durham & York over the last several years? - broken down by year and location?

See Attached Table.

6) How and where are these products disposed of by the respective regions?

Materials collected from Durham Region's MHSW program are disposed of through our collection and disposal contractor – Buckham Transport.

Materials collected at York Region facilities are collected, transported, and managed by our MHSW contractor Hotz Environmental.

REGION OF DURHAM - WASTE MANAGEMENT
YEARLY HAZARDOUS WASTE BREAKDOWN

ALL SITES

Year: 2009

Material Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Yearly Tonnage Totals
Antifreeze 212L	1.84	0.41	1.67	1.06	4.30	2.24	3.26	1.54	1.89	2.82	0.00	0.64	21.86
Antifreeze Lab Packed 212L	0.17	0.00	0.17	0.34	0.17	0.43	0.34	0.34	0.34	0.17	0.17	0.17	2.81
Automotive Batteries 148A	4.15	0.44	5.49	7.36	18.21	6.29	13.85	12.05	7.81	5.06	0.00	10.00	90.71
Automotive Fluid Containers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CFL's	0.00	0.00	0.00	0.00	0.00	0.00	0.50	0.29	0.00	0.10	0.00	0.00	0.89
Compressed Gases/Aerosols 3311	0.77	0.34	0.77	1.62	1.87	2.13	2.47	1.96	2.04	2.30	1.70	1.28	19.21
Corrosive Acids 114C	0.17	0.00	0.09	0.17	0.43	0.26	0.34	0.09	0.26	0.34	0.26	0.17	2.55
Corrosive Bases 122C	0.77	0.43	0.77	1.11	1.28	1.28	1.62	0.94	1.02	1.53	1.45	0.85	13.01
Dry Cell Batteries 122C	2.56	0.96	1.28	1.60	0.96	2.24	1.92	2.24	2.24	2.88	1.60	2.56	23.04
Fire Extinguishers 331R	0.00	0.24	0.09	0.09	0.09	0.59	0.74	0.00	0.09	6.80	0.81	0.00	9.51
Flammable Miscellaneous 263B	3.66	1.62	3.32	5.70	7.14	6.63	6.89	5.70	7.48	9.69	6.80	4.76	69.36
Fluorescent Light Bulbs 146T	0.25	0.20	0.75	0.54	0.88	0.40	0.42	3.69	0.29	0.45	0.22	0.35	8.43
Freon Extracted	0.00	0.09	0.00	0.00	0.64	0.13	0.00	0.00	0.12	0.01	0.00	0.00	0.98
Fuel Bulked 2211	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Latex Paint Bulked 145L	0.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.78
Latex Paint Lab Packed 145L	19.64	9.18	16.66	19.81	21.25	18.96	28.99	20.57	20.57	19.38	27.20	19.04	241.23
Mercury Switches	0.04	0.01	0.00	0.00	0.01	0.01	0.03	0.00	0.04	0.02	0.01	0.01	0.18
Ni-cad Batteries	0.00	0.08	0.13	0.09	0.09	0.26	0.09	0.04	0.04	0.19	0.00	0.00	1.00
Oil Filters	0.55	0.52	0.89	0.41	1.58	0.71	1.07	0.55	1.23	0.85	0.33	0.33	8.99
Oil Paint Bulked 145B	0.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.26
Oil Paint Lab Packed 145B	6.04	4.25	6.97	5.61	7.31	9.44	8.42	7.65	7.99	8.84	9.35	5.78	87.64
Oxidizers 1481	0.68	0.00	0.43	0.85	1.02	1.11	1.62	1.02	1.28	1.11	1.28	0.60	10.97
Pails	0.00	0.00	0.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.90
Paint Reuse	2.10	7.80	6.30	9.30	9.90	10.80	9.60	10.50	11.10	8.10	8.70	5.10	99.30
PCBS 243D	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pesticides 242A	0.26	0.26	0.26	0.85	0.85	1.02	0.77	0.60	1.02	1.11	1.02	0.51	8.50
Pharmaceuticals 261A	0.12	0.03	0.00	0.00	0.01	0.09	0.04	0.09	0.04	0.09	0.00	0.02	0.52
Propane Tanks Lab Packed 3311	0.00	0.00	6.38	0.00	0.00	0.00	0.00	3.60	0.00	0.00	4.25	0.00	14.23
Propane Tanks - Simcoe Energy	0.00	0.00	0.40	3.61	6.95	6.39	5.58	5.49	3.17	6.01	4.86	2.96	45.39
Sharps 312P	0.00	0.00	0.08	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.05	0.00	0.17
Solvents Lab Packed 2131	0.17	0.17	0.00	0.43	0.26	0.60	1.45	0.51	0.43	0.09	0.00	0.00	4.08
Solvents Bulked 2131	0.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.30	0.52	0.26	0.52	2.86
Waste Oil - 254L	5.18	3.97	14.82	17.97	25.34	18.46	27.08	17.72	27.46	18.34	19.05	18.83	214.21
Monthly Totals	50.38	30.98	68.56	78.47	110.50	90.41	117.04	97.19	99.23	96.77	89.35	74.46	1003.34

05/07/2011 8:33

ALL SITES

REGION OF DURHAM - WASTE MANAGEMENT
YEARLY HAZARDOUS WASTE BREAKDOWN

Year: 2010

Material Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Yearly Tonnage Totals
Antifreeze 212L	0.00	1.42	2.59	3.86	0.00	1.83	0.00	2.64	3.79	2.02	6.18	0.00	24.30
Antifreeze Lab Packed 212L	0.09	0.09	0.09	0.34	0.26	0.34	0.26	0.09	0.26	0.34	0.34	0.09	2.55
Automotive Batteries 148A (112C)	3.17	3.43	0.00	10.14	9.63	0.00	8.74	5.84	8.13	10.54	8.61	0.00	68.22
Automotive Fluid Containers	0.00	0.00	0.03	0.00	0.76	1.49	1.51	1.07	1.79	1.41	1.53	1.06	10.62
CFL's 146T	0.08	0.00	0.00	0.00	0.08	0.00	0.00	0.00	0.08	0.20	0.48	0.00	0.92
Compressed Gases/Aerosols 3311	0.94	0.77	1.53	2.04	1.79	2.81	2.21	2.72	2.81	1.87	1.70	1.28	22.44
Corrosive Acids 114C	0.09	0.09	0.00	0.09	0.00	0.09	0.00	0.00	0.09	1.19	0.68	0.26	2.55
Corrosive Bases 122C (121C)	0.68	0.34	0.17	0.26	0.00	0.77	0.17	0.17	0.26	8.25	1.28	0.85	13.18
Dry/Cell Batteries 122C	0.64	1.28	0.00	0.00	0.00	0.96	0.00	0.96	0.64	11.52	6.40	1.60	24.00
Fire Extinguishers 331R	0.09	0.00	0.32	0.00	0.00	0.71	0.08	0.00	0.00	0.30	0.00	0.00	1.50
Flammable Misc L.P. 263B (213B)	2.55	3.23	5.02	8.50	7.14	8.33	6.29	7.14	16.15	10.80	7.06	3.91	86.11
Flammable Misc Pails 263B (213B)	0.00	0.00	0.00	0.00	0.00	6.00	8.55	7.10	7.75	8.73	2.38	3.28	43.78
Fluorescent Light Bulbs 146T	0.32	0.32	0.00	0.56	0.49	0.09	0.00	0.06	0.14	0.77	0.93	0.23	3.90
Freon Extracted 3311													0.00
Fuel Bulked 2211	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fuel Bulked 2211	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Latex Paint Bulked 145L	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Latex Paint Lab Packed 145L	15.30	13.52	15.30	27.03	17.60	23.21	28.73	20.40	19.72	19.64	22.27	17.26	239.96
Latex Paint Pails 145L	0.00	0.00	0.75	5.64	2.73	7.32	5.97	5.04	5.85	3.54	4.56	3.46	44.88
Mercury Switches 146T	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.02
Ni-cad Batteries 122C	0.29	0.08	0.28	0.35	0.21	0.17	0.00	0.00	0.00	0.00	0.00	0.00	1.35
Oil Filters (252L)	2.40	0.40	2.00	1.00	0.60	1.68	0.60	0.60	2.00	1.80	0.40	1.20	14.48
Oil Paint Bulked 145B	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Oil Paint Lab Packed 145B	5.53	10.80	4.17	8.42	6.46	9.88	10.29	8.08	8.59	7.57	13.09	6.38	99.20
Oil Paint Pails 145B (148A)	0.00	2.40	0.78	1.56	0.75	2.43	1.53	0.87	1.47	1.29	2.49	0.42	15.99
Oxidizers 1481	0.43	0.34	0.34	0.85	0.94	1.11	0.94	1.36	1.19	0.94	0.94	0.51	9.86
Pails	0.66	0.00	0.00	0.00	0.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.87
Paint Reuse	3.50	3.25	7.50	8.13	9.30	9.50	9.75	8.00	7.75	9.25	1.50	3.00	80.43
PCBS 243D	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pesticides 242A	0.34	0.26	0.26	1.02	0.51	1.11	0.60	1.02	1.11	0.85	0.94	0.60	8.59
Pharmaceuticals 261A	0.06	1.20	0.00	0.06	0.04	0.16	0.00	0.01	0.00	0.00	0.00	0.00	1.54
Propane Tanks Lab Packed 3311	0.00	0.00	0.00	0.00	0.09	4.12	5.14	0.00	0.00	5.13	0.00	0.00	14.47
Propane Tanks - Simcoe Energy	1.80	1.47	3.09	2.96	6.48	6.36	7.45	6.18	3.02	5.37	5.91	2.69	52.86
Sharps 312P	0.00	0.04	0.00	0.00	0.00	0.05	0.06	0.00	0.00	0.06	0.00	0.00	0.20
Solvents Lab Packed 2131	0.00	0.00	0.00	0.09	0.00	0.17	0.34	0.00	0.09	0.00	0.17	0.00	0.86
Solvents Bulked 2131	0.26	0.00	0.52	0.78	0.78	1.30	0.78	0.78	0.52	0.00	0.78	0.00	6.50
Waste Oil - 254L	5.43	16.83	18.66	30.88	31.12	21.38	12.78	30.18	27.38	28.19	32.17	16.45	271.45
Monthly Totals	44.73	61.50	63.38	114.53	97.96	113.30	112.74	110.29	120.54	141.32	122.75	64.50	1167.5

05/07/2011 8:34
Phase 1 materials for Stewardship Program

Solvents 2131 and Flammable Miscellaneous 263B are combined for the MHSW data call.

Region of Durham - Waste Management
Yearly Hazardous Waste Breakdown
All Sites - 2011

Material Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Yearly Tonnage Totals
Antifreeze 212L	0.00	1.85	0.00	4.84	4.06	2.33	0.00	0.00	0.00	0.00	0.00	0.00	13.08
Antifreeze Lab Packed 212L	0.09	0.09	0.17	0.17	0.00	0.34	0.00	0.00	0.00	0.00	0.00	0.00	0.85
Automotive Batteries 148A (112C)	7.03	2.21	1.30	8.62	0.00	9.67	0.00	0.00	0.00	0.00	0.00	0.00	28.83
Automotive Fluid Containers	1.09	0.56	1.13	1.72	1.74	1.72	0.00	0.00	0.00	0.00	0.00	0.00	7.96
CFL's 146T	0.08	0.16	0.08	0.08	0.08	0.19	0.00	0.00	0.00	0.00	0.00	0.00	0.67
Compressed Gases/Aerosols 331I	7.74	0.77	1.11	1.96	2.04	3.15	0.00	0.00	0.00	0.00	0.00	0.00	16.75
Corrosive Acids 114C	0.09	0.00	0.09	0.26	0.17	0.26	0.00	0.00	0.00	0.00	0.00	0.00	0.85
Corrosive Bases - Lab Packed - 122C (121C)	0.85	0.51	0.77	1.19	1.28	1.53	0.00	0.00	0.00	0.00	0.00	0.00	6.12
Dry Cell Batteries 122C - Lab Packed	1.28	0.64	1.60	2.24	2.56	2.56	0.00	0.00	0.00	0.00	0.00	0.00	10.88
Fire Extinguishers 331R	0.00	0.09	0.09	0.00	0.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.01
Flammable Misc L.P. 263B (213I)	3.66	2.13	3.91	6.29	7.48	8.16	0.00	0.00	0.00	0.00	0.00	0.00	31.62
Flammable Misc Pails 263B (213I)	1.20	0.23	1.63	2.33	2.90	2.15	0.00	0.00	0.00	0.00	0.00	0.00	10.43
Fluorescent Light Bulbs 146T	0.37	0.46	0.34	1.77	0.50	0.39	0.00	0.00	0.00	0.00	0.00	0.00	3.82
Dry Cell Batteries 122C - Pails	0.00	0.00	0.00	0.00	0.00	0.10	0.00	0.00	0.00	0.00	0.00	0.00	0.10
Corrosive Bases Pails - 122C	0.00	0.00	0.03	0.13	0.00	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.23
Latex Paint Lab Packed 145L	13.35	5.61	16.92	20.57	29.24	16.66	0.00	0.00	0.00	0.00	0.00	0.00	102.34
Latex Paint Pails 145L	2.93	1.43	2.58	3.05	3.95	5.10	0.00	0.00	0.00	0.00	0.00	0.00	19.03
Mercury Switches 146T	0.00	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01
Ni-Cad Batteries (Rechargeables) 122C	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Oil Filters (252L)	0.40	1.00	0.20	0.60	0.80	1.80	0.00	0.00	0.00	0.00	0.00	0.00	4.80
Oil Paint Lab Packed 145B	5.27	2.04	4.68	6.80	10.12	5.70	0.00	0.00	0.00	0.00	0.00	0.00	34.60
Oil Paint Pails 145B	0.55	0.15	0.65	0.68	0.60	1.20	0.00	0.00	0.00	0.00	0.00	0.00	3.83
Oxidizers - Lab Packed - 148I (148A)	0.17	0.17	0.43	0.77	0.85	1.62	0.00	0.00	0.00	0.00	0.00	0.00	4.00
Oxidizers Pails 148I	0.00	0.00	0.03	0.03	0.00	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.13
Paint Reuse	2.25	1.25	6.25	6.00	9.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00
Pesticides 242A	0.17	0.17	0.51	0.51	0.77	1.19	0.00	0.00	0.00	0.00	0.00	0.00	3.32
Pharmaceuticals 261A	0.13	0.00	0.20	0.13	0.18	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.65
Propane Tanks Lab Packed 331I	0.00	0.00	0.00	0.26	0.00	0.34	0.00	0.00	0.00	0.00	0.00	0.00	0.60
Propane Tanks - Simcoe Energy	0.37	0.00	2.33	3.06	5.98	7.88	0.00	0.00	0.00	0.00	0.00	0.00	19.62
Sharps Biomedical 312P	0.01	0.00	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.02
Sharps Lab Packed 213I	0.00	0.00	0.00	0.09	0.17	0.26	0.00	0.00	0.00	0.00	0.00	0.00	0.51
Solvents Bulk Packed 213I	0.26	0.00	0.00	0.78	0.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.30
Waste Oil - 254L	11.41	5.91	18.95	30.51	30.52	32.82	0.00	0.00	0.00	0.00	0.00	0.00	130.11
Corrosive Acids 114C - Pails	0.00	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.03
Totals	60.71	27.40	65.92	105.42	116.32	107.26	0.00	0.00	0.00	0.00	0.00	0.00	483.03

July 5, 2011
Phase 1 materials for Stewardship Program
Solvents 213I and Flammable Miscellaneous 263B are combined for the MHSW data call.

YORK REGION MSHW 2009 SUMMARY	Collected Amount (Kg)				
	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
Aerosols (331)	6224.4	10077.6	12,942.80	10374	39,618.8
Aliphatic Solvents (e.g. antifreeze) (212L)	1200	4800	5,000.00	3800	14,800.0
Car Batteries (16kg/battery) (112C)	11460	21948.44	27,275.36	24620	85,303.8
Dry Cell Batteries - Mixed Primary & Secondary (7010	9453.54	9,449.61	7791.353	33,704.5
Fire Extinguishers (331)	97.2	2.7	256.50	159.3	515.7
Fluorescent Lamps (146T)	100	511.8	899.00	834.6	2,345.4
Fluorescent Lamps (146T) (tubes)	526.12	784.84	1,486.24	1010.415	3,807.6
Freon & Compressed Gas (331) (helium)	190.68	417.68	522.16	181.6	1,312.1
Freon & Compressed Gas (331) (Acetylene, O ₂ , CO ₂)	0	163.56	0.00	18.16	181.7
Inorganic Acids (148A)	395.2	494	790.40	592.8	2,272.4
Inorganic Bases (148A)	2667.6	6026.8	7,607.60	8595.6	24,897.6
Inorganic Oxidizers (148A)	2074.8	4248.4	5,730.40	5137.6	17,191.2
Mercury Switches (146)	0	0	0.00	0	-
Organic Chemicals (263A)	32487	61005	75,558.00	69090	238,140.0
Organic Chemicals (263A)	10407.6	25872	39,013.80	34633.2	109,926.6
Paints (145H)	124950	206829	246,666.00	205506	783,951.0
Paints (145H)	15846.6	27459.6	30,193.80	21726.6	95,226.6
Pesticides (242A)	1482	4791.8	4,940.00	4643.6	15,857.4
Pharmaceuticals (10kg/pail) (261A)	1086.8	2272.4	2,074.80	1778.4	7,212.4
Propane Cylinders (single use, 1 lb) (331)	1000	1600	3,050.00	2250	7,900.0
Propane Tanks (>1 lb & <200 lbs) (331)	2887.44	8934.72	10,632.68	8907.48	31,362.3
Propane Tanks (>1 lb & <200 lbs) (331)	100	463.56	200.00	150	913.6
Syringes (312P)	252	370	324.00	370	1,316.0
Used Oil Filters (252L)	1632	1904	2,040.00	2176	7,752.0
Waste Oil (252T, 252L)	21828	47570	47,698.00	40724	157,820.0
Waste Oil (252T, 252L)	300	100	300	0	700.0
TOTALS	246,205.44	448,101.44	534,651.15	455,070.71	1,684,028.74

YORK REGION MSHW 2010 SUMMARY	Collected Amount (Kg)				
Description	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
Aerosols (331)	6,619.60	12,251.20	11,600.00	9,100.00	39,570.80
Aliphatic Solvents (e.g. antifreeze) (212L)	1,800.00	5,000.00	4,600.00	4,200.00	15,600.00
Car Batteries (16kg/battery) (112C)	15,424.00	26,163.55	27,696.00	24,600.00	93,883.55
Dry Cell Batteries - Mixed Primary & Secondary (148A)	5,935.44	10,451.55	9,007.00	9,007.00	34,400.99
Fire Extinguishers (331)	105.30	189.00	175.50	351.00	820.80
Fluorescent Lamps (146T)	966.80	1,611.60	1,315.40	921.80	4,815.60
Fluorescent Lamps (146T) (tubes)	1,083.04	1,511.44	1,445.64	1,406.44	5,446.56
Freon & Compressed Gas (331) (helium)	581.12	1,380.16	1,450.00	1,260.00	4,671.28
Freon & Compressed Gas (331) (Acetylene, O ₂ , CO ₂)	250.00	168.04	190.00	-	608.04
Inorganic Acids (148A)	592.80	1,284.40	10.00	1,100.00	2,987.20
Inorganic Bases (148A)	6,224.40	12,053.60	10,400.00	9,000.00	37,678.00
Inorganic Oxidizers (148A) fertilizers	3,062.80	6,224.40	6,400.00	5,200.00	20,887.20
Mercury Switches (146)	-	-	-	-	-
Organic Chemicals (263A)	47,922.00	94,962.00	58,800.00	48,000.00	249,684.00
Organic Chemicals (263A)	16,199.40	35,809.20	22,820.00	17,740.00	92,568.60
Paints (145H)	154,203.00	239,169.00	160,700.00	132,400.00	686,472.00
Paints (145H)	16,522.80	26,224.80	19,920.00	14,400.00	77,067.60
Pesticides (242A)	3,359.20	5,928.00	6,100.00	4,100.00	19,487.20
Pharmaceuticals (10kg/pail) (261A)	1,877.20	3,161.60	2,160.00	1,600.00	8,798.80
Propane Cylinders (single use, 1 lb) (331)	1,250.00	2,500.00	2,050.00	1,500.00	7,300.00
Propane Tanks (>1 lb & <200 lbs) (331)	2,769.40	11,976.52	13,920.00	8,270.00	36,935.92
Propane Tanks (>1 lb & <200 lbs) (331)	50.00	350.00	-	-	400.00
Syringes (312P)	243.00	432.00	315.00	252.00	1,242.00
Used Oil Filters (252L)	1,496.00	2,448.00	1,700.00	1,600.00	7,244.00
Waste Oil (252T, 252L)	31,343.00	52,065.00	47,442.00	45,188.00	176,038.00
Waste Oil (252T, 252L)	-	200.00	-	-	200.00
empty containers			5,381.00	5,271.00	10,652.00
TOTALS	319,880.30	553,515.06	415,597.54	346,467.24	1,635,460.14

YORK REGION MSHW 2011 SUMMARY	Collected Amount (Kg)				
	1st Quarter	2nd Quarter (June Data Not Available)	3rd Quarter	4th Quarter	Total
Paint: Alkyd and Latex - Labpack	82,800	90,500			173,300
Paint: Alkyd and Latex - 20 L Pails	8,680	11,180			19,860
Organic Chemicals - Methyl Hydrate - Labpack	27,900	35,000			62,900
Organic Chemicals - Methyl Hydrate - 20 L Pails	7,940	13,080			21,000
Waste Motor Oil - Bulked	22,028	37,157			59,185
Waste Motor Oil - Labpack	0	0			0
Aliphatic Solvents Antifreeze - Bulked	1,600	2,400			4,000
Aliphatic Solvents Antifreeze - Labpack	0	0			0
Bulk Fuel	0	0			0
Pesticides - Chlordane	1,900	2,900			4,800
Aerosols	6,600	8,200			14,800
Inorganic Acids - Muriatic Acids	500	600			1,100
Inorganic Bases - Sodium Hydroxide (S or L)	6,600	6,700			13,300
Inorganic Oxidizers - Nitrates	2,400	3,800			6,200
Pharmaceuticals	1,520	1,280			2,800
Needles and Syringes	243	189			432
Motor Oil Filters	800	1,400			2,200
Mercury Switches & Thermometers	0	0			0
Fire Extinguishers	410	653			1,064
Fluorescent Lamps (Tubes)	1,046	1,059			2,104
Fluorescent Bulbs (Compact bulbs)	636	943			1,579
Dry Cell Batteries - Mixed Prim & Sec	7,175	7,013			14,187
Propane Cylinders (1 lb)	2,000	2,900			4,900
Propane Tanks	2,034	5,666			7,700
Compressed Gasses	708	872			1,580
TOTALS	185,520	233,471	0	0	418,991

Replies to questions dated April 20, 2011, following EFWAC Meeting #2 held April 11, 2011.

