



Regional Municipality of Durham  
Regional Municipality of York

# Durham York Energy Centre 2017 Compliance Monitoring Report

**EAAB File No.:** EA-08-02  
Condition 5

**Date:** October 20, 2017

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# 1.0 Introduction

## 1.1 Purpose

The *Durham York Energy Centre 2017 Compliance Monitoring Report* has been prepared in accordance with Condition 5.3 of the Notice of Approval to Proceed with the Undertaking for the Durham and York Residual Waste Study (Ministry of Environment and Climate Change EAB File Number EA-08-02). Annual compliance reports are based on a reporting period ending November 3<sup>rd</sup> of each year, corresponding to the anniversary date of the Notice of Approval. This annual compliance report covers the period from November 3, 2016 to November 2, 2017.

Annual compliance monitoring reports follow the reporting structure established in the *Durham York Energy Centre Compliance Monitoring Program* submitted to the EAB Director on October 14, 2011 in accordance with Condition 4.1 of the Notice of Approval. As outlined in the Compliance Monitoring Program, the Annual Report consists of the following three parts.

Appendix A	EA Notice of Approval Compliance Table	Documents the proponent's progress on requirements of EA Notice of Approval
Appendix B	EA Study Document Compliance Table	Documents the proponent's progress on commitments made in the EA study document
Appendix C	Advisory Committee Annual Report	Provides a report on activities of the Advisory Committee during the reporting period as required by Condition 8.2 of the Notice of Approval

## 1.2 Background

The Durham York Energy Centre is an energy from waste facility located in the Municipality of Clarington, Ontario. The facility began receiving waste on February 9, 2015. Commissioning was completed in the fall of 2015, followed by Acceptance testing which led to commercial operations starting on January 28, 2016. Owned by the Regional Municipality of Durham and the Regional Municipality of York ("the Regions"), the facility processes up to 140,000 tonnes of solid, non-hazardous, municipal solid waste per year. Heat generated by waste combustion is used to generate electricity and steam. Recyclable metals are also recovered from the ash. The facility is designed, built, and operated by Covanta Energy Limited. The facility was approved under the *Environmental Assessment Act* by the Minister of the Environment and the Lieutenant Governor in Council on November 3, 2010. A multi-media Environmental Compliance Approval for waste, air and noise, and stormwater was issued on June 28, 2011 (#7306-8FDKNX). Facility construction commenced in January 2012 and full commercial operations commenced in January 2016 with the issuance of the Facility Acceptance Test certificate.

# Appendix A

## EA Notice of Approval Compliance Table

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**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix A**  
**EA Notice of Approval Compliance Table**  
**Table A1**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
<b>1.</b>	<b>Definitions</b>			
	N/A	N/A	N/A	N/A
<b>2.</b>	<b>General Requirements</b>			
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"> <li>• Commitments in the EA are carried forward in the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes
2.2	These conditions do not prevent more restrictive conditions being imposed under other statutes.	<ul style="list-style-type: none"> <li>• Agreed</li> </ul>	N/A	Yes
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"> <li>• Submissions under the EA have included identification of each Condition being satisfied.</li> </ul>	N/A	Yes
<b>3.</b>	<b>Public Record</b>			
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"> <li>• Required by Condition 16 (1) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
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"> <li>Regional Director;</li> <li>District Manager;</li> <li>Clerks of the Regional Municipality of Durham, the Regional Municipality of York, and the Municipality of Clarington; and,</li> <li>Advisory Committee (as required in Condition 8 of this Notice of Approval).</li> </ol>	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>	Carried into the ECA	Yes
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"> <li>• Ongoing</li> </ul>	N/A	Yes
<b>4.</b>	<b>Compliance Monitoring Program</b>			
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"> <li>• The Compliance Monitoring Program was submitted to the Director and Advisory Committee via letter dated October 14, 2011.</li> </ul>	October 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"> <li>• See Section 1.1 of the Compliance Monitoring Program</li> </ul>	October 2011	Yes

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**Table A2**

<b>Condition No.</b>	<b>Requirement</b>	<b>Status Remarks</b>	<b>Actual or Estimated Completion Date</b>	<b>Complete?</b>
	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"> <li>The Compliance Monitoring Program was submitted on October 14, 2011. This is within one year of November 3, 2010 approval date.</li> <li>The October 14, 2011 submission date is more than 60 days prior to the start of construction in January 2012</li> </ul>	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"> <li>Progress will be tracked on the compliance tables provided in Appendix A and Appendix B</li> </ul>	October 2011	Yes
4.5	The Compliance Monitoring Program shall contain an implementation schedule.	<ul style="list-style-type: none"> <li>See next column</li> </ul>	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"> <li>Agreed</li> </ul>	N/A	Yes
4.7	The proponent shall implement the Compliance Monitoring Program, as it may be amended by the Director.	<ul style="list-style-type: none"> <li>Agreed</li> </ul>	N/A	Yes
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"> <li>Required by Condition 14 (1) of the Environmental Compliance Approval</li> </ul>	N/A	Yes
<b>5.</b>	<b>Compliance Reporting</b>			
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"> <li>This annual report is the seventh annual submission in accordance with this condition</li> </ul>	November 3, 2011 and annually thereafter until all EA conditions are met.	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"> <li>This annual report is the seventh annual submission in accordance with this condition</li> </ul>	November 3, 2011 and annually thereafter	Yes
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"> <li>This annual report is the seventh annual submission in accordance with this condition</li> </ul>	November 3, 2011 and annually thereafter	Yes
5.4	The proponent shall submit annual Compliance Reports until all conditions	<ul style="list-style-type: none"> <li>Agreed</li> </ul>	November 2018	Ongoing