Stormwater

At April 11th meeting I believe EFWAC members were advised that Stormwater C of A approved? ?

What date approval recvd and is there any opportunity for EFWAC/stakeholders to provide comments that could affect what approved, or not?

EFWAC members were advised the Stormwater CofA application data was complete and accepted for review by the MOE. The actual stormwater CofA is part of the comprehensive multi-media CofA which was approved June 28, 2011.

Ambient Air Monitoring Plan and Working Group –EA Approval Condition 11

G. Anello advised that first meeting of AAWG will be April 28th.

Per Cond. 11.3, which provincial and federal agencies were invited to participate in AAWG and which accepted to participate in this Working Group?

*Health Canada – declined to attend
Ontario Agency for Health Protection and Promotion – accepted
Ministry of Environment – accepted District representative
Region of York and Durham Works/Health Departments - accepted
Clarington - accepted
EFWAC representatives – accepted*

Will AAWG develop a draft plan or will they comment/respond to a draft plan developed by Proponents? Will there be meeting summaries that could be provided to, and reviewed by, the EFWAC together with draft plan which should come to EFWAC for comment as per condition 8.8, prior to being submitted to MoE?

Working Group met on April 28, 2011 and reviewed the draft Ambient Air Monitoring plan that was prepared by the Project Team. The Draft supplied was based on the MOE standard guidelines for ambient air monitoring plans, with specific focus on the COPC's relevant to the EFW facility. Comments/advice were provided by the committee members and were assessed and incorporated where appropriate into the next plan for further review by the committee. As required under condition 11.1, the draft plan was submitted to the MOE to commence the consultation process. The revised draft plan will be submitted to the EFWAC members for information. EFWAC members may review and provide comments to the proponents.

As per Cond. 11.2, AA Monitoring Plan (AAMP) to be submitted to MoE **nine months prior to construction** or by other date agreed to by MoE. York staff report 1 Jan.27.2011 in Section 4 (no page numbers) states that:

“Assuming that the plan can be submitted by the end of January 2011, construction could start by November 2011 – a six months delay from the contractor’s current estimated start of construction. The submission deadlines may be revised if agreed to in writing by the Director, or in some cases the Regional Director. To minimize delays to the construction process, Staff recommend petitioning the Director with authority to amend the dates as soon as the plans are submitted.”

What is the expected date the AAMP would be brought to EFWAC for review?

The draft AAMP is expected to be distributed to the EFWAC July 8.

What is expected date of submission to MoE?

The draft AAMP will be sent to the MOE concurrently with the EFWAC as part of the ongoing consultation process.

Is the Project Team planning to petition the Director to amend the submission date requirement for AAMP and to what date?

The EFWAC was previously advised that the project team has requested the MOE to use the authority granted in the EA condition to amend the submission date.

EA Approval Conditions – Plans’ submission deadlines

Many plans Project Team must submit to MoE have prescribed deadlines.

When can the EFWAC expect to be able to review and comment on the plans not yet brought forward as set out in Condition 8.8?

Currently, the Air Emissions Monitoring Plan (Condition 12) and Ground Water & Surface Water Monitoring (Condition 20) have been submitted to the EFWAC. Subsequently the Odour Management and Mitigation Plan (Condition 18), Emissions Monitoring Plan (Condition 12) and Noise Monitoring and Reporting Plan (Condition 19) will be submitted to the EFWAC in the summer period. The remaining plans are under development.

Does Project Team plan to petition MoE to alter deadlines specified in EA approval for any other plans in addition to AAMP? If yes, please specify which plans and to what dates.

The EFWAC was previously advised that the project team has requested the MOE to use the authority granted in the EA condition to amend several submission dates.

Zoning -Pg.4 of DOR and Pg. 5 of Waste Application

Pg. 4 of DOR states: *“ In general, the official plan and zoning designations of this site permits a waste to energy facility. Amendments to the Reg. Mun. of Durham OP, the Mun. of Clarington OP (and*

corresponding Secondary Plan) and the Mun. of Clarington Zoning By-Law 8463 are not required to permit the proposed municipal Facility. The Reg. Mun. of Durham signed a Community Host Agreement with the Mun. of Clarington to host the facility.” (abbreviations are mine)

Pg. 5 Waste Application indicates Proponents have received municipal zoning confirmation re site. What date was that confirmation written/received and from whom and in what form?

See below

Sec. 13 of Host Community Agreement refers to Clarington considering the incinerator a “public use” and that it would not be necessary to amend Clarington OP or Zoning by-law.

Sec. 23 C 1 of ZB definitions specifically excludes a waste incineration from several industrial zoning designations and Sec. 3.18 does not specify York Region as meeting definition of public use.

Secondary Plan – August 2010 (after HCA executed Feb. 2010) Sec. 3.62 indicates that WTE facilities, small scale electrical generationmay be permitted in Light Industrial 2 Areas by site specific zoning and amendments, subject to detailed study.....

Appendix F to Air & Noise application provides Aug. 24.2010 Letter from MoE to Covanta. Bullet 4 states:

“Correct land use file was provided by the Ministry of the Environment under a confidential memorandum.” Why would a land use document be confidential?

The above statement is from an acknowledgement from the MOE (R. Bloxam) that Covanta/Golder have used the MOE developed landuse data set as part of request to use an alternative model (i.e. CALPUFF). The land use data is for meteorological and air quality simulations using the CALPUFF model. The landuse data is a digital representation of the area and has no influence on, siting, zoning or municipal requirements.

Given the continued uncertainty about the status of zoning and the possibility of legal challenge, what information did the Project Team and MoE consider when providing this memorandum?

It is my understanding that no site-specific zoning amendment granted to date. What exactly is status of zoning and any confirmations and/or waiving of ZB or OP requirements by Clarington?

Answer to all of the above in this section: The Region’s are abiding by the terms of the Host Community Agreement and are following the Clarington Site Plan process.

Hours of Operation

Pg 6 of DOR states MSW will be delivered 6 days a week. Pg. 12 Sec. 5.0 says “**up to** 6 days a week”.

Please clarify.

Meaning is the same – it is up to 6 days a week. As stated in the CofA, the typical waste deliveries will occur Monday to Friday with some Saturdays scheduled to cover weeks with statutory holidays to accommodate waste collection schedules.

Refer to Secion 4. (1) (b) of the CofA.

Will that mean additional costs for haulage (overtime) and staff and transfer stations?

No. Covered in contract.

Where/how have impacts of rush hour commuter traffic and weekend traffic been considered?

Contemplated in the EA study Traffic Assessment report as well as in the update for the Site Plan Approval to Clarington

ICI Waste

Pg. 6-application indicates ICI waste will be accepted.

Pg. 17 in DOR states: “*IC & I waste being delivered to the Facility will generally consist of municipally collected or resident delivered waste from small industrial, commercial and insititutional generators (i.e.downtown central business districts) that have access to the same at source diversion programs as the residential sector.*”

I cannot find that ICI waste specified in Condition 21 as type of waste to be processed. Where could one find confirmation that ICI waste could be incinerated?

Condition 21.2 refers to materials which have been source separated for purposes of diversion. Where could info about diversion programs in Durham and York for these ICI users be found?

Resident or other ICI waste delivered to transfer stations –what diversion opportunities provided?

Air emissions depend on what is burned as does the toxicity of process residues.

When will details about waste screening procedures as referenced on pg 18 of DOR be provided and will they be provided and submitted to MoE prior to Cof A approval?

ICI waste composition was not characterized in EA though EA referenced ICI waste traditionally managed by Regions.

As discussed at the Council EFW Education day on March 25, 2011, the Region’s are responsible for waste and diversion collection services from a limited number of small businesses, predominantly retail outlets (small waste

generators) in downtown business districts. The curbside collection from these locations affords these businesses the same diversion opportunities offered to the residential sector. Region staff monitor set-out, educate and encourage the small businesses to participate in the various waste diversion programs. Once the Region's new Waste Management By-Law is approved, we will also make it mandatory for these businesses to participate in the diversion programs or risk possible loss of this service. Enforcement of set-outs is, and continues to be, undertaken by collection crews. They will not be collecting items for diversion as regular waste. Finally, at the transfer station, all incoming material is further screened to ensure non-acceptable materials are removed prior to waste being sent to the EFW facility. This process will be repeated again when the material is randomly screened on EFW tipping floor. Any IC&I generators of waste (typically small retail/construction contractor waste generators) that bring materials to our Waste Management Facilities (WMF) are also subject to the inspection and separation into the various diversion systems offered on site. This segment of waste that is collected and managed as part of the municipal waste stream was included in all aspects of the EA study and CofA applications. Regardless of the waste composition entering the EFW process, the operator is obliged to meet the stringent emission criteria imposed by the contract and the MOE.

Refer to Section 2. (2)(a)(i) and 4. (2) of CofA

Radioactive Waste

Pg. 19 of DOR – please specify the “approved circumstances” for which a truck may be allowed to be isolated in the tipping area to allow for natural decay of the radioactive isotope. Who on site would be qualified and authorized to make such determinations?

Under the contract the Operator will have trained personnel that must follow the prescribed procedures for handling radioactive waste. The procedures manual follows the Canadian Nuclear Safety Commission (CNSC) recommendations. The contract requires radiation detection equipment at the scale house to screen trucks and also requires hand held units for manual use. Typical sources are personal medical supplies used by individuals undergoing radiation treatment for cancer. These forms of radiation are commonly screened at waste management facilities and easily handled due to their short decay half life.

Refer to Section 4. (2)(a)(ii) of CofA

Sec. 6 of DOR – Thermal Treatment Process

6.1 –Pg 23 states: “The natural gas-fired auxiliary burner will be available to maintain flue gas temperature in the furnace region **during operating conditions** and as required during start up and shut down conditions”.

For what reasons/purposes other than start up or shut down, would natural gas auxiliary fuel be required? Where could one find details about estimated natural gas fuel quantities for operating conditions as well as start ups and shut downs.

Sect. 12.2 pg 53 re start up/shut down states:

...Further, burners will be run for less than 500 hours per year and would be exempt from MoE Guideline A-9. On what basis can the proponents/operator predict that number?

What happens when that number is exceeded?

Natural gas over-fire burners are standard design features within the furnace. Natural gas is used during start up and shut down conditions to safely and uniformly control heat to ensure complete combustion. Start up and shut down periods occur at limited times during the year. The burners can also be activated automatically or manually by the operator if furnace conditions require them to ensure flue gas temperatures required by A-7 guidelines. Natural gas quantities are estimated based on typical known operating conditions and specific design requirements for EFW facilities.

Min. One Second Residence Time at >1000 C -Sec. 6 DOR and Emissions Summary & Dispersion Modelling Report

Attachment 3 Emission Summary and Dispersion Modelling Report Sec. 4.6.2.2. Flue Gas Time and Temperature Monitoring Pgs 23-25

Compliance with the flue gas temperature condition (minimum of 1000 C for one second from point of secondary air injection) will be demonstrated by either a continuous measurement in the furnace or through a correlation between the one second temperature and a downstream measurement location.

Continuous and reliable measurement of flue gas temperature in the combustion zone of the furnace is preferred however it may not be practical due to the aggressive environment where flue gas temperatures are well above 1000 C. While the viability of that option will be evaluated, compliance can demonstrated through a correlation between actual flue gas temperature at the one second residence point in the furnace combustion zone (measured from the secondary air injection elevation) and the furnace gas temperature measured by a downstream device.

Is what Covanta proposing consistent with requirements of Sec. 5 of Oct. 2010 A-7 revision?

Yes. This approach has been used in the EFW industry and is proposed as an alternative method for demonstrating compliance with the A-7 Guideline of maintaining flue gas at a minimum of 1000 C for one second. The actual correlation will be determined through field testing with special instruments and procedures after unit commissioning. This method has been discussed with the MOE and they agree that this is appropriate and technically sound.

Refer to Section 6. (2)(a) of the CofA.

Several Covanta operated facilities have been cited for dioxin emissions exceedances.

Do other Covanta incinerators operate with this Min. one second Residence Time >1000 C requirement. If yes, is reference data for a Covanta incinerator with that requirement

available to demonstrate Covanta has met such requirements successfully and provided evidence to regulators that required temperatures were properly measured?

Flue gas time and temperature information demonstrating compliance with the one second standard was submitted with the CofA application.

Refer to Section 6. (2)(a) of the CofA

If no Covanta incinerator operates with that requirement, more detail is required before commissioning to provide assurances that this could be achieved. If not demonstrated after commissioning that this could be achieved, what is the plan?

See above

Sec. 7 DOR – Air Pollution Control System

Facility Control Systems and operator intervention in event of increased emissions.

There is insufficient detail to be able to assess how operator could determine or anticipate emissions approaching max. allowable limits and “implement efforts” (unspecified) before an exceedance of the limit occurs.

Where could more detail on foregoing be found?

Covanta, like any industrial process will have Standard Operating Procedures (SOPs) for the operation of DYEC. The facilities control system will be programmed with setpoints that will automatically inform operators that an emission limit may be approaching a limit. Control room operators and floor operators are aware of the requirements to maintain high temperatures and low emissions. Operators will be trained to observe the change in operating conditions including emissions and to take action when emissions/conditions begin to change from optimal levels.

The SOP will be developed from other Covanta operations as the facility is constructed.

Sec. 7.1- Covanta’s VLN System and SNCR System – NOx Control.

(How) Does the VLN system affect combustion and temperatures in a way that might minimize NOx but result in increased emissions of organic pollutants and CO?

I paste in relevant section of comments submitted to MoE Aug. 16. 2010 (before A-7 revised in Oct. 2010) which were not responded to and would appreciate a detailed explanation.

Excerpt”

Covanta Very Low NOx (VLN) system concerns

Per subsection on NOx control system as described in Section 10.6.2, the Covanta Very Low NOx (VLN) system attempts to minimize NOx production by limiting excess O₂ in the combustion zone (page 10-39,41, figure 10-14).

The VLN system uses an internal recirculation gas (IRG) system to ensure that air above the

burnout zone (the bottom part of the grate where material is expected to be completely burned) goes through the combustion in the furnace. The air above the burnout zone is drawn into the IRG pump and re-injected into the upper furnace. The question is, how much toxic material is left in the air drawn into the IRG pump and, when it is re-injected in the upper furnace, does that material meet the residency time (time and temperature) recommended in the draft revised A-7 guideline? If the excess O₂ is restricted, incomplete combustion could occur, producing excess CO and unburned gaseous pollutants. Is the VLN system a trade-off between minimizing NO_x production vs. other pollutants, e.g. CO or dioxins and furans? Specifically, if there is a trade-off between NO_x and dioxins/furans, should some other NO_x abatement be used instead (e.g. catalytic SCR) in order to comply with the principle of lowest achievable emissions of dioxins/furans?

The VLN design and operation is not a tradeoff between NO_x and CO. Its operating system prevents spikes of CO and any associated products of incomplete combustion.

Please refer to Section 4.6.2.2 of the ESDM Report which provides a complete description of the time, temperature and oxygen considerations. It suffices to say, that the combustion system meets the requirement of A-7 for all constituents.

Refer to Section 6. (2)(a) of the CofA

Sec. 7.3 – Dry Recirculation Scrubber

Are there concerns that fly ash and lime collected in bag house, that would be injected into duct to utilize unreacted lime for purposes of decreasing lime consumption, recirculate toxic material? Does this occur before or after the One second >1000 C residence phase?

Injection of lime and carbon occurs after the furnace and prior to the baghouse. The re-introduction of flyash will by definition recirculate certain captured air pollutants however those emissions are now stable reaction products. Stack monitoring and testing will be completed with recirculation in place, demonstrating that recirculation does not adversely impact air emissions.

Sec. 7.7 Continuous Emissions Monitoring

In Report 2008-J-13, Pg. 30, Durham committed that: “

“The RFP will require vendors to provide continuous monitoring of key operational parameters and all regulated contaminants that can be reliably monitored on a continuous basis”.

Sec. 3.2 of A-7 indicates other parameters in addition to what D-Y proposing could be considered for continuous or long-term monitoring. e.g. Dioxins (Durham doing continuous sampling with AMESA cartridge) Mercury, Carbon Dioxide.

Durham will be a big mercury polluter and almost one tonne of CO₂ equivalents emitted for every tonne of waste burned.

Since technology exists to continuously monitor those parameters, why are Mercury and Carbon dioxide not proposed to be monitored continuously?

Integrated or continuous mercury sampling is not recognized as a standard method by the USEPA, Environment Canada or the MOE. The accuracy and reliability for results from these types of monitors has never been demonstrated, as a consequence results would not have value. Testing should be conducted in accordance with either the “Standard Test Method for Elemental, Oxidised, Particle -bound, and Total Mercury in Flue Gas Generated from Coal-fired Stationary Sources (Ontario Hydro Method)” or “USEPA Method 29” as appropriate. Mercury emission testing will be carried on an annual basis or as prescribed in the CofA following MOE requirements.

Carbon dioxide is not a contaminant of concern but a GhG which will be estimated from combustion related parameters such as O₂.

Sec. 8 – Ash Handling and Associated System

Pg 35 – Residue building dust collection system filters silo dust collection filters (pg 39)– how are they disposed?

Filter bags will be disposed of in accordance with waste legislation for Durham and the Province.

8.2 Pg 37 – “quality” of ash depends on and varies with type of waste burned.

Appendix 31 of Project Agreement indicates total ash quantities are approx.. 37,800 tonnes (BA-29400 and FA-8,400). Bypass waste expected to be 2100 tonnes.

Maximum Residuals for Final Disposal = 56,000 tonnes (Sec. 4.4 Waste Application).

There was not a clear answer provided to my question, of how total residue to be disposed amounts to 56,000 tonnes, Please provide a breakdown of what quantities of what materials account for the difference e.g. cement/pozzolan for fly ash stabilization, amounts of various reagents etc.

Please refer to Waste CofA, Appendix E, Solid Waste Quantities, Maximum Residual of Final Disposal for the rationale behind the 56,000 tonnes. As noted by the title, this would be the theoretical maximum quantity, representing the absolute worst case scenario of ash generation rate for environmental impact modeling purposes and is not intended to represent the normal or expected operating scenario. The actual expected amount is 30% or less of the total input.

Bottom ash testing - will it be tested to ensure it does not exceed toxicity limits? Who will do that and how often and to whom would results be reported?

Testing will follow MOE approved methods. The frequency, procedure and QA/QC will be defined in the testing protocol required by the CofA and as per all environmental testing. A qualified 3rd party laboratory will be responsible for the analysis.

Refer to Section 7 of the CofA.

Definition for Pozzolan not found in glossary. Please explain what the chemical profile of this material is and it's role in fly ash "stabilization.

Pozzolans are commonly used as an addition (the technical term is "cement extender") to Portland cement concrete mixtures to increase the long-term strength and other material properties of Portland cement concrete. Pozzolans are primarily vitreous siliceous materials which react with calcium hydroxide to form calcium silicates.

Sec. 9 Power Generation

(How) Is power production affected when one train down?

Power production is reduced by half as one train is responsible for half the generation.

Is it correct that facility will pay industrial user rate of 10 cents per Kwh and sell power produced at 8 cents kwh?

No. The facility produces a gross amount of electricity and sells the net amount after internal use to the grid at 8 cent kwh.

Sec. 10 Potable, Process and Wastewater.

10. 1 Water Consumption

Pg. 46 provides estimate of water use as less than 100 litres per minute (lpm).

At March 25th councilor education session, Covanta staff stated consumption 61 lpm.

Please provide verified water consumption amount.

As noted in the statement, 100 lpm was an 'estimate' and not an exact quantity. The amount of water consumption will be closer to 61 lpm based on more detailed water balance calculations.

10.3 Process Wastewater

Pg. 47 states: "Any process wastewater containing solids, such as floor drains, ash discharger overflow and drain water, boiler and turbine generation washdown water and APC area washdown water, will drain via grey water drains and trenches to the Waste Water Settling Basin located just south east of the APC building.....water from the wastewater holding tank will be pumped into the wastewater settling basin."

From the limited description above, it appears possible that this wastewater would contain contaminants, which would then settle in the pond.

This water is then to be used for dust control/suppression (pg 54) spreading any contaminants to other areas of the site.

Will there be any testing of the water quality in this wastewater settling pond? For what contaminants, how often and by whom?

What is the danger of contaminants leaching into groundwater?

What are the dangers to wildlife that might ingest water from or live in/around this pond?

As stated in the CofA documents, the DYEC will be a zero process water discharge facility which means that no process water, including wastewater will leave the facility. Wastewater caught in the wastewater settling basin cannot be discharged into the natural environment. The wastewater settling basin is not connected to the stormwater system in any fashion. The collected wastewater may be used for dust suppression in the residue building but not on roads or in the environment (see Section 10.3 of D&O Report). The wastewater will not be tested as it is not released into the environment and poses no threat to wildlife. Refer to Section 4.(6) of the CofA.

Sec. 15.4 – MoE Reporting

Pg 61 Bullet I) *A description of any material operational issues encountered*

What scenarios are contemplated by the term “material operational issues”?

Operational issues that will not impact the environment and are not of an administrative nature.

Pg 62 Bullet s) *Any modifications that were made to the Facility under the operational flexibility afforded by the Comprehensive C of A for the site.*

What is the range of matters that the term “operational flexibility” could relate to?

The DYEC has applied for a multi-media CofA which provides the facility with operational limits, flexibility and obligations. Further information can be found on the MOE website.

Sec. 16 Site Closure Plan

What plan is to be put in place to determine if at end of life the site becomes a brownfield/contaminated industrial site?

Who would be responsible for site remediation and what legislation would apply to guide remediation plans? When must site remediation begin i.e. how long after burner closed?

Are there any contingency funds set aside for remediation?

Decommissioning procedures to be determined through future discussion with the MOE.

Refer to Section 18 of the CofA.

C of A Air -Emissions Summary ...ESDM Report

Why are emissions modeled at 110% MCR when in EA modeled at 100%?

The CofA process assumed that during the operation of the facility, the daily operating level could reach 110% MCR for a period of time (e.g., a couple of hours). To ensure that the facility was always in compliance, it was assumed that the facility operated at 110% for 24 hrs per day for the entire year. The results of the modeling indicate that the facility is in compliance under 110% as well as 100%.

What percentage of the time is incinerator expected to operate at 110% MCR?

As stated above, one or both units could operate at 110% MCR safely and still achieve compliance limits. The facility must still meet an annual basis of 140,000 tonnes of waste.

Emissions for several contaminants are much higher in C of A, than in EA. The Site Specific Health and Ecological Risk Assessment was based on those lower emissions provided in EA documents.

Please explain the additional emissions for some key pollutants such as PM 2.5 as I do not fully understand the explanation of filterable, condensable, non-condensable PM 2.5 species explanation provided at EFW AC April 11 meeting. Please provide references where this could be verified and why this information was not available during the EA.

The discrepancy between the PM2.5 emission factor used for the Environmental Assessment (EA) and the CofA application for the Durham/York EFW is a result of Covanta providing a CofA emission factor which accounts for filterable (e.g., non-condensable) and condensable particulate matter together. The EA emission factor only accounts for the filterable fraction (e.g., 9 mg/Rm3) which would be the fabric filter guarantee, as per CofAs under the stack sampling code. The Covanta CofA PM2.5 emission factor (21 mg/Rm3) is based on complied source testing data from similar facilities operated by Covanta. The emission factor was developed from Method 201A - PM10 and PM2.5 testing data.

Using the higher PM2.5 emission factor also demonstrate that the facility will be below the 24hr CWS (30 µg/m3) as well as the AAQC screening limit of 25 µg/m3 with the cumulative impact changing from 20.9 ug/m3 to approximately 21.4 ug/m3 - less than 3% change as shown in the figure below.

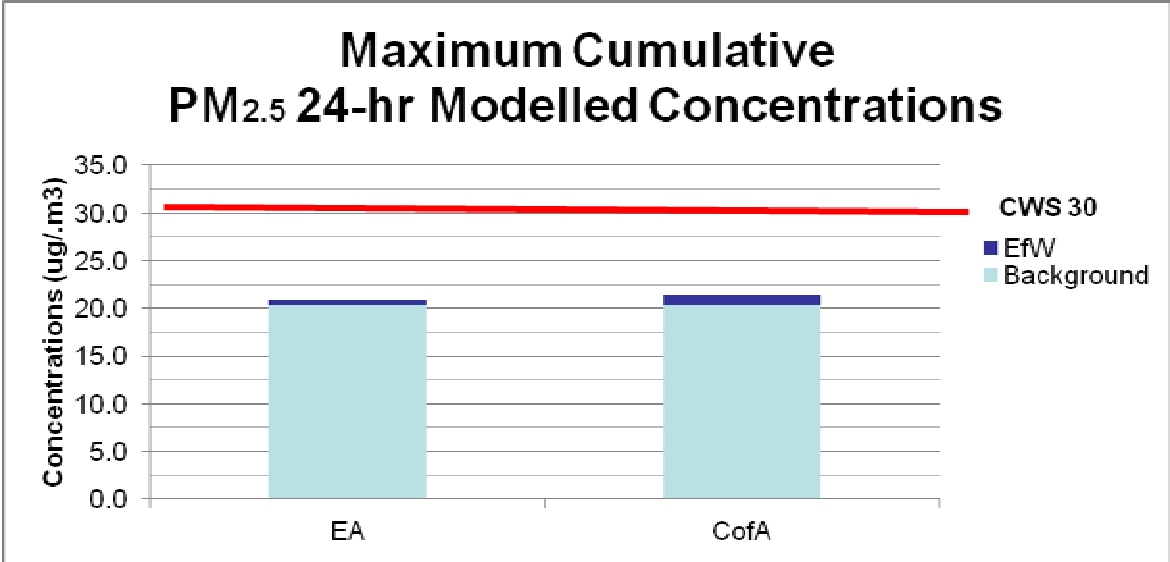
Why was this information not available and/or provided by Project Team to MoE during EA?

The A-7 Guidelines only deal with the filterable component of PM_{2.5} hence the MOE only required that during the EA. For an increased level of confidence and conservatism in the more detailed CofA process the condensable PM_{2.5} component was added by the consultant to the modeling process.

As is standard procedure in the EA process for any project, any differences in the project design and the various study assessments occurring between the EA and CofA stages have already been compared, and the MOE notified of any differences.

Further, please provide a complete explanation how more than doubling of PM 2.5 Emissions results in only a 3% increase over EA numbers at PO1?

As shown in the figure below, the level of PM_{2.5} is a combination of background levels (e.g., transportation, agricultural tilling, residential / commercial) as well as the contribution of the DYEC. The background levels dominate the ambient air quality in the region.



Dr. Ciccone from Golder indicated on April 11th he could not address health impacts issues.

What are the expected effects of increased emissions and specifically, how will potential **additional/increased** health effects from higher emissions be assessed?

The Stantec risk assessment team conducted a preliminary evaluation of the impact of this 3% maximum ground level increase at individual receptor locations. They concluded that given that it is only a slight increase and the conservatism built into the Risk Assessment approach, it should not affect the outcomes or conclusions of their work. This conclusion will be verified by additional assessment.

By whom and when will that be done?

Dr. Ollson gave his recommendation. Stantec will verify the conclusion.

Replies to questions dated April 21, 2011 following EFWAC Meeting #2 held April 11, 2011.

CofA Air and Noise Application

1. Please explain in writing why the PM2.5 emissions in Table 1 of the ESDM of the CofA application are almost 2.5 times the emissions reported for PM2.5 in the EA.
2. We did not completely understand the explanation given by Mr. Ciccone at the EFWAC meeting regarding the components of PM2.5 (filterable, condensable, non-condensable) and how this has affected the reporting of the PM2.5 emissions. Please explain in detail what these components are, and how they are measured and reported.
3. If the PM2.5 emissions reported in the EA were only for filterable PM2.5, how were the condensable and non-condensable PM2.5 and their health effects assessed in the EA?
4. Mr. Ciccone stated that some of the PM2.5 emissions were captured as species. We did not understand this explanation. Please explain this in more detail and where in the EA the emissions are captured as species.
5. What are the ground level (ambient) concentrations for the sum of all PM2.5 (including primary and secondary) from the facility for both the 24-h and annual average at the maximum POI and at the sensitive receptors? Please provide this data at both 100%MCR and 110% MCR.

Questions 1 through 5 are answered below:

Dr. Ciccone referred to PM2.5 as species much the same as NOx, SO2, etc are species which are released into the airshed. This is another term that is used as reference to contaminants.

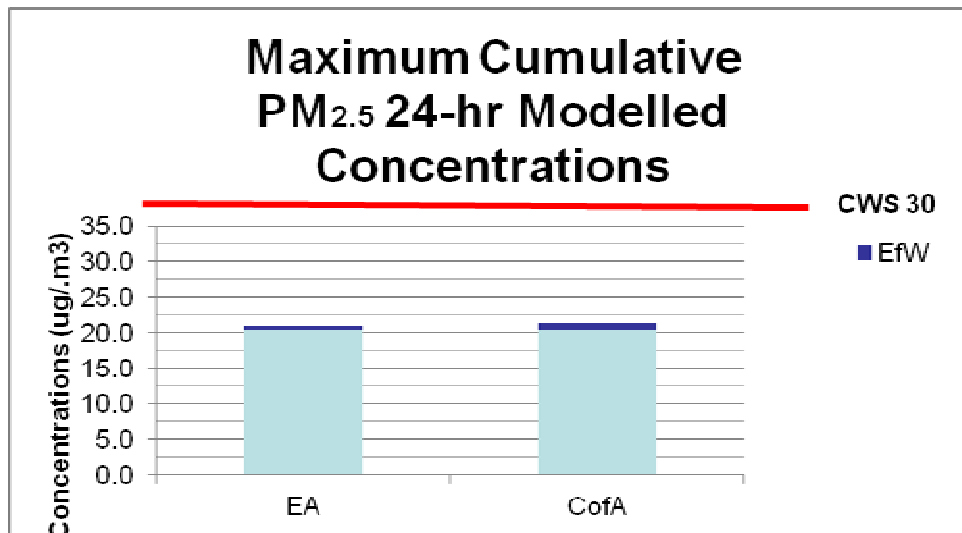
The discrepancy between the PM2.5 emission factor used for the Environmental Assessment (EA) and the CofA application for the Durham/York EFW is a result of Covanta providing a CofA emission factor which accounts for filterable (e.g., non-condensable) and condensable particulate matter together. The EA emission factor only accounts for the filterable fraction (e.g., 9 mg/Rm3) which would be the fabric filter guarantee, as per CofAs under the stack sampling code. The Covanta CofA PM2.5 emission factor (21 mg/Rm3) is based on complied source testing data from similar facilities operated by Covanta. The emission factor was developed from Method 201A - PM10 and PM2.5 testing data.

Using the higher PM2.5 emission factor also demonstrates that the facility will be below the 24hr CWS (30 µg/m3) as well as the AAQC screening

limit of 25 $\mu\text{g}/\text{m}^3$ with the cumulative impact changing from 20.9 $\mu\text{g}/\text{m}^3$ to 21.4 $\mu\text{g}/\text{m}^3$ - less than 3% change as shown in the figure below.

As shown in the figure below, the level of $\text{PM}_{2.5}$ is a combination of background levels (e.g., transportation, agricultural tilling, residential / commercial) as well as the contribution of the DYEC. The background levels dominate the ambient air quality in the region. The amount of $\text{PM}_{2.5}$ emissions are very small and makes little difference to the overall air shed.

The A-7 Guidelines only deal with the filterable component of $\text{PM}_{2.5}$ hence the MOE only required that during the EA. For an increased level of confidence and conservatism in the more detailed CofA process the condensable $\text{PM}_{2.5}$ component was added by the consultant.



The PM standard as per Guideline A-7 is for filterable particulate matter only and is 9 mg/m^3 . The CofA stack concentration is based on filterable plus condensable providing an added level of conservatism to the results.

As is standard procedure in the EA process for any project, any differences in the project design and the various study assessments occurring between the EA and CofA stages have already been compared, and the MOE notified of any differences.

6. When we inquired about the ammonia emissions increasing by almost double what they were in the EA, Mr. Ciccone responded that this increase was due to more information being available. What new information resulted in the increased emissions? What other pollutants had emissions increase considerably (say by more than a factor of 1.1) in the CofA application?

Covanta provided ammonia emission factors (14 ppmv[@11% O₂] or 9.9 mg/Rm³) for the CofA. The EA used a lower emission factor (5.4 mg/Rm³) based on literature data. The Covanta emission factors are based on experience and test data from other Covanta facilities in operation. The CofA demonstrates compliance with the Ontario ammonia Air Quality Standards at the higher emission rate. The remaining emissions were consistent with the EA.

7. What will be the health effects from the increased emissions in the CofA application?

The Stantec risk assessment team conducted a preliminary reviewed the impact of this 3% ground level increase at individual receptor locations. They concluded that given that it is only a slight increase and the conservatism built into the Risk Assessment approach, it did not affect the outcomes or conclusions of their work. This will be verified.

8. Table 2 of the ESDM gives emissions source summary table. Data is classified as average or marginal for a number of pollutants under various scenarios. What changes have been made to the emissions source data in the CofA compared to what was in the EA? Which emissions data comes directly from validated source tests at operating incinerators?

The term average or marginal refers to the quality of data as reference by the MOE Guideline documents. The quality of the emission factors has not changed since the EA.

9. It appears in the CofA that CO will only be monitored at the economizer and not after the last APC device. Is this correct? If so, what is the rationale and why would it be preferable not to measure it at two places?

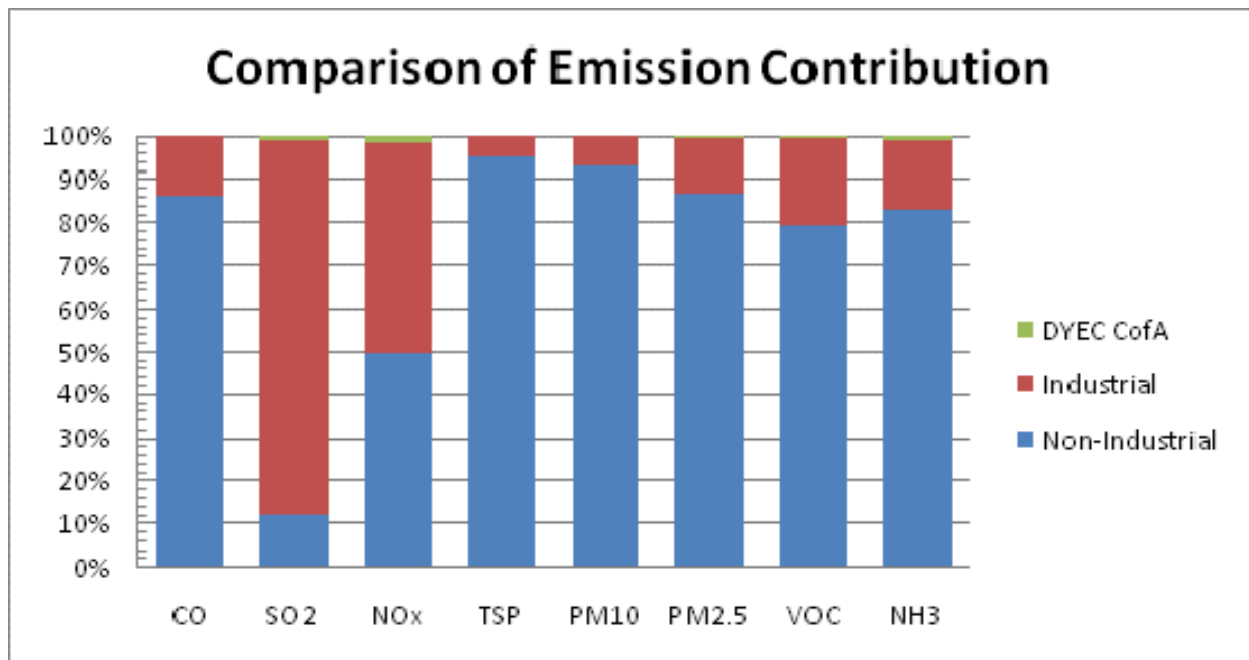
CO is monitored at the economizer to provide a more timely response to facility operators so that if a change is required, it can be accomplished in a proactive manner.

10. How does the CofA application address exposure to workers at the facility?

The MOE is not responsible for worker exposure. That is the responsibility of the Ministry of Labour.

11. In 2007, the Project Team provided a preliminary analysis of pollutants released into the Clarington air shed, from reporting releases to the NPRI. Has a cumulative effects analysis been conducted to include emissions from existing Highway 401 and planned 401 expansions, the planned Highway 407 East Extension, Darlington Nuclear New Build, in addition to Growth Plan expansions as planned in the Durham Growth Plan? What is the level of emissions per pollutant from the Durham incinerator and expected cumulative effect over the incinerator's operating life at 140,000 TPY? What remediation is planned?

The table presented in the EA was used to identify current emissions from industrial sources in the respective areas, however these were clearly identified as industrial sources only from the NPRI database. Since south Durham has a greater industrial base than the York site the emissions identified were higher, however as can be seen in the table below the overall contribution of emissions from industrial sources is small when compared to the non-industrial sources. There are numerous other sources of emissions (also identified in the EA) that contribute emissions to the air shed. The following figure presents a comparison of emissions from the proposed facility and the local Courtice airshed (based on emission data presented in the EA) . The proposed facility will contribute approximately 0.5% to the local emissions, with the highest contribution of 1.5% to local NOx emissions.



CofA Waste Application

12. Could you please explain in detail how waste collected at curbside will be screened or re-sorted for the removal of small hazardous waste items likely to be found in household "garbage" such as CFLs, batteries, smoke detectors, etc. Granted they are individually in small amounts, however when combined in waste from the combined population of 1.8 million (Waste CofA, Page 6, Section 4.a – population served by this site) it can amount to a substantial amount of hazardous waste. (Condition of Approval section 21) Will details be provided to MoE prior to CofA approval?

Refer to Section 4.(2) through (5) of the CofA.

Regardless of the waste composition entering the EFW process, the operator is obliged to meet the stringent emission criteria imposed by the contract and the MOE.

13. Please explain in detail how recyclables and haz wastes will be removed from waste stream beyond curbside source separation. Section 5.5 Wastes Accepted at the Site, appears to rely on efforts by residents through waste diversion programs. Has there been a comprehensive waste audit done in all of Durham and York's individual municipalities, and if so, where can that be found? Has the effectiveness of diversion programs been documented? We know that Durham has committed to 70% diversion in the future. That would seem to mean that there are still substantial amounts of recyclable and/or haz wastes included in curbside pick-up. Please explain how this will be remedied prior to acceptance of waste at the facility.

The Regions are both leading municipalities in Ontario in terms of waste diversion programs and effectiveness and are committed to increasing diversion levels. The Regions are committed to increasing diversion through additional programs and increased capture rates. Waste composition data was included in the supporting documentation to the EA

14. IC&I waste – on page 6 of the application it says ICI waste will be accepted. That does not appear to be compliant with the Conditions of Approval. Is that a separate agreement with MoE or can it be found in Conditions of Approval? If so, where?

As discussed at the Council EFW Education day on March 25, 2011, the Region's are responsible for waste and diversion collection services from a limited number of small businesses, predominantly retail outlets (small waste generators) in downtown business districts. The curbside collection from these locations affords these businesses the same diversion opportunities offered to the residential sector. Region staff monitor set-out, educate and encourage the small businesses to participate in the various waste diversion programs. Once the Region's new Waste Management By-Law is approved, we will also make it mandatory for these businesses to participate in the diversion programs or risk possible loss of this service. Enforcement of set-outs is, and continues to be,

undertaken by collection crews. They will not be collecting items for diversion as regular waste. Finally, at the transfer station, all incoming material is further screened to ensure non-acceptable materials are removed prior to waste being sent to the EFW facility. This process will be repeated again when the material is randomly screened on EFW tipping floor. Any IC&I generators of waste (typically small retail/construction contractor waste generators) that bring materials to our Waste Management Facilities (WMF) are also subject to the inspection and separation into the various diversion systems offered on site. This segment of waste that is collected and managed as part of the municipal waste stream was included in all aspects of the EA study and CofA applications. Regardless of the waste composition entering the EFW process, the operator is obliged to meet the stringent emission criteria imposed by the contract and the MOE.

Refer to Section 2.(2)(a)(i) of the CofA.

15. According to section 21.3 of the Conditions of Approval, *"The Proponent shall ensure that all incoming waste is inspected prior to being accepted at the site to ensure that only non-hazardous municipal solid waste is being accepted."* How does Section 5.6 of CofA, Waste Screening Procedures, which says that *"trucks will be selected at random and screened for unacceptable waste"* comply with the Conditions of Approval section 21.3?

Please refer to answers 12 through 14 provided above. All waste collected by the region's is the waste remaining after the full range of diversion programs and inspections by the Regions. Inspections at the Facility are in addition to those managed by the Regions.

Refer to Section 4.(2)(b) of the CofA.

EFWAC Terms of Reference

16. Pursuant to Condition 8.8 in Conditions of Approval, will listed documents be provided to the Committee at the same time as they are submitted to the Province so that we may provide comments prior to approval by the Province? Section 8.10 of Conditions of Approval states: *The Terms of Reference shall, at a minimum, include: ... d) Protocol for dissemination and review of information including timing;*

As per Condition 8.8, listed documents will be provided copies as they are developed and EFWAC members may review and provide comments to the proponents. The Air Emissions Monitoring Plan (Condition 12) and Ground Water & Surface Water Monitoring (Condition 20) have been provided to the EFWAC. Subsequently, the Emissions Monitoring Plan (Condition 12), Odour Management and Mitigation Plan (Condition 18) and Noise Monitoring and Reporting Plan (Condition 19) will be provided during the summer period. The remaining plans are under development.

17. Section 8.1, Meetings. Regional Council has been told that the Committee will set its own schedule for meetings. Council was also told that the ToR would be developed by the Committee. According to section 8.9 in Conditions of Approval, *“At the first meeting, **the advisory committee shall develop a Terms of Reference** outlining the governance and function of the advisory committee.”* Section 8.10 of Conditions of Approval states: *The Terms of Reference shall, at a minimum, include: b) Frequency of meetings:”* To date, only the Project Team has determined the ToR without a vote on the final version by the Committee, or input on frequency and dates of meetings. Would it be possible for the Committee to have more input into meeting dates/times, and to have a preliminary schedule, with the opportunity to add or change dates depending on ‘milestone’ reports or applications to the Province?

The ToR was discussed and approved along with the minutes from meeting 1 at the April 11 EFWAC. The project team is to prepare a draft meeting schedule to try and achieve regular meetings throughout the year but that in the short term there may be a need to schedule ‘as required’ meetings to provide members an opportunity to review and discuss the various documents listed in condition 8.8.

Meeting #2 Minutes & Presentations

Energy from Waste Advisory Committee Annual Report



Energy from Waste Advisory Committee (EFWAC) Meeting #2

MINUTES

SUBJECT:	Energy from Waste Advisory Committee Meeting #2
ATTENDEES:	Please refer to page 7 of 7 for complete listing.
LOCATION:	The Regional Municipality of Durham, Meeting Room LLC 605 Rossland Road East, Whitby
DATE AND TIME:	Monday, April 11, 2011 at 10:00 a.m.