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**Table A3**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	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"> <li>Agreed</li> </ul>	November 2018	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"> <li>Reports to be retained on site. See Section 1.3 of the Compliance Monitoring Program.</li> <li>Required by Condition 14(2) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
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"> <li>Agreed</li> <li>Required by Condition 14(1) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
<b>6.</b>	<b>Complaint Protocol</b>			
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"> <li>Protocol submitted to the Director via letter dated March 10, 2011.</li> <li>Director requested minor modifications to protocol in letter dated March 25, 2011</li> <li>Revised protocol approved by the Director via letter dated July 13, 2011</li> </ul>	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"> <li>Protocol was reviewed by the Advisory Committee on January 20, 2011 and revised based on comments received by January 31, 2011.</li> </ul>	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"> <li>Protocol was submitted within one year of the November 3, 2010 date of approval.</li> <li>March 10, 2011 submission date is more than 60 days prior to the start of construction in January 2012.</li> </ul>	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"> <li>Complaint Procedure is required by Condition 10 of the ECA</li> </ul>	N/A	Yes
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"> <li>Complaint Procedure is required by Condition 10 of the ECA</li> </ul>	N/A	Yes
<b>7.</b>	<b>Community Involvement</b>			
7.1	The proponent shall prepare and implement a Community	<ul style="list-style-type: none"> <li>Regions submitted a final plan via letter dated September 18, 2013.</li> </ul>	September 18, 2013	Yes

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**Table A4**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	Communications Plan. The plan shall be prepared in consultation with the EAAB and to the satisfaction of the Director.	<ul style="list-style-type: none"> <li>This plan has been submitted prior to receipt of waste.</li> <li>The Community Communications Plan was approved by the Director via letter dated September 30, 2013.</li> </ul>		
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"> <li>Regions submitted a final plan via letter dated September 18, 2013. This plan has been submitted prior to receipt of waste.</li> </ul>	September 18, 2013.	Yes
7.3	<p>The Community Communications Plan shall include at a minimum details on:</p> <p>a) How the proponent plans to disseminate information to interested members of the public and any Aboriginal communities;</p> <p>b) How interested members of the public and any Aboriginal communities will be notified and kept informed about site operations; and,</p> <p>c) 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.</p>	<ul style="list-style-type: none"> <li>Completed.</li> </ul>	September 18, 2013.	Yes
7.4	<p>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:</p> <p>a) Activities that are part of the undertaking, including monitoring activities;</p> <p>b) 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,</p> <p>c) Information on the Complaint Protocol required by Condition 6 of this Notice of Approval.</p>	<ul style="list-style-type: none"> <li>Web site is currently operational</li> <li>Documents posted on the website currently include, but are not limited to, the Complaint Protocol, Environmental Compliance 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, Compliance Monitoring Plan, Community Communications Plan, Waste Diversion Program Monitoring Plan, Third Party Audit Plan, Draft Spill Contingency and Emergency Response Plan, Advisory Committee advertisements, agendas, and minutes, and annual monitoring reports prepared in accordance with the approved monitoring plans.</li> <li>Additional information will be posted to the website as it becomes available</li> <li>Required by ECA Condition 16: Public Access to Documentation</li> </ul>	Carried into the ECA	Yes
7.5	<p>The proponent shall hold public meetings to discuss the design, construction and operation of the undertaking, including, but not limited to:</p> <p>a) At least one meeting prior to the start of construction;</p> <p>b) At least one meeting prior to the receipt of non-hazardous municipal solid waste on site; and,</p> <p>c) 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</p>	<ul style="list-style-type: none"> <li>Pre-construction public meeting was held at the Durham Regional Offices on December 7, 2011 from 5:00 pm to 6:30 pm.</li> <li>Public meeting prior to receipt of waste was held in Clarington on June 25, 2014 from 5:00 pm to 8:00 pm.</li> <li>Public meeting 12 months within first receipt of waste was held at the Durham York Energy Centre on February 4<sup>th</sup>, 2016 from 5:00 to 8:00 pm.</li> </ul>	<p>December 2011</p> <p>June 2014</p> <p>February 4, 2016</p>	Yes