Please note: Energy from Waste Advisory Committee (EFWAC) Meeting #2 was open to the public.

ITEM	ACTION
<p>1. <u>WELCOME – FACILITATOR COMMENTS AND GROUND RULES</u></p> <p>Sue Cumming, the independent facilitator for the EFWAC, described her qualifications and explained what her role will be as facilitator. She committed to treat everyone equally, give all members the opportunity to participate, ensure that all voices are heard, respect all points of view and highlighted that she has no stake in the outcome of the meetings other than to foster a constructive discussion and ensure that MOE conditions are met.</p> <p>The facilitator also gave an overview of committee member ground rules which include appropriate conduct, giving peers the opportunity to speak uninterrupted and respect for different perspectives. She encouraged members to send her feedback between meetings via e-mail.</p>	
<p>2. <u>INTRODUCTIONS</u></p> <p>Each party in attendance introduced themselves.</p>	
<p>3. <u>ACCEPTANCE OF JANUARY 20, 2011 MEETING MINUTES</u></p> <p>When asked if the January 20, 2011 minutes were acceptable there were a few questions. There was a discussion of whether, by adopting the minutes, members were also adopting the Terms of Reference (ToR) for the EFWAC which were an attachment to the minutes. Some members felt there had not been a full discussion of the ToR. In response, facilitator advised members that they had been provided with an initial draft and given three weeks to comment.</p> <p>Furthermore, the project team responded that they documented and incorporated comments into the ToR document prior to submission to the MOE. Legal counsel advised that the ToR were drafted pursuant to the Environmental Assessment (EA) Conditions of Approval for the EFW. The draft ToR document was open for comment before submission to the MOE and several suggestions were incorporated. The revised ToR, along with the ToR comment and response table outlining the revisions and rationale for changes were provided to all members in hard copy upon submission to the MOE in mid-February.</p>	

A request was made that there be a clear process for the EFWAC to amend the ToR, it was agreed that any requested changes to the ToR moving forward would be voted on by the EFWAC, with a majority vote, the request would go to the MOE for review. The MOE would then decide if the changes were necessary as the ToR flows out of the EA Approval.

The project team noted that the mandate of the EFWAC was established by the MOE in the EA Conditions. Durham Region is moving forward, very shortly, with a second Council directed committee which will meet EA and other obligations. This new committee will be concerned with the Region's integrated waste management system which includes, but is not limited to, EFW.

Questions were raised by some members regarding the interpretation of the EA Conditions as to how the EFWAC was constituted. It was suggested that a representative from the MOE be an active EFWAC member to offer clarification in matters regarding the organization.

The addition of members to the committee was suggested by some members, citing the committee should be able to add members if it desires. At the first meeting this was discussed, however, upon review of the comments submitted by members on the ToR, the project team was satisfied that the current membership was sufficient and met MOE project approval requirements.

Questions were raised that the ToR was not clear regarding voting or quorum. In response legal counsel advised members that the project team made revisions to the ToR that addressed these two concerns. Section 8.4 states "a minimum eleven (11) members must be present for a quorum" as well as "procedural issues will be resolved through majority vote". Legal counsel also noted that any suggestion the proponent constituted the committee incorrectly was inaccurate. The Regions created the ToR in accordance with the requirements set out in the EA Conditions.

A York Municipal member noted they are contemplating sending only one or two members to represent their larger membership on the committee. This is a common practise amongst their group since they have regular meetings in York Region to discuss various issues. The idea is that member(s) that participate on the EFWAC would go back and brief the larger group. No definitive decision has been made yet on this issue nor has the larger impact to the EFWAC ToR been discussed. It was noted as 'still in discussion'.

The facilitator highlighting that a discussion of the ToR was not on the agenda of this meeting and could be considered for future meetings.

The facilitator summarized the discussion and asked the project team to provide clarification on the following:

- the impact of the possibility of members from York Region being unable to attend, and whether that would have an impact on quorum and voting
- the position of the MOE at EFWAC meetings (observer or active member)
- whether additional members could be added to the committee and what the process would be to do this

The facilitator again asked for consensus on the minutes in order to move ahead with the agenda items.

Members agreed to adopt the minutes with the condition that a note be added stating that the first meeting was closed to the public. Once this change is made the minutes will be available on the project website (www.durhamyorkwaste.ca). The minutes will also be forwarded to Council for information.

<p>In the future, minutes will be sent out in draft within two weeks of the meeting date to committee members and Council. Time will be allowed for members to comment before the final minutes are made publicly available online and forwarded to Council for information.</p>	
<p>4. <u>SELECTION OF EFWAC REPRESENTATIVE TO ATTEND AMBIENT AIR MONITORING AND REPORTING WORKING GROUP (AAMRWG)</u></p> <p>The members of EFWAC discussed the need to select a liaison between the EFWAC and the AAMRWG from the EFWAC membership.</p> <p>In an email sent by the project team on April 4, 2011, members were notified of the establishment of an Ambient Air Monitoring and Reporting Working Group, which is to include a participant from EFWAC in accordance with EA Condition 11.3. In this email to EFWAC members the project team requested that the Municipality of Clarington representative be considered as the EFWAC participant on this Working Group.</p> <p>The nomination of this member was discussed and the Clarington member declined the nomination. Durham Environment Watch (DEW) nominated their alternate representative to the EFWAC to sit as the EFWAC / AAMRWG liaison. The Oshawa representative volunteered to act as the liaison based on her previous 10 years experience working on behalf of Peel Region in the oversight of the Algonquin EFW facility.</p> <p>The Durham and York Directors agreed to both the Oshawa member and the DEW alternate as the EFWAC / AAMRWG participants. The EFWAC agreed by consensus. The motion carried based on majority vote. The first meeting of the AAMRWG is scheduled for the 28th of April (time not yet confirmed).</p>	<p>Two EFWAC members will represent at the AAMRWG</p>
<p>5. <u>PRESENTATION – Certificate of Approval Applications: Air & Noise, Waste and Storm Water. Anthony Ciccone, Golder Associates</u></p> <p>Dr. Anthony Ciccone, of Golder Associates gave a presentation similar to the one he delivered at the March 25 special Council meeting on EFW. He provided an overview of the Certificate of Approval (CofA) process, detailing how it builds on the EA study. He outlined the general details and scope of each CofA application (air & noise, waste and storm water). The three (3) CofA applications for the EFW facility were signed by the Regions and Covanta before submission to the MOE on March 3, 2011. The documents are available on the EFW project website as well as at the MOE Central and District offices.</p> <p>Some information in the CofA applications reflect adjustments made from the information contained in the EA. Such adjustments are due to the advancement of more detailed design information. He explained that any changes were minor in nature and were provided to the MOE in a concordance document as is standard practise. The MOE has indicated that it is satisfied with all the information and proposed changes.</p> <p>Further detail was provided regarding the annual per cent contribution of the emission from the facility to the local airshed based on a variety of potential operating conditions. It was explained that in the worst case scenario, using conservative modelling limits, the facility has minimal impact on the total airshed. The bar chart showed that the EFW emissions are a very small (<0.5%) of the total airshed emissions. In subsequent figures Dr. Ciccone compared the EA and CofA PM2.5 and NOx maximum ground level cumulative concentrations. All results were below their applicable air quality standards.</p>	

The presentation showed the locations of MOE Air quality monitoring stations in Ontario in relation to the facility and gave a historical comparison of Oshawa to Grand Bend ambient air concentrations for PM2.5 and ozone. Dr. Ciccone explained that the comparison was based on the true definition of Canada Wide Standards (i.e. 3 year average of the 98th percentile for 24-hr PM2.5 and 3 year average of 4th highest 8 hour average for Ozone). The comparison indicated the Oshawa airshed is not anymore burdened than Grand Bend which is in a rural and relatively pristine area. It also revealed that the general air quality in Southern Ontario has been steadily improving.

After the presentation a 15 minute break was followed by questions:

The facilitator noted that due to time constraints any questions that do not get answered during this question period can be sent to her. She will compile the questions for the project team to answer formally. Legal Counsel advised that comments and questions on the C of A Application should be sent directly to the MOE so that MOE would have these comments and questions when they review the the C of A Applications.

A member questioned the choice of Grand Bend as the comparative to Oshawa. Dr. Ciccone responded that Grand Bend was chosen because it is an airshed far from industrial sources, upstream of the GTA and therefore best represents background levels entering Southern Ontario. Dr. Ciccone also noted that they had compared Grand Bend to Tiverton ambient air data and found that Grand Bend levels were lower than Tiverton. The Grand Bend station monitors air quality year round (24/7) but only prepares a formal report seasonally for the Ontario Air Quality Index (AQI).

It was questioned why the anticipated NOx and PM2.5 emissions in the CofA application differ from the EA. Dr. Ciccone stated that the CofA PM2.5 emissions increased because the CofA took into account the filterable (non-condensable) and condensable portions of particulate matter while the EA only had information on the filterable portion. The condensable portion is a result of high temperature vapours being cooled to create a liquid droplet, similar to a steam touching a cold surface (ie. condensation). These vapours have been addressed as gases such as VOCs and other species in EA or CofA.

Although the PM2.5 emissions increased from 0.361 to 0.895 g/s, the net effect (EFW plus background) results in a 2% change in the maximum ground level concentration from the EA to the CofA, which does not change the conclusions of the EA.

A question was raised regarding whether the ambient air monitoring at and around the point of impingement would capture the additional emissions.

Dr. Ciccone highlighted that both the air modeling studies used over 1000 numerical receptors to capture the worst case concentration generated by the facility. These results were superimposed onto historical ambient air monitoring data for the area to determine the cumulative concentration. This resulted in a two (2) per cent increase from the EA. In addition, the CofA also updated the location of the stack (facility moved 40 meters south), a back-up diesel generator and silo filling.

A question was posed with respect to the storm water CofA and how it has accounted for steam released from the facility when it is a zero discharge facility

Dr. Ciccone clarified that the facility does not release steam from cooling towers but uses air cooled condensers to cool down condensate which is used for steam/power generation. He further clarified that no process water is discharged to

**Facilitator &
Project Team
Members**

Project Team

Project Team

the environment but washroom basins and toilets will flow to the local sanitary sewers.

A member asked what the 56,000 tonnes of residual waste per year in the CofA application was composed of.

Dr. Ciccone stated that the residuals removed from the facility, other than bottom and fly ash, included lime addition from the air pollution control system, pozzolan and portland cement added to encapsulate ash as well as unacceptable and unprocessed waste which includes waste that will be removed during extended outages. The 56,000 tonnes noted in the CofA application represents the maximum possible residue for a year, taking into account worst case facility outage scenarios. The typical annual residue is much lower, in the 30% range of incoming waste, and it is Covanta's responsibility to dispose it.

There was a request that the project team clarify what was amended from the EA to the CofA applications as there have been many questions regarding the two data sets. Although both documents are historical, the EA as already been submitted and approved and the CofA applications are currently with the MOE, members felt the discussion would still be valid. A member also requested that figures be presented in tonnes per year.

The project team noted that many of the questions being raised were already raised during delegations to Council and will be answered formally. The project team will provide EFWAC members with these questions and answers.

Further clarification was sought regarding the two (2) per cent increase in PM2.5.

Dr. Ciccone explained that PM2.5 filterable emissions are hard material, like grit, that get caught in the filters. Condensable PM2.5, at over 200° C in the stack, encounters the colder air upon exit from the stack and creates condensation or droplets of water vapour. The impact of this is two (2) per cent above what was shown in the EA in cumulative effects. Also, exit velocity was much higher than expected in the EA, changing the height of the jet. Due to the increase in the height of the air jet from the stack, emissions are dispersed over a larger area. However, the maximum impact from these changes is only two (2) per cent greater than the EA.

The definition of 'non-hazardous municipal solid waste' was discussed. Concern was raised that there are not enough mechanisms in place by the Regions to remove all hazardous materials from the municipal waste stream. One member expressed that despite attempts to limit hazardous material, some of this material would still be incinerated. It was also expressed that despite additional costs, the Regions should strive for 99 per cent of hazardous material removed.

The project team highlighted that Durham and York both have processes in place to minimize the amount of hazardous waste entering the municipal solid waste stream. These processes are far more robust than they were in the past and they will continue to reduce the amount of hazardous waste in the municipal non-hazardous waste stream. They agreed that small amounts of hazardous waste were unavoidable in the waste stream but that the Environmental Protection Act, Regulation 347 acknowledges this.

Members of municipal staff highlighted that many events and venues are currently available for their residents to safely dispose of hazardous material. They also highlighted that there are several points of control commencing with the residential curbside to the Transfer/Waste management facility and finally at the EFW.

It was also explained by the project team that the EFW combustion temperatures and resident times are designed to destroy these hazardous materials. The air

Project Team

pollution control equipment will then ensure that emissions are well within the MOE directed limits as detailed in the CofA.

The facilitator closed question period and encouraged members to send additional questions to her.

6. NEXT STEPS & TOPICS FOR MEETINGS

The MOE's decision regarding the issuance of the various CofAs is anticipated by June of this year. If members would like to formally comment on the document they should communicate directly with the MOE as the EFWAC does not have a role in the CofA application process.

The timing of the next meeting will correspond with when the next set of documents is ready for review. As the project team works on these reports they have timelines for submission. The next report draft, Ground Water and Surface Water Monitoring, will be ready within the next month. This report will be sent electronically to EFWAC members and the project team will receive comments via e-mail as the document is very straightforward. If the committee would like a presentation on Ground Water and Surface Water Monitoring it is possible.

It was requested that the Regions prepare a schedule for deliverables to make scheduling meetings easier and that reports should be brought to the EFWAC as draft so the committee can provide input before submission. The project team agreed that some items may be brought to the EFWAC in draft form to allow for comments from members.

It was suggested that the public members be given additional time for comment on the draft Community Communication Plan.

Discussion ensued about the timing of the next meeting. Some members would like a balance between evening and daytime meetings. The facilitator acknowledged that the ToR does not exclude evening meetings. An evening meeting was attempted for April, however only 5 members were available for that time period and it was important to select a date and time which accommodated the majority of members.

It was suggested that as the Ground and Surface Water Monitoring report may be ready soon, and due to additional questions arising from the ToR, there would be sufficient information to constitute another meeting within approximately 6 weeks to 8 weeks.

Minutes from the first meeting will be posted on the EFW project website with the change arising from this meeting.

The next set of minutes will be available, as draft, within two weeks for committee members and Council.

The Project Team will communicate with the MOE to determine whether a representative of the MOE would sit on the EFWAC or whether the MOE will maintain an observer role.

Meeting closed at 1:15 p.m.

PRESENT

Terry Ricketts, Director, Environmental Services, Town of Richmond Hill
Faye Langmaid, Manager of Special Projects, Municipality of Clarington
Dave Meredith, Director of Operations and Environmental Services, Town of Ajax
Nathalie Henning, Manager of Waste and Environmental Programs, City of Oshawa
Ian Roger, Director of Public Works and Parks, Township of Scugog
Ben Kester, Director of Public Works, Township of Uxbridge
Rob Flindall, Director of Engineering and Public Works, Township of King
Brian Anthony, Director, Public Works, City of Vaughan
Robert Magloughlen, Director of Engineering and Public Works, Town of Georgina
Ilmar Simanovskis, Director of Infrastructure and Environmental Services, Town of Aurora
Doug Anderson, DurhamCLEAR
Kerry Meydam, Durham Environment Watch (First, second and forth quarter of meeting)
Wendy Bracken, Durham Environment Watch (Alternate, third quarter of meeting)
Linda Gasser, Zero Waste 4 Zero Burning (First half of meeting)
Tracey Ali, Zero Waste 4 Zero Burning (Alternate, second half of meeting)
Chris Darling, Director of Development Review and Regulation, Central Lake Ontario Conservation Authority
Suzanne Beale, Director of Public Works, Town of Whitby

Project Team

Mirka Januszkiewicz, Director, Waste Management, The Regional Municipality of Durham
Gioseph Anello, Manager, Waste Planning and Technical Services, The Regional Municipality of Durham
Greg Borchuk, Project Manager, Waste Management, The Regional Municipality of Durham
Lyndsay Waller, Operations Technician, The Regional Municipality of Durham
Laura McDowell, Director, Environmental Promotion and Protection, The Regional Municipality of York
Seth Dittman, Solid Waste Project/Process Engineer, The Regional Municipality of York
Kelly Spitzig, Supervisor, Solid Waste and Diversion, The Regional Municipality of York (Alternate)
Anthony Ciccone, Principal, Air Quality and Noise, Golder Associates
Adam Chamberlain, Partner, Certified Specialist – Environmental Law, Borden Ladner Gervais
Joey Neuhoff, Lead Project Developer, VP Business Development, Covanta Energy
Brian Bahor, QEP, VP of Sustainability, Covanta Energy

Other

Susan Cumming, Cumming + Company, EFWAC Facilitator
Laura Freeland, Manager, Environmental Health, The Regional Municipality of Durham
Dave Fumerton, District Manager, Ministry of the Environment
Sandra Thomas, District Supervisor for the York Durham District Office, Ministry of the Environment
Sherri Munns, Director, Communications, The Regional Municipality of Durham
Joanne Paquette, Manager, Communications (Works), The Regional Municipality of Durham
David Crome, Director of Planning, Municipality of Clarington (alternate)

REGRETS

Jim McKay, Regional Manager Solid Waste – Canada, HDR Inc.
Steve Elford, Senior Environmental Officer #1184, Ministry of the Environment
Dave Gordon, Manager, Waste Management Program Planning and Policy, The Regional Municipality of York
Courtney Daniels, Project Coordinator, Solid Waste Management, The Regional Municipality of York
Ken Gorman, Director, Environmental Health, The Regional Municipality of Durham
Joe La Marce, Director, Health Protection Division, Public Health Branch, The Regional Municipality of York
Gavin Battarino, Project Officer, Ministry of the Environment
Thomas Gettinby, CAO and Municipal Clerk, Township of Brock
Paul Whitehouse, Director, Public Works, Town of Whitchurch-Stouffville
Christopher Kalimootoo, Director of Engineering and Environmental Services, Town of East Gwillimbury
Peter Loukes, Director of Operations, Town of Markham
Brian Jones, Director, Public Works Services, Town of Newmarket
Dhaval Pandya, Coordinator of Transportation Engineering, City of Pickering

Certificate of Approval

Applications: Air & Noise,
Waste and Stormwater



Anthony Ciccone, Ph.D., P.Eng.
Principal, Air Quality and Noise



Certificate of Approval

- A Certificate of Approval is a legal document issued by the Ontario Ministry of Environment that is essentially a license to construct, install and operate equipment that discharge into the environment.
- To obtain a CofA, one must demonstrate that the equipment / plant will not cause adverse impacts to the general population or the environment.
- CofA has privileges as well as obligations that the owner / operator must abide by.
- All CofAs were co-signed by the Regions and Covanta
- Regions are the Owner & Covanta is the Operator



Golder CofA Consulting Team

CofA supporting documentation was prepared by **Golder Associates Ltd** (www.golder.com)

Dr. Anthony Ciccone, P.Eng.

- Principal – Air Quality / Noise
- 25 yrs experience
- Responsible for the submission package to MOE

Michael Cant, B.A. (Hons)

- Senior Environmental Planner/Associate
- 23 years Waste Management experience

Pamela Russell, P.Eng.

- Senior Waste Engineer/Associate
- 20 years Waste Management experience

Paul Niejadlik, H.B.Sc., MASc (c), CEPIT

- Acoustics, Noise & Vibration Specialist
- 10 years Noise experience

Melanie Kennedy, P.Eng.

- Water Resources Engineer / Hydrologist
- 10 years experience



Environmental Protection Act

- On March 3, 2011, Applications for CofAs were submitted to the MOE; namely
 - Section 27 of the *Environmental Protection Act* for a Waste Disposal Site;
 - Section 9 of the *Environmental Protection Act*, for Air and Noise; and,
 - Section 53 of the *Ontario Water Resources Act* for stormwater.
- Supporting documents were based on design specification of Covanta



CofA Application - Waste

- Durham/York employ waste screening procedures so appropriate residual waste is sent to the facility
- Non-hazardous solid waste from the following sources:
 - Municipal Solid Waste (MSW) from residential sources within Durham and York Regions remaining, following at-source diversion.
 - A portion of post diversion Industrial, Commercial and Institutional (IC&I) waste traditionally managed by the respective Region at Regional waste management facilities.
 - No international waste materials generated from marinas or airports.
- Annual Throughput - 140,000 tonnes/year



CofA Application - Waste

- Residuals/Ash
 - bottom ash
 - conditioned fly ash
 - ferrous metals
 - non-ferrous metals
- Storage
 - indoor storage of material (residual, rejects, etc.)
- Transportation
 - 31 waste delivery trucks/day
 - 9 residual disposal trucks/day



CofA Application - Air

- Proponents applying for a Basic Comprehensive CofA under O.Reg 419/05
- Demonstrate compliance with O.Reg 419/05 with the submission of an Emission Summary and Dispersion Modelling (ESDM) report to MOE
- ESDM is a document that presents what emissions are released into the airshed and what their impact is, as compared to MOE Air Quality Standards
- For the Project, various scenarios were assessed including
 - Operating the Facility at 110 per cent of maximum daily throughput
 - Startup Conditions
 - Operating at 110 per cent maximum daily throughput with all ancillary equipment operating including back-up generators and silo filling
 - Potential odour during extended shutdowns
- Demonstrated that the Project will meet all ambient Air Quality Standards
 - Confirmed for cumulative concentrations (e.g. background)



Emission Controls

- NOx Reduction
 - Covanta Very Low NOx (VLN™) system
 - Selective Non-Catalytic Reduction (SNCR)
- Post Combustion Air Pollution Control Systems
 - Dry recirculation scrubber
 - Lime & carbon injection
 - Baghouse (fabric filter)



Emissions Monitoring

- Continuous Monitoring
 - Opacity, NO_x, SO₂, HCl, HF, NH₃ & CO
 - Temperature (1 sec resident time at >1000°C)
- Continuous integrated dioxin/furan sampling
- Emission stack testing as prescribed in CofA
 - Appendix 1 of A-7 contaminants (i.e. > 150 contaminants) will be sampled for.



CofA Application - Odour

- Best Management Practice (BMP) included in Application
- Tipping floor under constant negative pressure
 - Does not allow indoor air to escape out.
- Odours from the Project were assessed with measurement data from an operating facility
 - Onondaga, Syracuse, NY
- Modelling assumed the plant had a hypothetical outage
- Odour BMP also an EA Condition



CofA Application - Noise



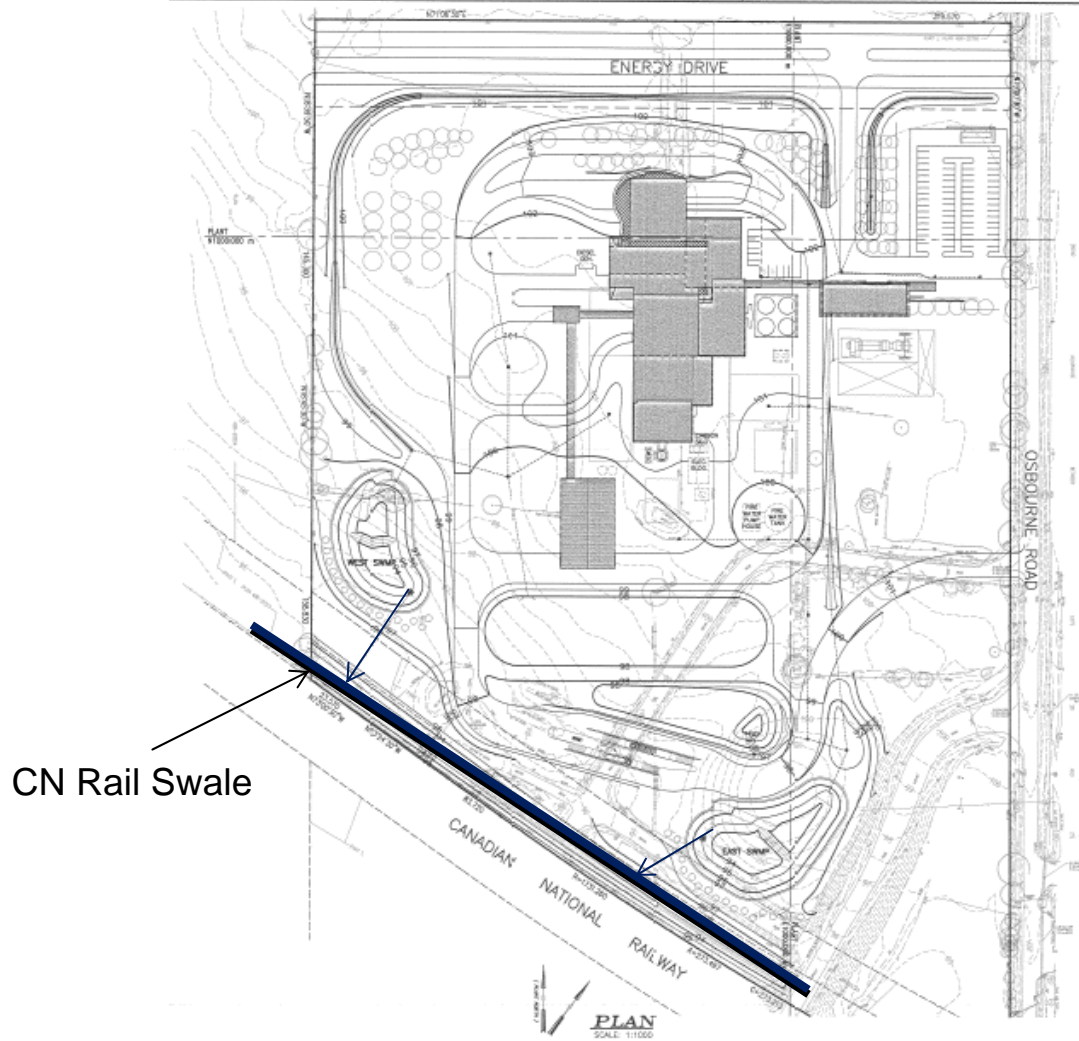
- Acoustic Assessment Report (AAR) was prepared in support of the CofA based on similar air quality operating conditions
- Noise modelling included operating equipment as well as truck traffic
- Over 50 sources of noise were addressed
- Results demonstrate compliance with day and night-time limits (i.e. 50 dBA/45 dBA)
- In general, noise levels due to the facility will be below 40 dBA

CofA Application - Stormwater

- Zero Process Water Discharge Facility
 - No discharge to Environment or Sanitary Sewer
 - Facility operates at a deficit
- Site will continue to discharge stormwater to CN Rail swale until municipal swale is constructed
- Ponds designed to contain the entire 100-year storm
 - 100 year discharge from ponds will be below the measured capacity of the CN Rail swale
- On-site Wet Ponds - Enhanced Treatment
 - 80 per cent Total Suspended Solids removal



Stormwater Ponds



Monitoring Conditions

- EA and CofA conditions for monitoring include:
 - Ambient Air Monitoring (off-site)
 - Air Emissions Monitoring (at stack)
 - Noise Monitoring (off-site)
 - Odour Management and Mitigation Monitoring (on-site/off-site)
 - Groundwater and Surface Water Monitoring (off-site)



CofA Application

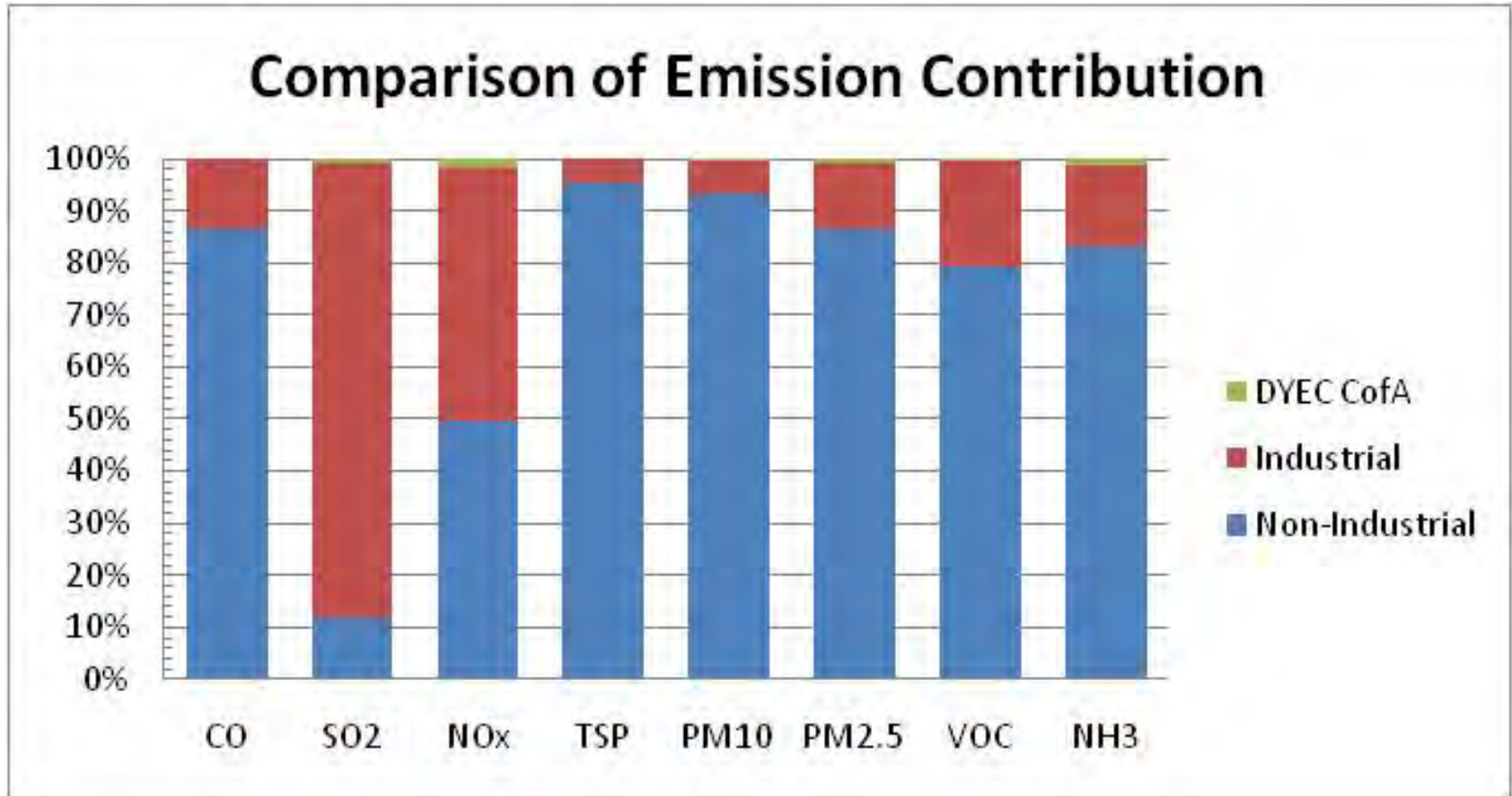
- CofAs submitted to MOE - March 3, 2011
 - MOE Reference Number 9237-8EMLDW
 - Expect comments back in two - three months
- Draft/Final CofA by June 2011
- Announcement will be posted on Environmental Registry (EBR) for information



Some Clarifications

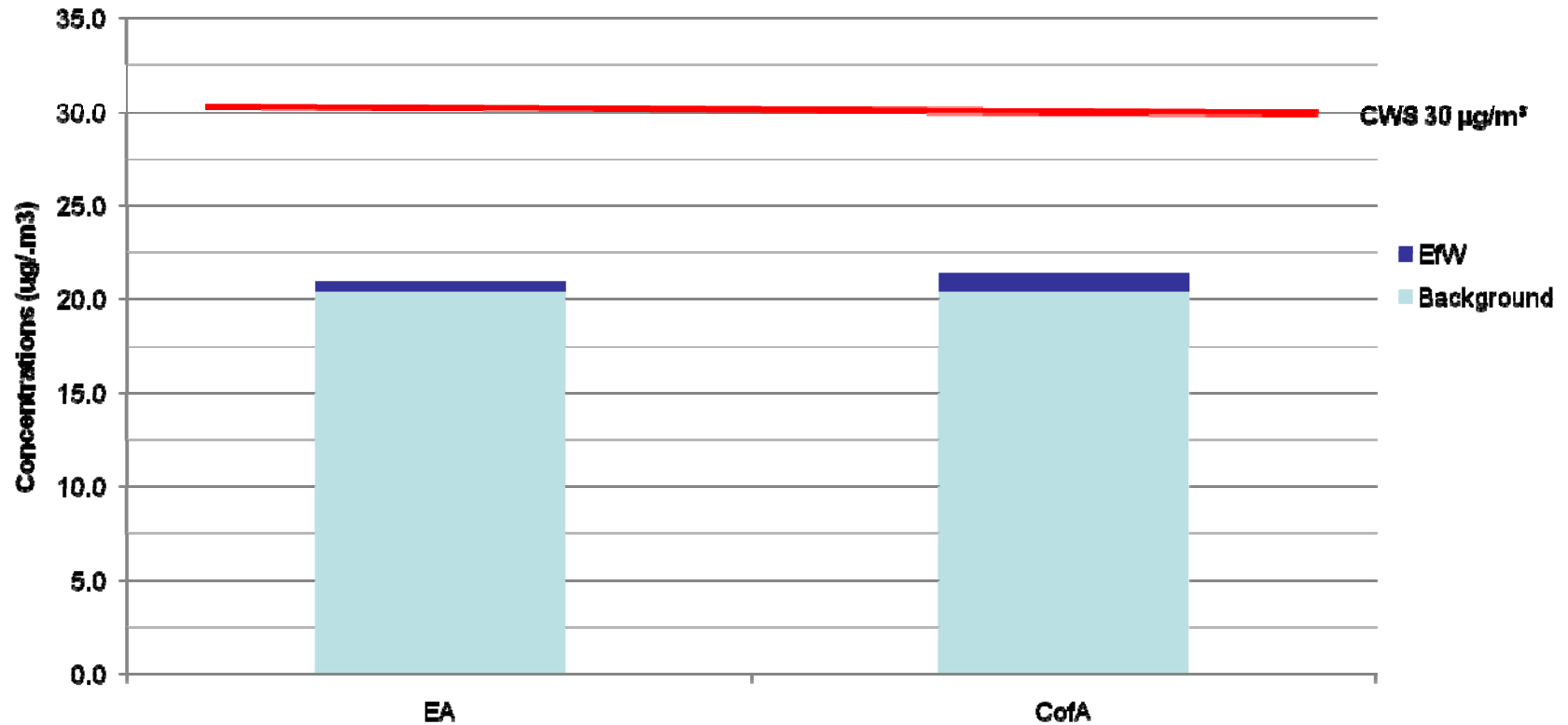


Annual Percent Contribution to Local Airshed



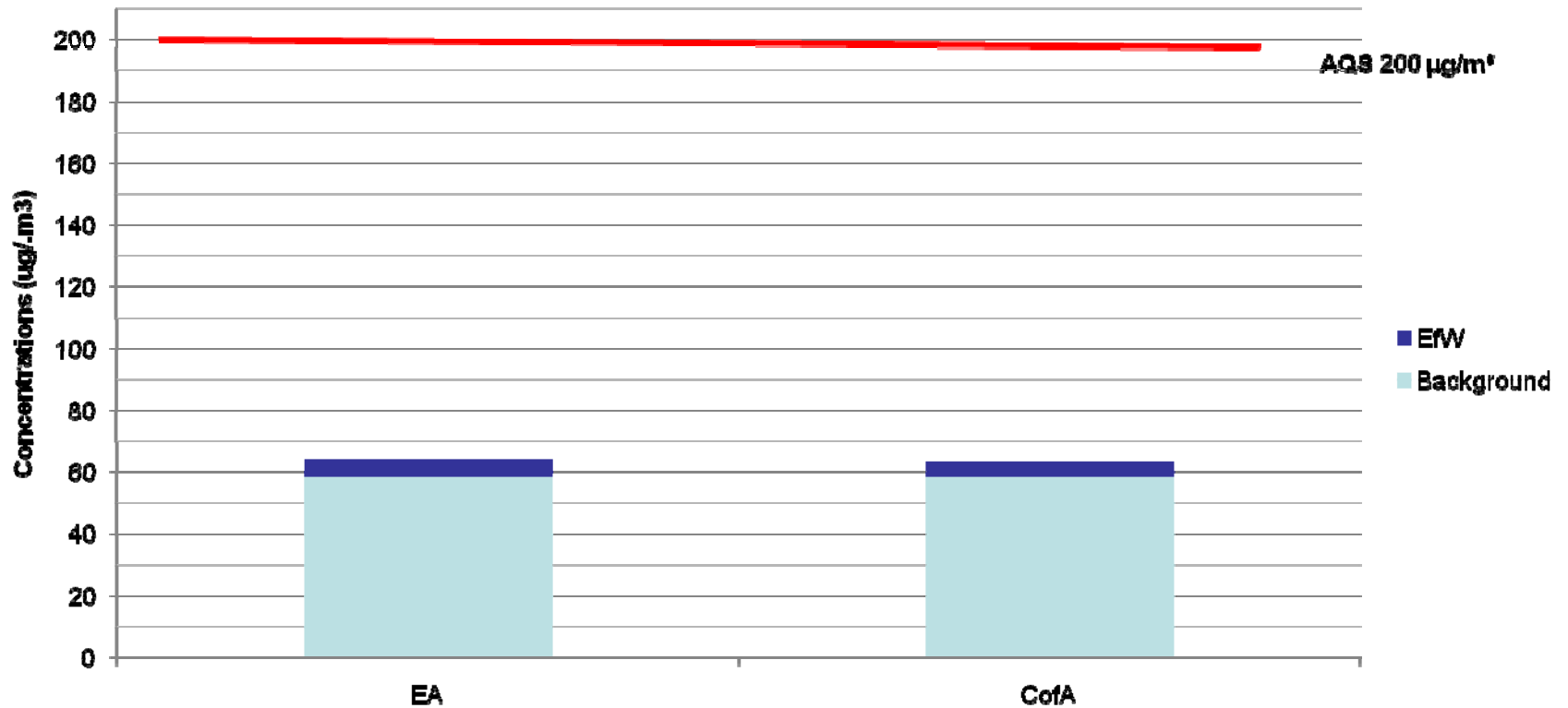
PM_{2.5} Concentrations EA vs CofA

Maximum Cumulative PM_{2.5} 24-hr Modelled Concentrations



NOx Concentrations EA vs CofA

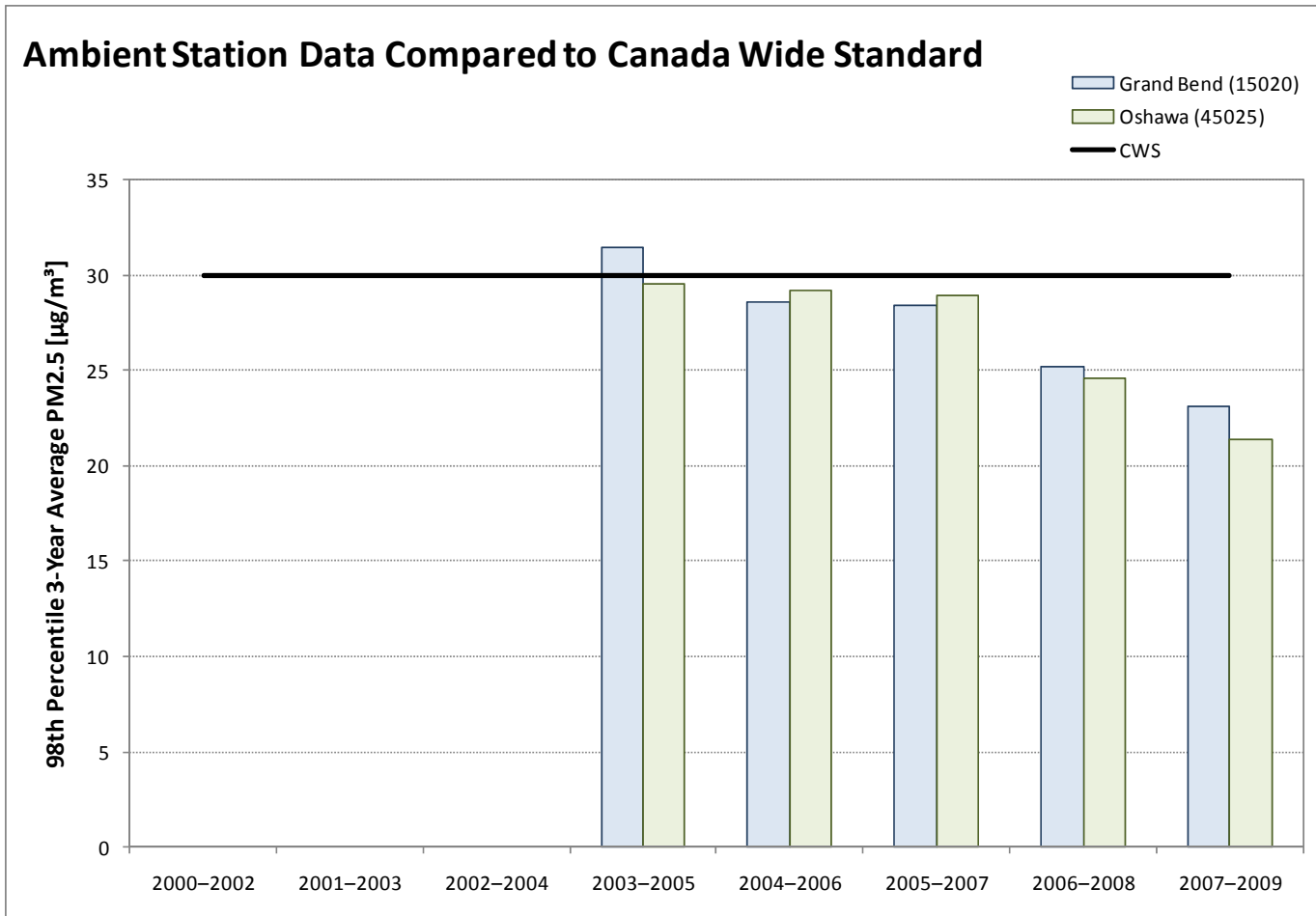
Maximum Cumulative NOx 24-hr Modelled Concentrations



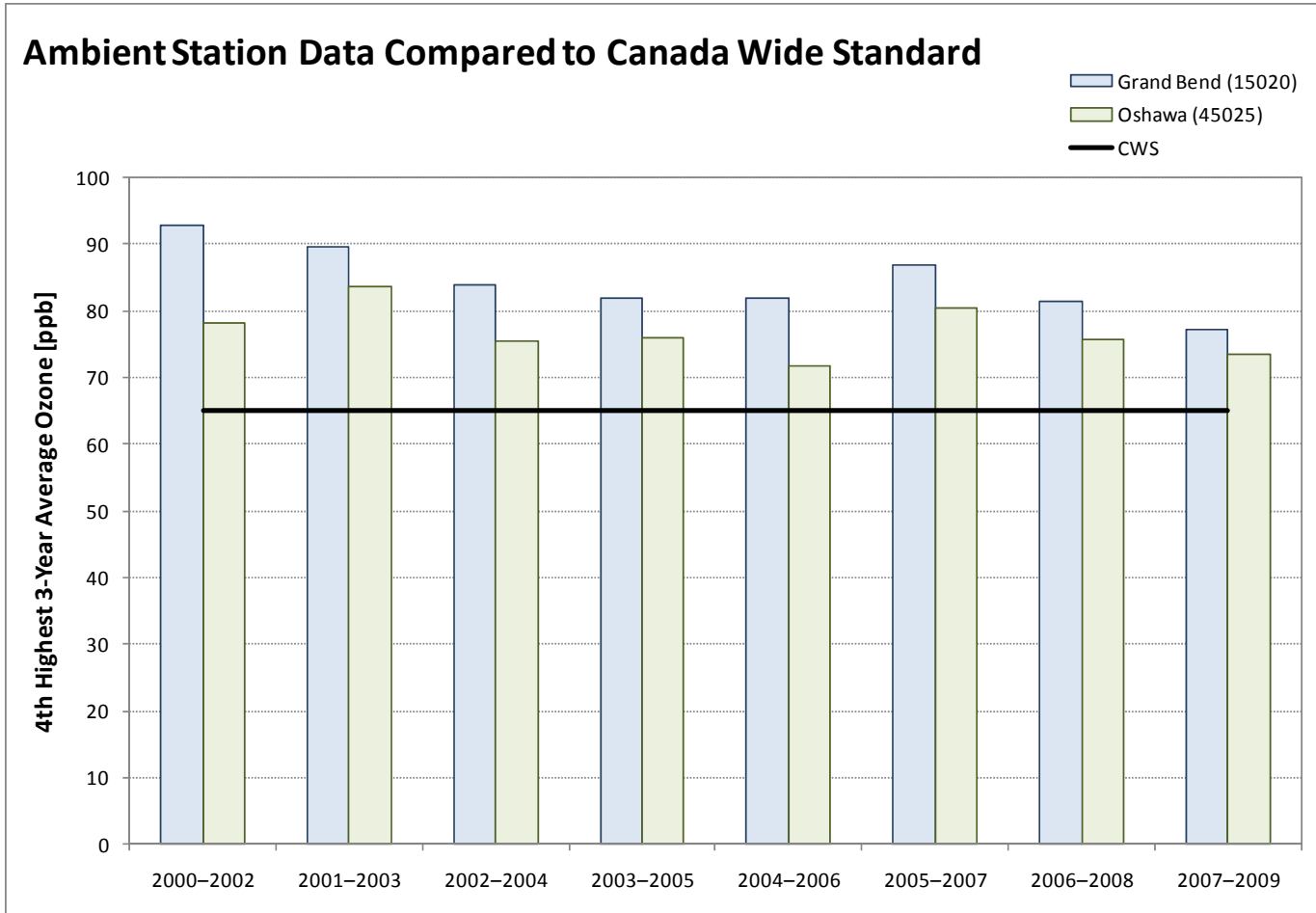
Ontario MOE AQ Monitoring Stations



PM_{2.5} Comparison between Grand Bend and Oshawa



Ozone Comparison between Grand Bend and Oshawa



Questions?