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**Table A5**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	on the site.			
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"> <li>Meeting notices for the December 2011 pre-construction meeting were advertised in local newspapers during the week of November 14, 2011 and also posted on the project website.</li> <li>Meeting notices for the June 2014 prior to receipt of waste meeting were advertised in local newspapers from May 28 through June 5, 2014.</li> <li>Meeting notices for the February 2016 meeting were advertised in local papers from January 20<sup>th</sup> to February 3<sup>rd</sup>, 2016.</li> </ul>	November 2011 June 2014 January 2016	Yes
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"> <li>The MOECC Environmental Approvals Branch and District Office received an invitation to the December 7, 2011 pre-construction meeting on November 18, 2011.</li> <li>The MOECC Environmental Approvals Branch District and Central Offices received an invitation to the June 25, 2014 prior to waste meeting on June 3, 2014.</li> <li>The MOECC Environmental Approvals Branch District and Central Offices received an invitation to the February 4<sup>th</sup>, 2016 meeting via letter dated January 18, 2016.</li> </ul>	November 2011 June 2014 January 2016	Yes
<b>8.</b>	<b>Advisory Committee</b>			
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"> <li>Complete</li> <li>Required by ECA Condition 17: Advisory Committee</li> </ul>	January 20, 2011 Carried into the ECA	Yes
8.2	The proponent shall provide administrative support for the advisory committee including, at a minimum: <ol style="list-style-type: none"> <li>Providing a meeting space for advisory committee meetings;</li> <li>Recording and distributing minutes of each meeting;</li> <li>Preparing and distributing meeting notices; and,</li> <li>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.</li> </ol>	<ul style="list-style-type: none"> <li>Meeting minutes and related correspondence are posted on the project website.</li> <li>Annual report on advisory committee activities is included as Appendix C of this report.</li> <li>Required by ECA Condition 17, and the Energy from Waste Advisory Committee (EFWAC) approved Terms of Reference</li> </ul>	N/A	Yes
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"> <li>Each of the lower tier municipalities in the Regional Municipality of Durham; and,</li> <li>Each of the lower tier municipalities in the Regional Municipality of York.</li> </ol>	<ul style="list-style-type: none"> <li>Letters of invitation dated December 15, 2010 were sent to all listed municipalities</li> </ul>	December 15, 2010	Yes

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**Table A6**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
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"> <li>Letter of invitation dated December 15, 2010 was sent to Central Lake Ontario Conservation Authority</li> </ul>	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: a) DurhamCLEAR; b) Durham Environmental Watch c) Zero Waste 4 Zero Burning	<ul style="list-style-type: none"> <li>Letters of invitation dated December 15, 2010 were sent to all listed local community groups.</li> </ul>	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"> <li>Letters of invitation dated December 15, 2010 were sent to Durham Region Health Department and York Region Public Health Services.</li> <li>Aboriginal communities received separate invitation to participate in other consultation activities. See Condition 9.1</li> </ul>	December 15, 2010	Yes
8.7	A representative from the ministry shall be invited to attend meetings as an observer.	<ul style="list-style-type: none"> <li>Letters of invitation dated December 15, 2010 were sent to MOECC District Manager.</li> </ul>	December 15, 2010	Yes
8.8	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: 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>Advisory Committee has reviewed and provided comments where applicable to the following documents:</p> <ul style="list-style-type: none"> <li>Advisory Committee Terms of Reference</li> <li>Compliance Monitoring Plan</li> <li>2011, 2012, 2013, 2014, 2015, 2016 Annual Compliance Reports</li> <li>Complaint Protocol</li> <li>Community Communications Plan</li> <li>2010, 2011, 2012, 2013, 2014, 2015, 2016 Annual Waste Diversion Reports</li> <li>Ambient Air Quality Monitoring Plan</li> <li>Ambient Air Quarterly and 2013, 2014, 2015, 2016 Annual reports</li> <li>Air Emissions Monitoring and Reporting Plan</li> <li>Third Party Auditor's Reports prepared by a qualified professional as required by Condition 16.5</li> <li>Spill Contingency and Emergency Response Plan</li> <li>Odour Management and Mitigation Plan</li> <li>Noise Monitoring and Reporting Plan</li> <li>Groundwater and Surface water Monitoring Plan</li> <li>2012, 2013, 2014, 2015, 2016 Annual Groundwater and Surface Water reports covering the previous year activities</li> <li>Soil Testing Plan</li> <li>Details of first receipt of waste and fire were brought to EFWAC via</li> </ul>	Carried into the ECA	Yes

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**Table A7**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		<p>EFWAC meeting held on April 9<sup>th</sup>, 2015.</p> <ul style="list-style-type: none"> <li>• Notice to the Ministry of First receipt of waste is on the project website.</li> </ul> <p><b>The following documents are to be provided as they are prepared:</b></p> <ul style="list-style-type: none"> <li>• Future third party auditor's reports, waste diversion reports, environmental monitoring reports, compliance monitoring reports, and the annual facility operations report as required by Condition 15(1) of the Environmental Compliance Approval.</li> <li>• Items listed are built in to the approved EFWAC Terms of Reference</li> </ul>		
8.9	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.	<ul style="list-style-type: none"> <li>• First meeting held January 20, 2011 was within three months of November 3, 2010 date of approval</li> <li>• 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.</li> </ul>	January 20, 2011	Yes
8.10	The Terms of Reference shall, at minimum, include: 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.	<ul style="list-style-type: none"> <li>• Terms of Reference submitted to MOECC via letter dated February 18, 2011.</li> <li>• Terms of Reference approved via letter from the Director dated March 3, 2011.</li> </ul>	February 18, 2011	Yes
8.11	The proponent shall submit the advisory committee's Terms of Reference to the Director and Regional Director.	<ul style="list-style-type: none"> <li>• Terms of Reference submitted to MOECC via letter dated February 18, 2011.</li> <li>• Terms of Reference approved via letter from the Director dated March 4, 2011.</li> </ul>	February 18, 2011	Yes
<b>9.</b>	<b>Consultation With Aboriginal Communities</b>			
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"> <li>• Letters dated March 14, 2011 were sent to 22 Aboriginal communities inviting them to meet with the project team to discuss future consultation efforts.</li> <li>• Letters dated October 26, 2012 to Aboriginal Communities identified in the EA to advise of project updates and the project website as a resource for continuous updates.</li> <li>• The MOECC EAB Director, Regional Director, and Approvals Program Director were copied on all correspondence to Aboriginal Communities.</li> </ul>	Ongoing	Yes

**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix A**  
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**Table A8**

<b>Condition No.</b>	<b>Requirement</b>	<b>Status Remarks</b>	<b>Actual or Estimated Completion Date</b>	<b>Complete?</b>
<b>10.</b>	<b>Waste Diversion</b>			
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"> <li>Both Regions continue to work with local municipalities to improve waste diversion and report waste diversion statistics to the Resource Productivity and Recovery Authority annually.</li> <li>Both Regions have long term waste management and diversion plans in place.</li> </ul>	Ongoing	Yes
10.2	The proponent shall prepare and implement a Waste Diversion Program Monitoring Plan.	<ul style="list-style-type: none"> <li>Waste Diversion Program Monitoring Plans for Durham Region and York Region were submitted to the EAB Director and Regional Director on October 21, 2011.</li> <li>The EAB Director approved the Waste Diversion Program Monitoring Plans via letter dated November 25, 2011.</li> </ul>	October 21, 2011	Yes
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"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	<ul style="list-style-type: none"> <li>Completed</li> </ul>	October 21, 2011	Yes
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"> <li>2016 annual monitoring reports have been submitted to the Director and Regional Director.</li> <li>Future monitoring reports to be submitted by November 3<sup>rd</sup> of each successive year.</li> </ul>	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"> <li>The Waste Diversion Monitoring Plan and annual reports for Durham and York Regions are posted on the project website</li> </ul>	Ongoing	Yes
<b>11.</b>	<b>Ambient Air Monitoring and Reporting</b>			
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"> <li>Final Plan submitted to the Regional Director August 31, 2011</li> <li>Consultation activities described under Condition 11.3</li> <li>MOECC Approval via letter dated May 30, 2012</li> <li>MOECC Approval of monitoring locations via letter dated June 5,</li> </ul>	August 31, 2011	Yes

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**Table A9**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		2012.		
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"> <li>Submission deadline revised to August 31, 2011 via letter from the Director dated June 30, 2011.</li> <li>Submitted August 31, 2011</li> </ul>	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"> <li>Letters of invitation dated March 16, 2011 were sent to all listed working group participants with copies to the Director and Regional Director.</li> <li>Two participants were appointed by the Advisory Committee.</li> <li>Health Canada declined to participate. At Health Canada's suggestion, a representative from the Ontario Ministry of Health participated instead.</li> <li>First working group meeting occurred on April 28, 2011.</li> <li>Monitoring plan was revised based on comments received from the working group and circulated for comments to the MOECC 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.</li> <li>The Final Monitoring Plan was submitted to the Regional Director on August 31, 2011.</li> </ul>	March 16, 2011	Yes
11.4	The Ambient Air Monitoring and Reporting Plan shall include at minimum: <ol style="list-style-type: none"> <li>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;</li> <li>The proposed start date for and frequency of the ambient air monitoring and reporting to be carried out;</li> <li>The contaminants that shall be monitored as part of the Ambient Air Monitoring and Reporting Plan; and,</li> <li>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.</li> </ol>	<ul style="list-style-type: none"> <li>The submitted document meets these requirements.</li> <li>The Regions and The MOECC met and discussed the first year annual report on July 30<sup>th</sup>, 2014. No changes were requested.</li> <li>Meetings to discuss the 2014, 2015, and 2016 Annual Reports were held with Regions and MOECC on July 20, 2015, July 26, 2016, and August 25, 2017 respectively.</li> </ul>	May 30, 2012	Yes
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"> <li>Agreed</li> <li>Submitted plan includes monitoring of ambient air for one year prior to facility commissioning to establish background concentrations.</li> <li>Ambient Air monitoring commenced in April 2013.</li> </ul>	Ongoing	Yes