Meeting #3 Agenda

Energy from Waste Advisory Committee Annual Report



AGENDA

EFW Advisory Committee (EFWAC)

Meeting #3 August 4, 2011

EFW Advisory Committee (EFWAC)	
SUBJECT	Meeting #3
MEETING DATE	Thursday, August 4, 2011, 1:30 p.m. – 4:30 p.m.
LOCATION	Regional Municipality of Durham HQ 605 Rossland Road East, Whitby, Meeting Room LL-C
AGENDA OR REMARKS	<ol style="list-style-type: none">1. Welcome and Introductions (1:30 p.m.)2. Administrative Items (1:35 p.m.)<ul style="list-style-type: none">• Proposed schedule of the next meetings3. Update on the committee request for change of status of the MOE staff attendance at EFWAC meetings (2:00 p.m.)4. Update on status of the CofA (2:10 p.m.)5. Reports and Update on EA Conditions: Ambient Air Monitoring Plan, Groundwater and Surface Water Monitoring Plan, Emissions Monitoring Plan and Odour Monitoring Plan (2:30 p.m.)6. Meeting Adjourns (4:30 p.m.)

Please contact Facilitator Sue Cumming, MCIP RPP, Cumming+Company at 866 611-3715 or cumming1@total.net with any questions.

Meeting #3 Correspondence

Energy from Waste Advisory Committee Annual Report

Draft Emissions Monitoring Plan Comment and Response Table

Item #	Comment	Response
1	<p>The stack emission limit of 9mg/Rm3 for PM 2.5 should include filterable and condensable. This is a difference of what was approved in the EA. The CofA did not stipulate filterable only.</p>	<p>Air Pollution Source Control staff at the Standards Development Branch, MOE indicated that the particulate limits in A-7 are specifically for filterable particulate as is consistent with the Ontario Source Testing Code (OSTC). OSTC, version 3 (Method ON-5) defines particulate matter as: "Particulate matter refers to any filterable material, with an aerodynamic diameter between 44 um and 0.3um, that maintains its solid state properties at 120 degrees C, under atmospheric pressure."</p> <p>A letter to Clarington, dated July 28, 2011, from the MOE on the Clarington Council recommendation states "The Ministry has required that the condensable portion of particulates will be monitored as part of the annual source testing.</p>
2	<p>There is no way to monitor the pollutants from the facility on the days that stack testing is not performed. The frequency is not acceptable.</p>	<p>The waste coming into the facility is fairly consistent throughout the year. Both Durham and York have programs in place to remove unacceptable material. Continuous monitoring of key parameters will give confidence that the facility is operating appropriately and is meeting all of the regulatory limits.</p> <p>In addition, the ground-truthing of the model will occur through the ambient air monitoring which also includes the continuous monitoring of various performance parameters.</p>
3	<p>There is no continuous monitoring of particulate matter. Opacity monitoring is an unacceptable substitute.</p>	<p>Installation and operation of equipment that has not been determined to be reliable for demonstrating compliance has not been recommended by the Regions technical advisors, HDR. A-7 states "...intent of the monitor may be implemented either by installing a device for direct measurement of the parameter or of a suitable surrogate." The continuous opacity monitors required under Section 7 (2) (d) of the CofA will serve as the suitable surrogate to demonstrate the baghouse installed for particulate control is operating properly.</p> <p>Senes also state in email to Clarington dated June 7, 2011, "Opacity is used as a surrogate for PM emissions and provides qualitative information on the operation and maintenance of particulate control equipment."</p> <p>In a letter addressed to Clarington by the MOE dated July 28, 2011, in response to Clarington Council recommendations, "...there are a number of process parameters which must be continuously monitored which give confidence that the facility is operating appropriately and it meeting all of the regulatory limits."</p>
4	<p>The plan has no continuous monitoring of mercury.</p>	<p>Both Durham and York have facilities in which residents can take to dispose of mercury containing and other hazardous waste, as do some large box stores. Additionally hazardous waste event days are held each year to provide a more convenient drop off location for residents.</p>

		<p>Extensive promotion and education by Durham and York is carried out to help educate residents on proper disposal of household hazardous waste. Very little to none of the waste entering the facility will contain mercury. In addition, the Regions will construct a household hazardous waste depot in Clarington as listed in the HCA. This will further remove these items from the waste stream.</p> <p>The final revisions to the Ontario A-7 Guidelines also state mercury may be considered for continuous monitoring. Our technical advisors, HDR, have reviewed these systems and advised the Regions as follows: Mercury CEMS do exist, however, these systems have challenges to long-term reliability, maintenance and calibration that limit the continuous operation. Continuous sampling for mercury has not been recognized as a standard compliance method used by the USEPA, EU, Environment Canada or the MOE for EFW facilities. Long term accuracy and reliability of the results of these systems has never been demonstrated.</p> <p>Additionally, in a letter dated July 28, 2011, addressed to Clarington from the MOE stated "...the Ministry's preference is to use annual source testing which is more accurate and reliable. Please note that there are a number of process parameters which must be continuously monitored which give confidence that the facility is operating appropriately and is meeting all the regulatory limits, including mercury."</p>
5	Will continuous monitoring of organic matter be used for compliance?	A CEMS for Organic matter was stipulated in the CofA and will be installed on each unit at the facility. The CEMs for Organic matter will not be compliance based as they have not been proven reliable for compliance through USEPA Environmental Technology Verification Program. Additionally Senes in a letter to Clarington dated June 7, 2011, stated "since the facility will be equipped with a CO monitor a CEM for organic matter is not necessary, nor warranted." Organic matter will be continuously monitored and used as a performance indicator of the combustion process.
6	Will start-up and shut down and malfunction from CEMS data be made publicly available and included in the annual emissions?	<p>This data will be recorded, but will not be made publicly available. Start-up and shut-down CEM data will not be included. Reports which will be made publicly available are included in the CofA Condition 16. Public Access to Documentation.</p> <p>The start-up and shut-down procedures include the introduction of natural gas to the process to ensure that the time/temperature requirements are maintained. This will also ensure the adherence to the performance limits.</p>
7	Continuous sampling for Dioxins and Furans should be used to determine compliance.	In a letter addressed to Clarington, dated July 28, 2011, by the MOE, in response to a Council recommendation states, "The Ministry considered the request to increase this to a biweekly frequency, however, chose to retain the monthly frequency. The purpose of this monitoring

		program is to gather information on dioxin and furan emissions over a long period of time, as opposed to being used for process control...Please note that there are a number of process parameters which must be continuously monitored which give confidence that the facility is operating appropriately and is meeting all of the regulatory limits, including dioxins and furans.”
8	Table 4 and table 5 from the plan list the contaminants for compliance and source testing. If the contaminants in Table 5 are not compliance based then what is the standard to which they will be measured against?	The parameters for the contaminants not included in the CofA performance requirements and included in Table 5 will be modelled and compared against the limits contained in O.Reg 419/05 Air Pollution –Local Air Quality.
9	We do not think the choice of consultant used to prepare both the Certificate of Approval and the Emissions Plan is appropriate and an independent consultant should have been chosen.	All consultants were selected in accordance with the Region’s finance and purchasing by-laws and have the skills, experience and qualifications to carry out the tasks required in an objective fashion. The membership of one consulting firm or another with a larger group or association is not a factor in the exercise of professional skills of its employees. Regardless of which consultant worked where, licensed and certified professionals must uphold their code of ethics first and foremost – and the Region has no reason to believe that this has not been the case for any consultant retained for this project.
10	We do not feel the EFWAC meetings count towards public consultation on this plan.	The public can always ask any member of the committee, or any local or regional councillor, to forward their concerns and they are invited to attend the public EFWAC meetings and council meetings.
11	We do not find it acceptable that the Facility could continue operation for 3 hours without shutting down, even if monitoring is showing major deviations from performance requirements. We find both the provision in the Certificate of Approval and this Plan, in failing to address these inadequacies, unacceptable and failing to protect human health.	This requirement was introduced by the MOE in CofA Condition 6 (4). Shut down procedures and will be in place which will ensure the facility is shut down in the safest manor possible. In the case of minor process upsets, shutting down the facility is not always the best available response from a human health and safety perspective. Whether or not the facility shuts down, the Regions and Covanta remain legally responsible for emissions from the facility and could be subject to enforcement action if judged by the Ministry of the Environment to have endangered human health through improper management of the situation. The wording of Condition 6 (4) provides the operator with the flexibility needed to make the best possible decision to protect human health.
12	There is no continuous monitoring of carbon dioxide at the stack provided for in the Plan, though Guideline A-7 does list carbon dioxide as a parameter that may be considered for continuous or	Carbon dioxide is not a contaminant of concern but a GhG which will be estimated from combustion related parameters such as O ₂ which will be continuously monitored. As listed on Table 5 of the Emissions Plan, carbon dioxide emissions testing wil be undertaken during source testing. The operation of the Facility will result in <u>an overall reduction in GHGs</u> when compared to the

	<p>long-term monitoring. As the facility is expected to emit large quantities of carbon dioxide and its equivalents, and given the established high concern regarding their contribution to global warming, and that this is the first new incinerator facility in about 20 years in Ontario, continuous monitoring of carbon dioxide would be much better in establishing the actual annual carbon dioxide emissions from this incinerator than a once a year stack test.</p>	<p>current practice of land filling waste. The Facility will directly emit fossil or “anthropogenic” CO₂ from the combustion of plastics, however, as noted in the Life Cycle Assessment report (Appendix C-3 of the EA), the amount of avoided GHGs associated with electrical energy/materials recovery and avoided landfill methane emissions is more than the direct fossil CO₂ emissions from the Facility. The net result is a reduction in GHG emissions.</p>
13	<p>While carbon monoxide will be monitored continuously at the economizer outlet, since there is no source testing proposed for carbon monoxide, that there will be no monitoring of carbon monoxide leaving the baghouse outlet. We request that carbon monoxide be included in the stack testing done.</p>	<p>CO is an operational parameter and utilized as a performance indicator of the for complete combustion efficiency. It is measured continuously at one location – economizer outlet – and is not affected by processes beyond that point so there is no need to source test when the CEM covers this more fully.</p>

Draft Ambient Air Monitoring Plan Comment and Response Table

Item #	Comment	Response
1	<ul style="list-style-type: none"> • The Ambient Air Committee met only once. Given the importance and the complexity of the plan (what of the many pollutants will be monitored, where will they be monitored, how often will they be monitored, how many monitors are needed, how will the data be reported, etc.), one meeting was inadequate. Members did not have time to digest the material presented and comments made and did not have the opportunity of a further meeting to thoroughly discuss and thoroughly review modifications and discuss concerns. • The one meeting was two hours long. • There were no minutes taken at the meeting. • Subsequent modifications and new information which has come available and which is related to the Committee decisions (such as the contents of the Certificate of Approval) were not brought before the Committee where these issues and this information could be discussed. 	<p>The Ambient Air Committee met once to discuss and review the draft plan and provide comments to the plan. At the time of the meeting the proponents asked all members if they had additional questions to which they all responded “no”. There was no time limit given for the meeting. The meeting was an informal discussion among professionals and interested parties. All parties were welcome to take minutes if they so choose to do so. All parties were advised that if they had any further comments after the meeting they could forward them to the Region for consideration. After discussions at the meeting, all members at that time were in agreement with the proposed modifications. This plan and any modifications to the plan which were required by the CofA are subject to approval by the MOE.</p>
2	<p>Inappropriate Choice of Consultant to Draft and Develop Ambient Air Monitoring Plan Stantec is the consultant firm who drafted/reviewed the Ambient Air Monitoring Plan. We feel this choice of consultant is inappropriate for the following reasons:</p> <ul style="list-style-type: none"> • One of the purposes of the ambient air monitoring is stated on page 1-1 of the report as “validating the predicted concentrations from the dispersion modelling conducted in the Environmental Assessment (Jacques Whitford, 2009a)”. Stantec consultants Mr. Crooks and 	<p>All consultants were selected in accordance with the Region’s finance and purchasing by-laws and have the skills, experience and qualifications to carry out the tasks required in an objective fashion. The membership of one consulting firm or another with a larger group or association is not a factor in the exercise of professional skills of its employees. Regardless of which consultant worked where, licensed and certified professionals must uphold their code of ethics first and foremost – and the Region has no reason to believe that this has not been the case for any consultant retained for this project.</p> <p>Regarding the issue raised on the invalidation of NOx data, Mr. Crooks in his presentation to the Committee noted at that time that the data presented was preliminary and would be subjected to further validation. Subsequent to that presentation, review of the monitoring station operating logs revealed operational issues which caused this data</p>

<ul style="list-style-type: none"> • Both consultants formerly worked for Jacques Whitford. Jacques Whitford was acquired by Stantec. Jacques Whitford was a member of the Canadian Energy From Waste Coalition . Covanta is a principal funder of that coalition. • There were numerous problems and errors with the Air Quality Assessment Technical Study Report and Human Health and Ecological Risk Assessments, some of which are outlined below. As a result of this history, we do not have confidence in the work of these consultants. • There was an Ambient Air Monitoring report presented to Committee by Mr. Crooks which showed exceedances for NOx at the Courtice site. Months after the report was presented to Committee, the data showing the exceedances was invalidated. The consultants said that an air conditioning failure was responsible for the invalid data. We do not feel it is acceptable that this error was not caught earlier and that reports were changed long after being presented to Committee. • The original raw data for the Courtice Monitoring Station had problems with it and 	<p>to be invalidated. This rationale was fully explained in the final ambient monitoring report and accepted by the MOE.</p> <p>Incorporating the feedback from regulatory agencies on draft reports is a normal part of the EA process and was done for the ambient monitoring. The fact that the MOE requested some minor changes in QA/QC procedures of the ambient was not unusual and resulted in only minor changes in the reported monitoring data. Likewise, as has been discussed in several presentations to Council, minor differences in facility emissions rates between the EA and CofA stages are not unusual, as the facility design progresses and is refined. All of the changes in facility emissions between the EA and CofA were re-assessed and presented to Council on July 26, 2011, as the members of DEW and Durham Clear who were in attendance at that meeting, should be well aware. None of the changes in facility design or emissions between the EA and CofA affected the results or conclusions of the EA assessment.</p> <p>A review of the health risk assessment by Intrinsic and Dr Copes following the changes between the EA and CofA resulted in the conclusion that there is no change to the outcome of the EA HHERA results and the facility will not pose an undue risk to the public or the environment. (see item 12 below)</p>
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	<ul style="list-style-type: none"> • the correct amended baseline values were not carried forward into the Amended AQATSR and Amended HHERA. We find this error unacceptable as the baseline values are obviously the foundation input for these studies. • The emissions inventory used in the EA (in the AQATSR and HHERA) was incorrect and incomplete for PM2.5 and ammonia. • The risk characterization for key pollutants in the HHERA was not appropriate. Dr. Copes report for Dr. Kyle indicates that the methodology which was used by the consultants in the HHERA for PM2.5 “is not particularly informative with respect to potential human health risks”. 	
3	<p>The Draft Plan is already submitted to the MOE . How can major concerns be addressed at this point and at this late date? Is this Committee here to simply “rubber stamp” the decisions made previously by the Project Team and their consultants and the MOE?</p>	<p>The EA Notice of Approval requires the Regions to initiate consultation with the MOE in the development of the ambient air monitoring. This consultation was initiated with the submission of a draft plan simultaneously to the MOE and the Ambient Air Working Group in March.</p> <p>The Regions are required to meet the deadlines as prescribed by the EA and CofA. The ambient air monitoring plan must be submitted to the MOE by August 31. Comments from the EFWAC were requested by August 15. The Regions are able to review all comments and make revisions where necessary and include in the final draft. It is ultimately the MOE and their team of qualified professionals who approve the plans submitted.</p>
4	<p>Condition 11.5 of the Minister’s Conditions of Approval states that the ambient monitoring “shall continue the monitoring until such time as the Regional Director notifies the proponent in writing</p>	<p>The objective of the ambient air monitoring is to ground-truth the model.</p> <p>The 2009 COW-01 recommendation b) ii stated “that stack testing be supplemented by ambient air and soil testing for a minimum of 3 years” – that would suggest 3 years of</p>

	<p>that the Ambient Air Monitoring is no longer required”. How is it then that the proponents in this report are proposing that the monitoring only take place for one year prior and two years after the facility is operating?</p> <ul style="list-style-type: none"> • In Dr. Kyle’s COW report in June 2009, Dr. Kyle stated his request for three years of ambient air monitoring. This, too, is inconsistent with what is being proposed. The public has every expectation that this 3 year monitoring period would take place while the facility was operating. • Since the emissions monitoring in the Certificate of Approval and proposed in the Emissions Monitoring Plan is inadequate to accurately measure the total emissions of most of the pollutants of high concern such as PM2.5 and metals (once a year stack test), and since emissions can vary with the wastestream and its composition will likely vary over the life of the facility, and that equipment performance may not be uniform over time, we submit our comment that the ambient air and soil monitoring should be done for the life of the facility. 	<p>monitoring following start of operation. In addition, the Ambient Air Working Group requested that 1 year of baseline data be collected. So there will be a combined 4 years of ambient air monitoring.</p> <p>The proponents are subject to both the EA and CofA Conditions of Approval. EA Condition 11.4 under Ambient Air Monitoring and Reporting states “...shall continue the monitoring until such time as the Regional Director notifies the proponent in writing that the Ambient Air Monitoring Program is no longer required.”</p> <p>Section 1.2 of the Draft Ambient Air Monitoring Plan will require an amendment to reflect the 2009-COW-01 report for 3 years monitoring to supplement stack testing in addition to 1 year of baseline monitoring prior to facility operation.</p>
5	<p>We do not accept that 2 monitors will be sufficient to satisfy the purposes outlined and to verify that the modelling is correct. What if the modelling is wrong and the location of the maximum point of impingement is not as predicted and other predictions are incorrect? How will that be determined with only two monitors and how would it be known what part of the modelling and which assumptions are in error?</p> <p>We do not have the expertise to determine how many more monitors would be required and that is</p>	<p>To be fair this comment states “...we do not have the expertise to determine how many monitors would be required...” In order to obtain the required technical services the Regions hired the services of subject matter experts to develop the monitoring plans. In addition, the Ambient Air Group met and discussed and agreed that a minimum two monitors would be acceptable and the draft plan was revised to reflect this. Additionally, in consultation with the MOE, they requested the plan include two stations. The consultants who drafted the plan used the US Consolidated Federal Regulations, Section 40, Part 58 (40CFR Part 58), Appendix D (US EPA, 2010), which provides criteria for the basic air monitoring requirements including the total number of monitoring sites based on population levels and the contaminant being monitored, as well as many other established methods and models to develop this plan.</p>

	<p>why we comment that the opinion of a completely independent expert is required here. We would expect that monitors dispersed radially around the plant at varying distances and at varying angles would be necessary.</p>	<p>Any qualified consulting firm would utilize the same scientific protocols (which are used industry wide) from which to draft a monitoring plan of this nature.</p> <p>Section 3.3 of the plan also states “If the ambient monitoring data do not agree well with the dispersion model predictions, the need for additional monitoring stations (or re-location of the existing stations) will be reviewed and assessed with the MOE.</p>
6	<p>Again, we comment that the opinion of a completely independent expert is needed to determine the optimal locations of monitors to best determine how well the modelling was done, what the ambient concentrations are and to best determine the impact of the facility emissions.</p> <p>The monitors were located where the predicted annual average concentration occurs (at 1.5 km to the NE of the incinerator), however another site 1.5 km to the W-NW of the site and maximum 1-hour and 24-hour averages were predicted at different sites so these locations would be important as well.</p> <p>There are also specific locations which would be of concern and where verification of the predicted concentrations would be important. We believe that it would be important to have monitors located at or near important locations to verify predicted concentrations and these locations include both sets of nearby soccer fields, at the nearest daycare and primary and secondary schools both upwind (in Courtice) and downwind (in Bowmanville), at the OPG Darlington plant, at the nearest subdivisions/housing development in both Bowmanville and Courtice and to the north of the site as well, and at the agricultural sites which are within several kilometres of the plant. We think monitors should be located at varying distances from the plant as well to get a good picture of the dispersion.</p> <p>We have a concern regarding the Upwind1 site as it is the same site that was used for the baseline</p>	<p>This question has been answered under Items 2 and 5.</p>