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<b>Condition No.</b>	<b>Requirement</b>	<b>Status Remarks</b>	<b>Actual or Estimated Completion Date</b>	<b>Complete?</b>
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"> <li>Addressing revisions required by the MOECC to the Plan are included in the Ambient Air Monitoring and Reporting Plan.</li> <li>The implementation and reporting of Ambient Air Monitoring is a requirement of ECA Condition 7(4)</li> </ul>	Carried into the ECA	Yes
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"> <li>Agreed</li> <li>In accordance with ECA Condition 7(4)(c) ambient air results will be posted to the website upon submission to the MOECC Regional Director.</li> <li>Quarterly Reports and annual Ambient Air Monitoring Reports have been posted to the project website.</li> <li>The implementation and reporting of Ambient Air Monitoring is a requirement of ECA Condition 7(4)</li> </ul>	Carried into the ECA	Yes
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"> <li>The monitoring program was written with reference to the MOECC Audit Manual. The Ministry of the Environment, Central Region, Technical Support Section conducts performance and site audits of the ambient air monitoring stations regularly. The implementation and reporting of Ambient Air Monitoring is a requirement of ECA Condition 7(4)</li> </ul>	Carried into the ECA	Yes
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"> <li>The Ambient Air Monitoring and Reporting Plan has been posted on the website.</li> <li>Ambient Air Monitoring Reports will be posted to the website as they are completed.</li> <li>The implementation and reporting of Ambient Air Monitoring is a requirement of ECA Condition 7(4)</li> </ul>	Carried into the ECA	Yes
<b>12.</b>	<b>Emissions Monitoring</b>			
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"> <li>Requirement of Environmental Compliance Approval Condition 7(2)</li> </ul>	Carried into the ECA	Yes
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"> <li>Requirement of Environmental Compliance Approval Condition 7(2)</li> <li>First receipt of waste occurred on February 9, 2015</li> <li>Continuous emissions monitoring system was installed and operational prior to first receipt of waste</li> </ul>	February 9, 2015	Yes
12.3	The proponent shall prepare and implement an Air Emissions Monitoring	<ul style="list-style-type: none"> <li>Air Emissions Monitoring Plan submitted for comments to the</li> </ul>	August 31, 2011	Yes

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**Table A11**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	Plan. The Plan shall be prepared, in consultation with the ministry and to the satisfaction of the Director.	<p>MOECC and to the Advisory Committee via letter dated July 23, 2011.</p> <ul style="list-style-type: none"> <li>Final plan incorporating comments from MOECC and Advisory Committee submitted via letter dated August 31, 2011</li> <li>MOECC provided comments via letter dated August 21, 2012.</li> <li>Regions and Covanta revised the Air Emissions Monitoring Plan on October 5, 2012, November 8, 2012, and February 11, 2013 to address comments from the MOECC.</li> <li>The Air Emissions Monitoring Plan was approved by the MOECC Director via letter dated April 9, 2013.</li> </ul>		
12.4	<p>The Air Emissions Monitoring Plan shall include, at a minimum:</p> <p>a) Identification of all sources of air emissions at the site to be monitored;</p> <p>b) Identification of which contaminants will be monitored by continuous emissions monitoring and which by stack testing;</p> <p>c) The proposed start date for and frequency of air emissions monitoring;</p> <p>d) The frequency of and format for reporting the results of air emissions monitoring;</p> <p>e) 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,</p> <p>f) 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.</p>	<ul style="list-style-type: none"> <li>Completed.</li> </ul>	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"> <li>Director revised submission deadline to August 31, 2011 via letter dated June 30, 2011.</li> <li>Plan submitted August 31, 2011</li> </ul>	August 31, 2011	Yes
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"> <li>ECA Condition 5 details requirements for operation and maintenance of the air pollution control (APC) and continuous emissions monitoring systems (CEMS) equipment.</li> <li>ECA Condition 6 details the facility performance requirements for combustion, APC and CEMS.</li> <li>ECA Condition 13 details actions required to notify the MOECC in the event of a spill.</li> </ul>	Carried into the ECA	Yes
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"> <li>Required by Condition 16 (1) (a) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes

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Table A12

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		<ul style="list-style-type: none"> <li>Web site reporting of emissions data is operational</li> </ul>		
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"> <li>Web site reporting of emissions data is operational</li> <li>Required by ECA Condition 16 (2)</li> </ul>	Carried into the ECA	Yes
<b>13.</b>	<b>Air Emissions Operational Requirements</b>			
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"> <li>All air emissions operational and monitoring requirements of the Environmental Assessment are carried into the ECA.</li> <li>During the period covered by this report, the facility was compliant with all air emissions requirements.</li> </ul>	Carried into the ECA	Yes
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"> <li>Schedule 1 is carried into the ECA as Schedule "C"</li> <li>ECA Condition 5 details requirements for operation and maintenance of the air pollution control (APC) and continuous emissions monitoring systems (CEMS) equipment.</li> <li>ECA Condition 6 details the facility performance requirements for combustion, APC and CEMS.</li> <li>ECA Condition 7 details the testing and monitoring requirements of the CEMS.</li> <li>ECA Condition 13 details actions required to notify the MOECC in the event of a spill.</li> <li>Schedule "F" of the ECA details the CEMS specifications required by the MOECC</li> </ul>	Carried into the ECA	Yes
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"> <li>Timing and frequency are in accordance with Schedule "C" of the Environmental Compliance Approval.</li> <li>ECA Condition 7 details timing and frequency for source testing.</li> </ul>	Carried into the ECA	Yes
<b>14.</b>	<b>Daily Site Inspection</b>			
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"> <li>The site is secure;</li> <li>The operation of the undertaking is not causing any nuisance impacts;</li> <li>The operation of the undertaking is not causing any adverse effects on the environment;</li> </ol>	<ul style="list-style-type: none"> <li>Agreed</li> <li>See Environmental Compliance Approval Conditions 3 (6), 3 (7), 3 (8), 5 (5), 14 (3), and 14 (5)</li> </ul>	Carried Into the ECA	Yes



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**Table A13**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	d) 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, e) Only non-hazardous waste is being received at the site.			
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"> <li>• Agreed</li> <li>• See Environmental Compliance Approval Conditions 5 (5), 14 (3), and 14 (5)</li> </ul>	Carried into the ECA	Yes
14.3	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:  a) The name and signature of the person that conducted the daily inspection; b) The date and time of the daily inspection; c) A list of any deficiencies discovered during the daily inspection; d) Any recommendations for action; and, e) The date, time, and description of actions taken.	<ul style="list-style-type: none"> <li>• Agreed</li> <li>• See Environmental Compliance Approval Conditions 5 (5), 14 (3), and 14 (5)</li> </ul>	Carried into the ECA	Yes
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"> <li>• Agreed</li> <li>• See Environmental Compliance Approval Conditions 5 (5), 14 (3), and 14 (5)</li> <li>• Required by Condition 14 (2) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
<b>15.</b>	<b>Daily Record Keeping</b>			
15.1	The proponent shall maintain a written daily log which shall include the following information:  a) Date; b) Types, quantities, and source of non-hazardous municipal solid waste received; c) Quantity of unprocessed, processed and residual non-hazardous municipal solid waste on the site; d) Quantities and destination of each type of residual material shipped from the site; e) The record of daily site inspections required to be maintained by Condition 14.3; 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	<ul style="list-style-type: none"> <li>• Agreed</li> <li>• See Environmental Compliance Approval Conditions 5 (5), 14 (3), and 14 (5)</li> </ul>	Carried into the ECA	Yes

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**Table A14**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	<p>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>			
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"> <li>Agreed</li> <li>See Environmental Compliance Approval Conditions 5 (5), 14 (3), and 14 (5)</li> </ul>	Carried into the ECA	Yes
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"> <li>Agreed</li> <li>Required by Condition 14(1) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
<b>16.</b>	<b>Third Party Audits</b>			
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"> <li>Complete</li> </ul>	December 8, 2011	Yes
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"> <li>Deadline to submit name of auditor revised to September 30, 2011 via letter from the Director and Regional Director dated June 30, 2011.</li> <li>Deadline to submit name of external auditor extended to 30 days prior to the commencement of construction to allow for the ministry's comment on the draft audit plan via letter from the MOECC Director and Regional Director dated September 30, 2011.</li> <li>Regions submitted name of construction-phase auditor on November 16, 2011, more than 30 days prior to commencement of construction in January 2012.</li> <li>Regions submitted name of acceptance testing phase auditor via letter dated September 18, 2013.</li> <li>Regions submitted name of auditor for operations phase via letter dated June 9, 2014.</li> <li>The Regions are currently evaluating proposals for the a Third Party Operations Auditor. Once a new auditor has been identified, the Regions will forward a letter advising the MOECC.</li> </ul>	November 16, 2011	Yes
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"> <li>Construction Phase Audit Plan approved by the Regional Director and Regional Director via letter dated December 8, 2011.</li> <li>Acceptance test audit plan approved by Regional Director via letter dated July 23, 2014.</li> <li>Operations Phase audit plan approved by MOECC via letter dated</li> </ul>	December 8, 2011	Yes