	<p>monitoring and that not all of the siting MOE siting criteria were met for all the different monitors. (See Table 1-1 of the Final Report on Ambient Air Monitoring at the Courtice Road Monitoring Station, December 2009) (that document shoPAH and Dioxin/Furans monitoring devices too close to ground, met station too close to building, monitors too close to trees).</p>	
7	<p>Ammonia, CO, HCl, HF, and VOCs are pollutants of concern and it was not acceptable that baseline concentrations were not measured at the site for these pollutants during the EA and so no Courtice baseline concentrations were assessed in the EA for these pollutants. The ambient air monitors would be an opportunity to finally address this unresolved problem.</p> <p>In addition, Health Canada, in their review of the EA did express concern regarding respiratory irritants and ammonia, CO, HCl and HF are all respiratory irritants. Health Canada also advised that chloroform (a VOC) be part of any air monitoring requirements. Furthermore, Health Canada also stated “given the potential for “respiratory irritants” to exceed a concentration ratio (CR) of 1.0 during Process Upset Case, Health Canada suggests that these substances be included in any monitoring undertaken during process upset conditions”. They also advised that “hydrogen chloride be included in monitoring plans for the project”.</p> <p>We note that the proponents are proposing to monitor a much smaller set of pollutants at the upwind station than the downwind station and exclude heavy metal, dioxin/furan and PAH sampling from the upwind station. It is also not clear whether PM2.5 monitoring would occur at the upwind station as it seems to be excluded in</p>	<p>The first year of this Ambient Air Monitoring will be to establish a new baseline with more current information. The objective of the ambient air monitoring plan is to determine the impacts of the EFW facility on the local air shed. As illustrated in the draft plan, the facility contributions to various VOC species are several orders of magnitude below the “minimum detection limit” for that parameter – therefore monitoring for these contaminants will not provide any useful information.</p> <p>In a follow up letter from Health Canada to Dr. Ollson on May 27, 2011, Health Canada states “Based on the approved scenario (140,000tpy), neither HCl or chloroform were predicted to exceed the applicable risk-based inhalation standards. Based on this information, ambient ground-level monitoring for these substances does not appear to be necessary”.</p> <p>As was discussed with the members of EFWAC, there will be at least two monitoring stations with the potential for an additional partial station. The two monitoring stations will continuously monitor PM 2.5, NOx, SOx, with intermittent monitoring of metals every 6 days, PAH’s every 12 days and dioxins and furans every 24 days at the downwind station, all in accordance with the MOE standards. The upwind station will monitor contaminants (PM 2.5, NOx, SOx) which have the greatest potential to be able to actually measure changes in air quality relative to background levels and therefore provide sufficient data with which to judge if the DYEC is affecting local air quality</p>

	<p>the site criteria table. It is not acceptable that the upwind monitor would monitor fewer pollutants.</p>	<p>levels.</p>
8	<p>Section 13.4a) of the Certificate of Approval states that “Within ninety (90) days from the date of this Certificate, the Regions shall prepare and submit to the Regional Director for concurrence, a Soil Testing Plan to monitor the impact of the Site operations at the locations where the ambient air monitoring is proposed by the Owner in accordance with the requirements set out in the EA Approval”.</p> <p>We believe this information was not provided previously and would also affect the choice of the ambient air monitoring stations. To our knowledge, the Ambient Air Monitoring Committee was not informed that the location of the ambient air monitors would also be the locations for the soil testing. This is a key piece of information and again, the opinion of a completely independent expert is needed to inform the best location of monitors not only for ambient air, but also for soil testing.</p>	<p>The CofA was approved and public on June 28, 2011. The Ambient Air Group met on April 28th prior to the issuance of the CofA so the information could not have been provided previously.</p> <p>There is much more science and knowledge required to select the appropriate site for an ambient air monitoring station than it is to select a soil monitoring location. Additionally, the ambient air monitoring stations are most effective when sited in a location where the maximum predicted concentration of facility emissions are to fall. It is ideal to measure ambient air and soil in the same location as it helps to ensure that what is captured is from the facility and not another source. This data will provide corroborative data on the potential impacts of the EFW.</p>
9	<p>Section 7.1 of the report states “The proposed monitoring program will be operated by a third-party consultant hired by the Regions.”</p> <p>We request that the third-party consultant cannot be a member or a past member or consultant group with any affiliation to the Canadian Energy From Waste Coalition and that the consultant should have had no involvement with the incinerator project thus far and that it would specifically exclude the following list of consultants which have been used extensively and repeatedly by the Regions: Stantec, Golder Associates, GENIVAR, HDR, and Intrinsik. We would also request that the consultant have no previous work relationship</p>	<p>The monitoring program implementation will be initiated through the Region’s procurement process. The successful agency must follow the MOE procedures and utilize certified laboratories.</p>

	with the industry and that it would be preferable that the consultant be from academia with appropriate expertise and qualifications.	
10	<p>In addition to what is being proposed we would ask that 98th percentile data be reported for PM_{2.5} for comparisons against the Canada Wide Standard</p> <p>It is stated that only “validated exceedances” of Regulatory criteria will be reported. We request instead that ALL exceedances be reported (not just those that have been “validated”, and the rationale provided for any exceedances that are invalidated.</p> <p>We would also request that the raw data measurements collected at the stations be saved and accessible to the public upon request.</p>	<p>Statistics such as 98th percentile data will be included in the annual reports. At the end of three years of monitoring (the time frame required for comparison to the CWS for PM_{2.5}) comparisons to the CWS standard will be made.</p> <p>Raw data normally includes periods in which the data are invalid due to instrument measurement limitations, malfunctions, calibrations, etc. It is irresponsible to report data that is knowingly meaningless. Only validated exceedances will be reported. A discussion of the data validation procedures applied to the measurement data is a normal part of an ambient monitoring report that will be included in all quarterly and annual reports.</p> <p>Raw data will not be released to the public as it has not yet been subjected to the appropriate quality control procedures. This raw data cannot be validated or extrapolated by those who do not have the technical skills, qualifications or equipment to do so. The public is allowed access to the documents listed in CofA Condition 16 - Public Access to Records.</p>
11	<p>In the section describing the CEM of PM_{2.5}, why is the descriptor “Respirable” used? Will the CEM measure ALL PM_{2.5} concentrations – i.e. both filterable and condensable fractions? Will ALL PM_{2.5} concentrations be reported? How sensitive is the monitoring device proposed and what size of particulate can it monitor? We request that the best and most sensitive monitors available in the world be used since fine AND ultrafine particulates are of the utmost concern to the public.</p>	<p>The term “respirable particulate matter” is a commonly used term for PM_{2.5} by technical experts knowledgeable in air quality and ambient monitoring. By definition, PM_{2.5} includes all particulate less than 2.5 microns in diameter. The proposed PM_{2.5} methodology measures both filterable and condensable fractions. The monitor proposed for the PM_{2.5} measurement is in accordance with the MOE requirements and is state of the art.</p>
12	<p>Section 9.1 states that two sets of standards – Ontario Regulation 419/05 and “health-based” standards in Tables 7-2 and 7-3 of the HHERA – will be used for comparison of the air quality data</p>	<p>O.Reg. 419/05 is a compliance based standard, however not all chemicals have O.Reg.419/05 criteria. Health based values used in the HHRA will also be used.</p> <p>The comments provided by Senes on behalf of Clarington were addressed in the June 11,</p>

<p>during the screening process.</p> <p>In the case of PM2.5 emissions, there is no Ontario regulation, so it is being proposed that the HHERA “health-based values” will be used to screen the data. First of all, the Plan is incorrect in referencing the HHERA values as “health-based” values. It has been firmly established that the Canada Wide Standard used in the HHERA as a reference value for PM2.5 is not only NOT health-based (it is simply a benchmark), but it is also INADEQUATE in assessing adverse potential health impact (See Dr. Copes (Public Health Ontario) report to Dr. Kyle, July 2011) . We completely REJECT the use of the Canada Wide Standard as a screening standard/air criteria for PM2.5 in the ambient air monitoring program.</p> <p>We also reject the use of the air criteria/standard for NO2 as it is outdated and not protective of human health.</p> <p>We also have concerns that with bi-weekly reporting, major exceedances could not be responded to in real or adequate time.</p>	<p>2009 version of the risk assessment that was provided to Council and included evaluation of PM2.5 using both the Canadian (CWS) approach and the WHO toxicity reference value. This did not change the conclusions of the HHERA and was subsequently accepted by all peer reviewers and the MOE.</p> <p>Pertaining to comments received from the MOE, a full review of inhalation benchmarks, guidelines, standards and criteria was performed such that the most appropriate TRVs are used in the HHERA. This process involved, verifying the underlying rationale behind each TRV labeled benchmark to determine the true nature of the value. Additionally, for each chemical where an air quality benchmark was used to calculate a concentration ratio (CR), a search of TRV values from recognized regulatory bodies such as the MOE, US EPA IRIS, Health Canada, ATSDR Minimum Risk Levels (MRL), California EPA, and RIVM was conducted to ensure that where available, a reference concentration (RfC) TRV took precedent over the use of a benchmark. These updates were included in Table 1-2 of the addendum to the risk assessment provided in November 2009 to the MOE. This did not include PM2.5 as it had already been updated for the June 11, 2009 version that was provided to Council.</p> <p>The use of the updated TRVs values did not change the findings of the draft May 2009 HHERA inhalation assessment. All risk estimates for these five COPC remain below the threshold concentration ratio of 1, and therefore, emissions of these COPC from the facility are not anticipated to pose an undue risk to receptors in the Local Risk Assessment Study Area.</p> <p>Additionally, Stantec and Intrinsik remodeled the ground level concentrations using the emission rates in the CofA, updated the potential health risks for CofA PM2.5 and provided a comparison of the results provided in the HHERA in 2009 and presented their findings in Council on July 26, 2011. The conclusions were that there was no change to the conclusions of the risk assessment from the EA in 2009 and the CofA in 2011. There is no increased health risk due to PM 2.5. Members of DEW and DurhamCLEAR were in attendance at that meeting and are well aware of the results of this study.</p> <p>Dr. Ray Copes, conducted a peer review of the updated PM 2.5 Emission Modeling. In a letter addressed to Dr. Kyle on July 20, 2011, he states “...our assessment and conclusion of PM 2.5 is consistent with that reached earlier by Dr. L. Smith...”</p> <p>The Regions do not set the standards but rather are required to abide by the standards and regulations of the day and our CofA. Should standards for NOx change in the future the facility will be required to meet it.</p>
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		<p>Section 9.1 of the AAMP states “If at any time at the monitoring locations the 1 hour and the 24 hour criteria are exceeded for one or more contaminants, then the Regions, the MOE and the Medical Officer of Health for Durham Region will be immediately notified and an investigation into the root cause will be undertaken, as there may be several potential explanations for an exceedance other than the DYEC emissions...A qualified toxicologist will evaluate the magnitude of the exceedance and the potential for health effects.”</p>
13	<p>EFWAC Meeting Cannot Be Consider Public Consultation on this Plan Here are some of the reasons why: This meeting, once again, is being held during the day as opposed to the evening when the majority of the public can attend. Numerous plans are being considered in a short meeting time and this is unacceptable. This forum is unacceptable. Other than the three public members from DEW, ZW4ZB and DurhamCLEAR at the table, the rest of the public cannot ask questions on this complex proposal.</p>	<p>The EFWAC is open to holding a meeting in the evening. An evening meeting was considered during the previous EFWAC meeting, however, many members indicated they would be unable to attend. In this case it lead to having to holding the meeting in the day as quorum could not be met for an evening meeting at that particular date and time. The Regions have committed to holding the next EFWAC meeting in the evening.</p> <p>The plans are being provided to meet the requirements as set forth in the CofA. They were distributed in draft form for comment to the EFWAC as soon as they were prepared.</p> <p>The public can always ask any member of the committee, or any local or regional councillor, to forward their concerns and they are invited to attend the public EFWAC meetings and council meetings.</p>

Draft Odour Management and Mitigation Plan Comment and Response Table

Item #	Comment	Response
1	It is our understanding that the Plan will be modified to reflect the following: Page 7 of the Plan, uncovered trucks are not used by the Regions, they are tarped or enclosed.	The reference to uncovered trucks on page 7 of the Plan will be removed.
2	Request that the odour complaint procedure will be updated to address Clarington's comments about appropriate notification of the Region and Municipal officials	The odour complaint procedure will be revised to include notification to Clarington, upon receipt of an odour complaint. Any complaint will be reported to the district MOE office.
3	The public should have access to the odour mitigation log.	The odour complaint and mitigation log will be made available to the public.

Draft Groundwater and Surface Water Monitoring Plan Comment and Response Table

Item #	Comment	Response
1	The location of SW02-11 on Figure 2 should be south of the outlet anticipated to be on Tooley Creek. The Plan references provincial standards and objectives that have been long established by the MOE.	Figure 2 of the monitoring plan has been revised to move SW2-11 downstream approximately 200 m. (Note: due to the requested surficial geology map per Comment #4, Figure 2 has been re-numbered as Figure 3.)
2	Generally the staff (CLOCA) believes that the analyses and documentation are relatively thorough. The documentation was found to be appropriate and clear, and the figures well presented the data according to the specifications.	<p>Please note that the MOE's Technical Support Section groundwater reviewer requested a reduction in the number of parameters included for analysis subsequent to the draft monitoring plan being distributed for review. The rationale for the reduction in the parameter listing was to focus on groundwater parameters that would be useful in evaluating if there are any upset conditions, and excluding parameters that could be elevated due to other sources or naturally in groundwater.</p> <p>The reduced parameter list is designed to provide a basic understanding of groundwater geochemistry which will aid in distinguishing whether or not differing sources of water are interpreted and thus allow for identification of any failures in the Facility controls. Additionally, specific metals that have been identified as contaminants of concern related to municipal solid waste leachate and/or ash, and will likely not be naturally elevated have been included.</p> <p>The revised parameter listing is: field measurements (temperature, pH, conductivity, oxidation reduction potential (ORP)), major cations (calcium, magnesium, sodium, potassium), major anions (chloride, sulphate, carbonate, bicarbonate), and metals (boron, cadmium, cobalt, lead, mercury).</p>
3	For baseline conditions and in the event of future issues it is recommended that one or two of the private wells (down-gradient) that are currently not in use just outside of the site boundary be included in the monitoring program.	. Given the presumed overall groundwater flow direction to the south toward Lake Ontario, and the presence of the Courtice Water Pollution Control Plan (WPCP) between the Facility and Lake Ontario, the potential for private groundwater supply wells to be located downgradient of the Facility is low. MOE water well records have been plotted on surficial geology map (per Comment #4 below) and added to the plan. A review of the MOE water well records indicates a handful of records were returned that plot on the Courtice WPCP and are likely related to historical geotechnical drilling at that property. A comment to this

		effect has been added to the monitoring plan, as well as adding a task to the monitoring plan to confirm the absence of downgradient private wells once groundwater flow directions have been confirmed.
4	A clear geological map and cross section could be added for clarity to the supplemental water level description, aquifer unit and groundwater flow.	A surficial geology map has been added to the monitoring plan documentation. A cross-section and groundwater flow map for the Facility cannot be developed until the monitoring wells detailed in the plan have been installed. The monitoring plan has been updated to clearly reflect that these items will be included in the data evaluation.
5	CLOCA would appreciate obtaining the water well records and hydraulic testing results after drilling.	Comment noted.
6	Section 3.4 outlines the parameters for the sampling of surface water. It is recommended that water temperature be included as a parameter to be monitored.	Temperature was already included as a parameter to be monitored during the operations phase of the monitoring program. It has been added to the construction phase monitoring program.
7	Figure 2 provides the proposed location for monitoring locations. It is recommended that monitoring station SW02-11 be moved downstream of the convergence of the stormwater conveyance swale and Tooley Creek.	Comment noted. Same as Item #1.

Draft Noise Monitoring Plan Comment and Response Table

Item #	Comment	Response
1	Figure 1 the POR's for monitoring locations is not included in the study.	Figure 1 is updated to show POR's.

Meeting #3 Minutes & Presentations

Energy from Waste Advisory Committee Annual Report



Energy from Waste Advisory Committee (EFWAC) Meeting #3

MINUTES

SUBJECT:	Energy from Waste Advisory Committee Meeting #3
ATTENDEES:	Please refer to page 9 for complete listing.
LOCATION:	The Regional Municipality of Durham, Meeting Room LL-C 605 Rossland Road East, Whitby
DATE AND TIME:	Thursday, August 4, 2011 at 1:30 p.m.

Please note: Energy from Waste Advisory Committee (EFWAC) Meeting #3 was open to the public.

ITEM	ACTION
<p>1. <u>WELCOME – FACILITATOR COMMENTS AND GROUND RULES</u></p> <p>Sue Cumming, the independent facilitator, welcomed members and confirmed quorum. She noted that handouts of all material up for discussion were available. She welcomed public and Ministry of the Environment (MOE) observers. Each committee member in attendance introduced themselves.</p> <p>The facilitator gave an overview of the meetings agenda highlighting that it was drafted to address concerns raised at previous meetings.</p> <p>The facilitator then reminded committee members of facilitator and member ground rules which include appropriate conduct, respect for all points of view and giving others the opportunity to speak uninterrupted.</p>	
<p>2. <u>ADMINISTRATIVE ITEMS</u></p> <p>The second EFWAC meeting draft minutes were brought forward for adoption. The facilitator noted that changes were made to the draft minutes based on comments received from EFWAC members. Once the minutes are adopted by the committee they will be uploaded to the project website and made public. As there were no further clarifications to the minutes, they were adopted.</p> <p>A committee member noted that at the previous meeting, time would not allow for all questions to be answered and it was decided they would be submitted after the meeting. Questions were submitted electronically April 3rd but no response was received until July, after the MOE public comment period had closed. The member felt the response time was not acceptable and hindered their ability to</p>	<p>Project team to make EFWAC Meeting #2 minutes publicly available.</p>

<p>make further comments to the MOE.</p> <p>The project team noted that the MOE request for a public comment period on the CofA occurred after the last meeting. The team had committed to providing responses to questions before the subsequent meeting, this was achieved. The project team also noted that some of the answers required knowing exactly what was included in the CofA.</p> <p>The facilitator asked that the project team provide a response within a few days to the sender confirming that the questions were received and providing an estimated turnaround time for response, depending on the technicality of the questions. The project team indicated that it is their intent to respond as quickly as possible where possible.</p> <p>The proposed schedule of the next meeting is late October or early November. The exact date will be sent out well in advance of the meeting. The facilitator noted that an attempt was made to hold the current meeting in the evening, however, from the responses received quorum would not have been reached. She asked the committee to commit to holding the next meeting in the evening. There was agreement to hold the next EFWAC meeting in the evening.</p>	
<p>3. <u>UPDATE ON THE COMMITTEE REQUEST FOR CHANGE OF STATUS OF THE MOE STAFF ATTENDANCE AT THE EFWAC MEETINGS</u></p> <p>A letter was sent from the project team to the MOE requesting the revision of condition 8.7 of the Durham York Residual Waste Study Amended Environmental Assessment (EA) Notice of Approval which states “<i>A representative from the ministry shall be invited to attend meetings as an observer</i>”. The revision would indicate the representative from the MOE shall be invited to participate on the advisory committee. The MOE response stated that under the EAA the Minister cannot amend a Notice of Approval, therefore, the request cannot be considered.</p> <p>The MOE has offered to provide a presentation and explain their rationale for this decision at the next EFWAC meeting. The facilitator noted the MOE representatives coming to the next EFWAC meeting would be there to discuss the EFWAC process, CofA requirements and project oversight, therefore, technical questions should not be directed at them. A member requested the MOE be invited to speak to technical matters. It was noted later in the meeting that questions of a technical nature should continue to be put to MOE staff. The senior MOE staff who would be attending the next meeting will not be able to respond to technical questions.</p>	<p>Project team to confirm that an invitation has been sent to the MOE to present at the next EFWAC.</p>
<p>4. <u>PRESENTATION UPDATE ON THE STATUS OF THE CofA and REPORTS AND UPDATE ON EA CONDITIONS: AMBIENT AIR MONITORING PLAN, GROUND WATER AND SURFACE WATER MONITORING PLAN and EMISSIONS MONITORING PLAN</u></p> <p>Gio Anello, a member of the project team, gave a combined presentation on the CofA and monitoring plans. He asked members to voice their questions throughout the presentation. Please see Attachment 1 for the complete presentation.</p>	

A member questioned how often the residuals testing would occur. Gio Anello stated that there are contract requirements as well as requirements from the Environmental Protection Act Regulation 347 that will determine the frequency of testing; the Regions' obligation is to characterize the ash and submit a testing protocol to the MOE as required by the CofA.

A committee member questioned if the testing protocol, yet to be developed, will come to EFWAC for review and comment. Gio Anello stated that, according to the CofA, the testing protocol is between the MOE and the operator. He also noted that there are several other protocols and testing requirements within the CofA that are between the operator and the MOE.

A member questioned where information about the testing protocol can be found and what PH values will be used for these tests as TCLP testing protocols have been criticised in the United States for using PH values unreflective of those typically found in landfills. Gio Anello committed to send this protocol to members by Tuesday August 9, 2011.