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**Table A15**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		October 24, 2013.		
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"> <li>• Audit plans for construction phase, acceptance testing phase, and operations phase comply with these requirements.</li> <li>• Carried into ECA Condition 15 (2)</li> </ul>	Carried into the ECA	Yes
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"> <li>• The first Construction Phase Audit report was submitted to the MOECC on June 15, 2012.</li> <li>• The second Construction Phase audit report was submitted to the MOECC on April 15, 2013.</li> <li>• The third Construction Phase Audit report was submitted to the MOECC on September 20, 2013.</li> <li>• The fourth Construction Phase Audit report was submitted to the MOECC on April 14, 2014.</li> <li>• The Acceptance Phase Audit report was submitted to the MOECC on March 23, 2016.</li> <li>• The first Operations Phase Audit report was submitted to the MOECC on April 29, 2016.</li> <li>• The second Operations Phase Audit report was submitted to the MOECC on April 28, 2017.</li> <li>• Carried into ECA Condition 15 (3)</li> </ul>	Carried into the ECA	Yes
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"> <li>• Copies of all audit reports are retained on site.</li> <li>• Copies of future audit reports will be retained on site as required by Condition 14 (9)(d) of the Environmental Compliance Approval</li> <li>• Carried into ECA Condition 15 (3)</li> </ul>	Carried to the ECA	Yes
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"> <li>• Agreed</li> <li>• Required by Condition 14 (1) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
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"> <li>• All audit reports to date have been posted to the project website.</li> <li>• Future reports will be posted to the website as required by Condition 16(1)(d) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes

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Table A16**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
<b>17.</b>	<b>Spill Contingency and Emergency Response Plan</b>			
17.1	The proponent shall prepare and implement a Spill Contingency and Emergency Response Plan.	<ul style="list-style-type: none"> <li>• Required by Condition 11 of the Environmental Compliance Approval</li> <li>• Draft Spill Contingency and Emergency Response Plan was submitted to the MOECC via letter dated September 24, 2013.</li> <li>• Final Spill Contingency and Emergency Response Plan was submitted to the MOECC via letter dated January 29, 2014.</li> <li>• MOECC approved the Spill Contingency and Emergency Response Plan via Environmental Compliance Approval amendment dated August 12, 2014.</li> </ul>	September 24, 2013	Yes
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"> <li>• Deadline to submit plan revised to 120 days prior to the commencement date of operation by Environmental Compliance Approval Condition 11 (3).</li> <li>• The draft Spill Contingency and Emergency Response Plan was submitted via letter dated September 24, 2013 to the MOECC.</li> </ul>	September 24, 2013	Yes
17.3	<p>The Spill Contingency and Emergency Response Plan shall include, but is not limited to:</p> <p>a) Emergency response procedures, including notification procedures in case of a spill, fires, explosions or other disruptions to the operations of the facility;</p> <p>b) Cell and business phone numbers and work location for all person(s) responsible for the management of the site;</p> <p>c) Emergency phone numbers for the local ministry office, the ministry 's Spills Action Centre, and the local Fire Department;</p> <p>d) Measures to prevent spill, fires and explosions;</p> <p>e) Procedures for use in the event of a fire;</p> <p>f) Details regarding equipment for spill clean-up and all control and safety devices;</p> <p>g) Shut down procedures for all operations associated with the undertaking including alternative waste disposal site locations;</p> <p>h) Maintenance and testing program for spill clean-up equipment and firefighting equipment;</p> <p>i) Training for site operators and emergency response personnel; and,</p> <p>j) A plan, identifying the location and nature of wastes on site.</p>	<ul style="list-style-type: none"> <li>• Additional requirements included in Environmental Compliance Approval Condition 11 (2).</li> <li>• Completed.</li> </ul>	September 24, 2013	Yes
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"> <li>• Deadline to submit finalized plan to the Director revised to 120 days prior to the commencement date of operation by Environmental Compliance Approval Condition 11 (3).</li> <li>• Document was submitted to the District Manager, local municipality, and fire department for comments prior to final submission.</li> <li>• Draft Spill Contingency and Emergency Response Plan was</li> </ul>	September 24, 2013	Yes