A committee member questioned whether there were compliance limits in the A7 Guideline, or any Ontario Regulation, for the contaminants listed in table 5 of the draft Air Emissions Monitoring Plan and what happens if one of the contaminants listed in table 5 is very high as there is no mention of compliance. Gio Anello stated that the parameters for the contaminants not included in the CofA performance requirements and included in table 5 will be modelled and compared against the appropriate limits contained in "ONTARIO REGULATION 419/05 AIR POLLUTION - LOCAL AIR QUALITY"

Gio Anello reaffirmed that CofA and EA conditions are both subject to MOE enforcement, whether conditions are in both documents or not. He continued stating that monitoring plans must be developed with the MOE, this process has been initiated. These documents will be submitted to the EFWAC for review and comment. The Ambient Air Monitoring Plan required a working group be established, this working group has met. Plans must be implemented, reported and reviewed and revised accordingly by the MOE.

AMBIENT AIR MONITORING PLAN

The facilitator noted the two members from the EFWAC who sit on the Ambient Air Working Group. A member asked how often this working group will meet. Gio Anello answered that the working group has reviewed the Ambient Air Monitoring Plan and provided advice all of which was incorporated into the second draft as follows: the establishment of a baseline one year before operation (rather than six months prior), two monitoring stations to ground truth the risk assessment (increased from one) and the expansion of the list of metals included for monitoring. Based on advice received from the Ambient Air Working Group (members included the Ontario Agency for Health Promotion and Protection (OAHPP), two EFWAC members, the MOE and follow up with Environment Canada), the draft Ambient Air Monitoring Plan was revised. There will now be two to three monitoring stations (or two full with one partial station), continuous monitoring of PM_{2.5}, NO_x, sulphur dioxide and intermittent monitoring of metals every six days, Polycyclic aromatic hydrocarbons (PAHs) every 12 days and dioxins and furans every 24 days, all in accordance with MOE standards.

Project team to provide EPA TCLP reference by Tuesday August 9, 2011

Project team to confirm whether the contaminants listed in table 5 of the draft Air Emissions Monitoring Plan are regulated by any Ontario Regulation or the Source Testing Code by Tuesday August 9, 2011.

The project team answered many questions regarding filterable particulate matter in their responses to member questions, for further clarification please contact the MOE.

A member submitted comments drafted by the three environmental groups on the EFWAC: Durham Environment Watch, Zero Waste 4 Zero Burning and Durham Environment Watch. These comments are attached to the minutes and will be addressed prior to submission of the plan to the MOE.

A member, who also sits on the Ambient Air Working Group, stated that the consultants used scientific modeling that is used industry wide, therefore, regardless of which consultant prepared the report the same modeling would have been used. Believes the science is sound and is comfortable with the consultants who did the work.

A project team member noted that the Ambient Air Working Group was comprised of members with background and expertise in ambient air monitoring to act as peer reviewers.

The member would like to see the full burden, current plus the facility as hydrogen chloride triggered risk in the Risk Assessment at 400,000 tonnes. Gio Anello stated that there is continuous stack monitoring for hydrogen chloride which is why Environment Canada determined it was not required in the baseline. The letter from Environment Canada confirming to be provided to the EFWAC members.

Gio Anello stated that comments must be received by August 15, 2011. Comments should go to the facilitator, with a copy to Gio Anello. These will be forwarded to the project team who will compile a comment/response table that will be submitted to the MOE.

A member questioned which plans required comments by August 15. Gio Anello stated the three plans that require submission by August 31: **Air Emissions, Ambient Air Quality and Odour Monitoring and Mitigation require comments by August 15.**

Noise and Groundwater and Surface Water Monitoring Plans must be submitted 90 days prior to construction. Please have the comments for these two reports submitted by August 31, 2011. Gio Anello stated that there are other monitoring plans, such as soil monitoring, that have yet to be developed.

A committee member noted that Osborne Road is spelled incorrectly in all documentation. The name was changed two years ago at the family's request, not Osbourne but rather Osborne.

NOISE MONITORING AND REPORTING PLAN

There are three aspects of this plan: an independent acoustic audit at operations phase, an acoustic assessment summary table (for anytime there is adjustment to equipment, this will be identified in the annual report to the MOE) and noise monitoring, the contract requires parameter and most sensitive Points of Reception monitoring during peak operation. **Require comments on this plan by August 31, 2011.**

Project team to forward these comments to the EFWAC membership.

Project team to circulate letter from Environment Canada by August 9, 2011.

Committee members to submit comments on the draft Ambient Air Quality, Air Emissions and Odour Monitoring Plans by August 15, 2011.

Project team to correct the spelling of Osborne Road in all documents.

Committee members to forward comments on Noise and Ground/Surface water monitoring plans by August 31, 2011.

A member questioned what the guidelines are that have to be met and what happens if these are exceeded. Gio Anello responded that there are guidelines and standards, and the MOE canvasses the site to ensure compliance. As an example, at one of the Durham's Transfer Stations certain machinery cannot be used at the same time as other machinery because it would exceed the noise limits.

ODOUR MONITORING AND MITIGATION PLAN

The odour monitoring and mitigation plan is contingent on a negative pressure being maintained in the facility. The facility is constantly sucking air in and this is the main mechanism for mitigating odour, there will be no odour outside the facility. Negative pressure will be confirmed through instrumentation such that the air flow is creating a lower pressure indoors than outdoors. If a situation occurs when both of the lines are not functioning then air is still sucked into the building and sent up the stack, bypassing combustion. All waste and ash storage is kept indoors.

A member questioned how odour is detected, is it subjective or scientific. Gio Anello stated that there is an Olfactory Panel. There is also a 24-hour, 7-day a week complaint phone line, if someone smells an odour they would call this line. All calls are monitored for service performance.

A member commented on the communication plan for odour reporting. The draft states complaints should be reported to the Regions and Clarington but this is not written into the plan. Clarington would like to be informed about complaints as residents may also contact their local Councillors. It was also questioned if there is public access to the odour mitigation log. Gio Anello stated that any complaint received must be reported to the District MOE office, the Regions and will confirm whether Clarington is included. Also stated that all documentation and reports are public.

The member questioned potential sources of odour which contain uncovered trucks. Gio Anello stated this was a worst case scenario and that the Regions do not use uncovered trucks, this statement will be removed from the draft.
Require comments on this plan by August 15, 2011.

GROUNDWATER AND SURFACE WATER MONITORING PLAN

The Groundwater and Surface Water Monitoring Plan will be installing up to five wells for groundwater monitoring and will be conducting surface water testing in the creek area. The monitoring plan is in accordance with MOE criteria and samples will be sent to an independent lab for analysis. **Require comments on this plan by August 31, 2011.**

A member questioned how often this monitoring would occur. It was confirmed three times per year and some surface water monitoring is continuous.

A committee member wanted clarification regarding temperature control of the two large storm water ponds as ponds of this nature have had issues with high water temperature before being released into the environment creating algae problems. The committee member asked if it would be more prudent to have one

Region to confirm whether Clarington will receive the complaints log.

Project Team to remove uncovered trucks from the list of potential sources of odour.

large meandering pond rather than two smaller ponds in order to better control the temperature of the water.

Gio Anello stated there is an overarching drainage and storm water plan for Energy Park and that the two storm water ponds being developed for this facility will ensure that storm water meets MOE standards. After leaving the EFW storm water ponds, water travels to another storm water pond, adjacent to the railroad tracks, being built in accordance with the Clarington Master Drainage Plan.

The member clarified that typical approvals for storm water management ponds in subdivisions require a bottom drop, meaning under normal flows the water on the bottom of the pond is discharged which is generally cooler than the water on top.

Durham has committed in the Host Community Agreement to construct the storm water management ponds for their portion of Energy Park. The pond being constructed is servicing more than just their property.

Another member noted that CLOCA is working with the Municipality of Clarington on the Master Drainage Plan. The swale will be enhanced and the ponds will drain into the swale. This plan is a work in progress. Gio Anello confirmed that the proponents will be expanding the swale area for Energy Park drainage.

A member noted that the draft speaks to monitoring the temperature in Tooley Creek during construction but not afterwards. Need to establish a baseline and continue after construction. A member stated that Clarington is currently doing a watershed study on both Robinson and Tooley Creeks which provides an existing conditions report including temperature, this document is available on Clarington's website.

Project team to provide link to the Clarington Watershed Study.

AIR EMISSIONS MONITORING PLAN

The Air Emissions Monitoring Plan follows CofA conditions which were very detailed. Conditions include continuous emissions monitoring, continuous sampling of dioxins and furans, stack test completed by a third party and the submission of a Source Testing Plan for MOE approval before any source testing occurs. **Require comments on this plan by August 15, 2011.**

Comments submitted by the three environmental groups are attached to the minutes (Attachments 2 & 3). Responses will be ready for submission by August 31. Gio Anello stated the purpose of submitting comments was to have them combined in a comment and response table stating if they were incorporated into the plan and if not, why. He also noted that many of the questions submitted on this document have been answered previously by the MOE and that the project team answers will be consistent with MOE responses.

Another member voiced concern regarding scheduled stack testing being conducted by an independent third party because, in theory, the operator could modify parameters to ensure they are compliant. Would prefer that stack test be performed randomly, without warning. Gio Anello stated that there is a lot of preparation involved before a stack test can occur. Schedule E of the CofA and the Ontario Source Code require that a plan must be submitted to the MOE two months before the test, therefore, it is an impossibility to have a surprise test.

A member noted that from their experience, the MOE is on-site and witnesses the testing to ensure it is conducted during normal operation. Environmental conditions also play a part in when the testing can be done. Another member noted that the testers themselves have to undergo health and safety training before they can enter the site and that the Ministry of Labour is very cautious about these tests, another reason why they require advanced notice.

OTHER ISSUES

A member questioned whether there was still going to be a large billboard sign reading out emissions data at any given moment. Gio Anello stated this sign was a Regional Council directive and that it is in the CofA to have a display board. This is also a Host Community Agreement requirement.

A member questioned the rationale for conducting continuous monitoring of dioxins and furans if these figures are not used for compliance. The data will be made publicly available and is analyzed at least monthly. It is continuously sampled because the concentrations are so low. The intent of continuous monitoring is a feedback loop to the operator to ensure proper operations.

A member asked if there was a worst case scenario plan. Gio Anello replied that there is an emergency response plan as well as an Environmental Management System in accordance with ISO 14001 standard which requires a procedure in place for excursions. The emergency response plan document will go to the EFWAC. However, the ISO 14001 plan will not go to the EFWAC but may be audited by an independent, certified party.

Gio Anello continued further explanation of the complaints response plan stating there is a 24-hour, 7-day a week call centre facilitated by the Regions and Covanta. Complaints must be recorded, investigated and reported to the MOE District Manager and will look into reporting to Clarington. The MOE may ask us to implement any additional control measures based on complaints and the responses given.

Gio Anello stated that for communications and reporting there will be an annual report, on-line real time emissions, as well as the EFWAC and the Energy from Waste - Waste Management Advisory Committee (EFW-WMAC). There are very good examples of such reports available on the web for the Onondoga facility in Syracuse, NY. A member questioned how the public will be able to gain access to the annual reports. Gio Anello stated that the reports would be presented to the EFWAC, the EFW-WMAC, the MOE, and they will be available on the project website.

Durham and Clarington will be advertising for membership shortly. The membership must be approved by Durham and Clarington Councils. The EFW-WMAC is another public forum for consultation.

There will be daily inspections and logs available to the MOE, on-site for unannounced visits. There will be specific event reports such as third party audits and the requirement for annual reporting.

Project team to ensure EFWAC members are made aware when the EFW-WMAC committee is advertising for membership.

A member questioned if the community communication plan was coming to the EFWAC. The facilitator confirmed this would come to the committee prior to waste entering the facility.

The facilitator summarized the questions to be replied to by August 9, the monitoring plans for which comments are due August 15 and by August 31, and confirmed with the project team that comments will be returned to the committee by September 15. The facilitator also confirmed that the next meeting would be scheduled for late October or early November, and that this date will be set as soon as possible. The MOE is presenting at the next meeting to clarify the EFWAC process and their observer status, and reaffirmed that they cannot answer technical questions. Today's minutes will be circulated in draft within two weeks.

Meeting adjourned at 4:00 p.m.

PRESENT

Faye Langmaid, Manager of Special Projects, Municipality of Clarington
Nathalie Henning, Manager of Waste and Environmental Programs, City of Oshawa
Ben Kester, Director of Public Works, Township of Uxbridge
Ilmar Simanovskis, Director of Infrastructure and Environmental Services, Town of Aurora
Doug Anderson, DurhamCLEAR
Chris Darling, Director of Development Review and Regulation, Central Lake Ontario Conservation Authority
Brian Jones, Director, Public Works Services, Town of Newmarket
Nick Colucci, Councillor Ward 4, Township of Uxbridge (Alternate)
Murray Gale, Supervisor of Solid Waste, Town of Whitby (Alternate)
Wendy Bracken, Durham Environment Watch (Alternate)
Tracey Ali, Zero Waste 4 Zero Burning (Alternate)

Project Team

Giuseppe Anello, Manager, Waste Planning and Technical Services, The Regional Municipality of Durham
Lyndsay Waller, Operations Technician, The Regional Municipality of Durham
Dave Gordon, Manager, Waste Management Program Planning and Policy, The Regional Municipality of York

Other

Susan Cumming, Cumming + Company, EFWAC Facilitator
Dave Fumerton, District Manager, Ministry of the Environment
Sandra Thomas, District Supervisor for the York Durham District Office, Ministry of the Environment

REGRETS

Joanne Paquette, Manager, Communications (Works), The Regional Municipality of Durham
David Crome, Director of Planning, Municipality of Clarington (alternate)
Mirka Januszkiewicz, Director, Waste Management, The Regional Municipality of Durham
Greg Borchuk, Project Manager, Waste Management, The Regional Municipality of Durham
Laura McDowell, Director, Environmental Promotion and Protection, The Regional Municipality of York
Seth Dittman, Solid Waste Project/Process Engineer, The Regional Municipality of York
Ian Roger, Director of Public Works and Parks, Township of Scugog
Rob Flindall, Director of Engineering and Public Works, Township of King
Brian Anthony, Director, Public Works, City of Vaughan
Kerry Meydam, Durham Environment Watch
Linda Gasser, Zero Waste 4 Zero Burning
Robert Magloughlen, Director of Engineering and Public Works, Town of Georgina
Suzanne Beale, Director of Public Works, Town of Whitby
Terry Ricketts, Director, Environmental Services, Town of Richmond Hill
Dave Meredith, Director of Operations and Environmental Services, Town of Ajax
Steve Elford, Senior Environmental Officer #1184, Ministry of the Environment
Courtney Daniels, Project Coordinator, Solid Waste Management, The Regional Municipality of York
Ken Gorman, Director, Environmental Health, The Regional Municipality of Durham
Joe La Marca, Director, Health Protection Division, Public Health Branch, The Regional Municipality of York
Gavin Battarino, Project Officer, Ministry of the Environment
Thomas Gettinby, CAO and Municipal Clerk, Township of Brock
Paul Whitehouse, Director, Public Works, Town of Whitchurch-Stouffville
Christopher Kalimootoo, Director of Engineering and Environmental Services, Town of East Gwillimbury
Peter Loukes, Director of Operations, Town of Markham
Dhaval Pandya, Coordinator of Transportation Engineering, City of Pickering
Claudia Marsales, Manager, Waste Management, Town of Markham

Certificate of Approval

Number 7306-8FDKNX



Certificate of Approval

- A Certificate of Approval is a legal document issued by the Ontario Ministry of Environment that is essentially a license to construct, install and operate equipment or a plant that discharges into the environment.
- To obtain a CofA, one must demonstrate that the equipment / plant will not cause adverse impacts to the general population or the environment.
- CofA has privileges as well as obligations that the owner/operator must abide by.
- The CofA applies to the Regions of Durham & York and Covanta: Regions are the Owner & Covanta is the Operator



Conditions for Waste

- Only waste from Durham/York
- Receipt, temporary storage, transfer and processing of non-hazardous post-diversion waste
- Municipally collected waste from the Regional curbside collection and from the Regional waste management facilities
- Thermal Treatment Rate - 140,000 tonnes/year
- Maximum Waste Receipt Rate – 1,520 tonnes/day
- Onsite Waste/Residuals/Materials Storage Restrictions



Residuals Management

- Ash: storage/processing/loading INDOORS
 - bottom ash & conditioned fly ash : testing protocol
O. Reg. 347: NOT COMMINGLED: sent to approved wasted disposal site
- Recovered Materials
 - ferrous metals & non-ferrous metals: increases for Waste Diversion
- Unacceptable Waste
 - Stored INDOORS: transportation and disposal



Emissions Monitoring

- Continuous Monitoring
 - Opacity, NO_x, SO₂, HCl, HF, NH₃, CO & Organic Matter
 - Oxygen, Moisture & Temperature (1 sec resident time at >1000°C)
- Continuous integrated dioxin/furan sampling: monthly testing
- Emission stack testing as prescribed in CofA
 - Appendix 1 of A-7 contaminants (i.e. > 150 contaminants) will be sampled for: including PM_{2.5} with condensables



Item	Contaminant	Units	RFP	Old A7 limits	EU limits	New A7 limits	EA Conditions and CofA limits
1	Filterable Particulate Matter	mg/Rm3	9	17	9	14	9
2	Cadmium	ug/Rm3	7	14	n/a	7	7
3	Lead	ug/Rm3	50	142	n/a	60	50
4	Mercury	ug/Rm3	15	20	46	20	15
5	Dioxins & Furans	pg/Rm3	60	80	92	80	60
6	Hydrogen Chloride	mg/Rm3	9	27	9	27	9
7	Sulphur Dioxide	mg/Rm3	35	56	46	56	35
8	Nitrogen Oxide	mg/Rm3	180	207	183	198	121
9	Organic Matter	mg/Rm3	49	66	n/a	33	33
10	Carbon Monoxide	mg/Rm3	45	n/a	46	40	40
11	Opacity	%	TBD	n/a	n/a	5% 10%	5% (2 hr avg) 10% (6 min. avg)

Better than 7 and meet the remaining 4 performance limits



Monitoring Plans: Conditions

- CofA and EA Conditions: Both are subject to MOE enforcement
- Plans must be developed in consultation with the MOE, EFWAC review and comment and Others (ie. Ambient Air Working Group)
- Plans must be implemented, reported, reviewed and can be revised by MOE



Monitoring Plans

- Ambient Air Monitoring (off-site): 2-3 stations
- Noise Monitoring (off-site)
- Odour Management and Mitigation Monitoring (on-site/off-site)
- Groundwater and Surface Water Monitoring (on and off-site)
- Soils Monitoring (off-site)
- Air Emissions Monitoring (at stack)



Ambient Air Monitoring (EA Condition 11)

- Advice from Ambient Air Monitoring Working Group: EFWAC, Clarington, OAHPP, MOE, Environment Canada (telephone)
- Revised draft plan released for review
- 2 or 3 monitoring stations
- Continuous monitoring of $PM_{2.5}$; NO_x ; SO_2
- Metals (every 6 days); PAHs (every 12 days)
Dioxins & Furans (every 24 days)



Noise Monitoring (EA Condition 19)

- Independent Acoustic Audit
- Acoustic Assessment Summary Table
- Noise Monitoring
 - (perimeter) and most sensitive Points of Reception
 - During peak Facility activity



Odour Monitoring and Mitigation (EA Condition 18)

- Based on the maintenance of Negative Pressure in the Tipping Area
 - Instrumentation and alarms for air flow
 - Worse case scenario measurement
- Mitigation: Tight Building and air up the stack



Ground Water/Surface Water Monitoring Plan (Condition 20)

- Five wells will be installed on site to monitor ground water –changes within the water shed during construction and operation phases
- Surface water monitoring will be done on Tooley Creek tributary
- Monitoring Plans are based on MOE criteria and in consultation with MOE
- Analysis by an independent, MOE approved lab
- Monitoring oversight and control is by the Regions



Emissions Monitoring (EA Condition 12)

- Consistent with CofA
- Annual stack testing
- Continuous emissions monitoring (including organic matter)
- Continuous sampling: Dioxins & Furans
- Stack test by 3rd Party Independent Agency
- Ontario Source Test Code



Complaints Response Procedure

- Receive 24 hours – 7 days per week
 - Regions and Covanta
- Record/Investigate/Report
- Implement any additional control measures
- MOE assesses response



Additional Conditions

- Site Security
- Wastewater Management
- Operating and Maintenance (inspections & reporting)
- Nuisance Impact Controls (litter, dust, vermin, visual)
- Staff Training
- Third Party Audits (construction & operations)



Emergency Response Plans

- Assess potential events (spills, fire, accidents, power failure...)
- Develop procedures (agency review)
- Train Staff
- Response Exercise



Communications/Reporting

- Emissions: On-line (real-time), Display Board & Annual Report
- Committees: EFWAC & EFW-WMAC
- Daily inspections/Logs
- Event Reports (third party audits...)
- Annual reports
 - Operations: waste received, water usage, electricity produced, emissions.....



Questions?



Meeting #4 Agenda

Energy from Waste Advisory Committee Annual Report



AGENDA

Energy from Waste Advisory Committee (EFWAC)

Meeting #4

EFW Advisory Committee (EFWAC)	
SUBJECT	Meeting #4
MEETING DATE	Thursday, October 27, 2011, 6:00 to 9:00 PM
LOCATION	Regional Municipality of Durham Headquarters 605 Rossland Road East, Whitby – Meeting Room LL-C
AGENDA OR REMARKS	<ol style="list-style-type: none">1. Welcome and Introductions2. Administrative Items<ul style="list-style-type: none">• Update on Energy from Waste-Waste Management Advisory Committee (EFW-WMAC)3. Ministry of the Environment Presentations<ul style="list-style-type: none">• Environmental Assessment Process• Certificate of Approval Process• District Office Role4. Update on Environmental Assessment and Certificate of Approval Commitments5. Environmental Assessment Condition 5: Compliance Reporting6. Meeting Adjourns

Please contact Facilitator Sue Cumming, MCIP RPP, Cumming+Company at 866 611-3715 or cumming1@total.net with any questions.