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**Table A17**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		<ul style="list-style-type: none"> <li>submitted to the MOECC via letter dated September 24, 2013.</li> <li>• Draft Spill Contingency and Emergency Response Plan was also developed in consultation with the local municipality and local fire department in advance of the final submission to the MOECC.</li> <li>• Municipal building code and fire code requirements for construction are reviewed with each building permit submission.</li> </ul>		
17.5	The proponent shall take all necessary steps to contain and clean up a 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"> <li>• Agreed.</li> <li>• Required by Condition 12 of the Environmental Compliance Approval</li> <li>• Required by Condition 13(3) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
<b>18.</b>	<b>Odour Management and Mitigation</b>			
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"> <li>• Odour Management and Mitigation Plan submitted to MOECC on August 31, 2011.</li> <li>• Revised Odour Management and Mitigation Plan submitted May 4, 2012.</li> <li>• Odour Management and Mitigation Plan approved by Regional Director via letter dated August 21, 2012.</li> </ul>	August 21, 2012	Yes
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"> <li>• Deadline to submit plan revised to August 31, 2011 via letter from the Director and Regional Director dated June 30, 2011.</li> <li>• Plan submitted in draft form to MOECC and Advisory Committee for comments via email dated July 25, 2011</li> <li>• Plan incorporating MOECC and Advisory Committee comments submitted August 31, 2011</li> </ul>	August 31, 2011	Yes
18.3	The Odour Management and Mitigation Plan shall include at a minimum: <ul style="list-style-type: none"> <li>a) Standard operating and shut down procedures;</li> <li>b) Maintenance schedules;</li> <li>c) Ongoing monitoring for and reporting of odour;</li> <li>d) Corrective action measures and other best management practices for ongoing odour control and for potential operational malfunctions;</li> <li>e) A schedule for odour testing at sensitive receptors; and,</li> <li>f) A section that specifically addresses odour control measures should operation of the undertaking be disrupted or cease.</li> </ul>	<ul style="list-style-type: none"> <li>• Addressed in the approved odour management and mitigation plan</li> <li>• Additional requirements listed in Environmental Compliance Approval Condition 8 (9).</li> </ul>	August 31, 2011	Yes
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	<ul style="list-style-type: none"> <li>• Final Odour Monitoring and Mitigation Plan is compliant with these requirements.</li> <li>• The first annual Odour test was held simultaneously with the first Stack (source) test as agreed to by the MOECC on October 8, 2015.</li> </ul>	Carried into the ECA	Yes

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**Table A18**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	agreed to in writing by the Regional Director.	<p>Odour test report was submitted to the MOECC on November 25, 2015</p> <ul style="list-style-type: none"> <li>The second annual Odour report was submitted in December 2016, after requesting an extension to the date. Required by ECA Condition 7(8)</li> </ul>		
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"> <li>Required by ECA Condition 7(8)</li> </ul>	Carried into the ECA	Yes
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"> <li>Odour Management and Mitigation Plan posted to the website.</li> <li>Required by Condition 16(1)(e) of Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
<b>19.</b>	<b>Noise Monitoring and Reporting</b>			
19.1	The proponent shall prepare and implement a Noise Monitoring and Reporting Plan for the undertaking.	<ul style="list-style-type: none"> <li>Noise Monitoring and Reporting Plan was submitted to the Director via letter dated September 15, 2011</li> <li>Noise Monitoring and Reporting Plan was approved by the MOECC via Amendment Approval dated August 12, 2014</li> </ul>	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"> <li>Final plan submitted via letter dated September 15, 2011</li> <li>Final submission date is more than 90 days prior to start of construction in January 2012</li> </ul>	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"> <li>Plan includes annual acoustic audits to confirm compliance.</li> <li>Acoustic audits have been completed for 2015 and 2016.</li> <li>Required by Condition 7(5) of Environmental Compliance Approval</li> </ul>	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"> <li>Noise Monitoring and Reporting Plan posted to the website.</li> <li>Required by Condition 16(1)(f) of the Environmental Compliance Approval</li> </ul>	September 15, 2011	Yes
<b>20.</b>	<b>Groundwater and Surface Water Monitoring and Reporting</b>			
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"> <li>Groundwater and Surface Water Monitoring and Reporting Plan submitted to the Regional Director via letter dated September 15, 2011</li> <li>Groundwater and Surface Water Monitoring Plan was approved by the Regional Director via letter dated October 14, 2011</li> </ul>	September 15, 2011	Yes

**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix A**  
**EA Notice of Approval Compliance Table**  
**Table A19**

<b>Condition No.</b>	<b>Requirement</b>	<b>Status Remarks</b>	<b>Actual or Estimated Completion Date</b>	<b>Complete?</b>
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"> <li>Groundwater and Surface Water Monitoring Plan was provided to the Central Lake Ontario Conservation Authority and the Advisory Committee for comments in August 2011</li> </ul>	August, 2011	Yes
20.3	The Groundwater and Surface Water Monitoring Plan shall include at a minimum: <ol style="list-style-type: none"> <li>A groundwater and surface water monitoring program;</li> <li>The proposed start date and frequency of groundwater and surface water monitoring;</li> <li>The contaminants that shall be monitored as part of the groundwater and surface water monitoring program; and,</li> <li>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.</li> </ol>	<ul style="list-style-type: none"> <li>Included in the approved plan</li> <li>Meeting was held with Regions and MOECC on September 17, 2013 to discuss the 2012 Annual Report</li> <li>Meeting was held with Regions and MOECC on June 5, 2014 to discuss the 2013 Annual Report.</li> <li>Meeting was held with Regions and MOECC on July 20, 2015 to discuss the 2014 Annual Report</li> <li>Meeting was held with Regions, Covanta and MOECC on July 26, 2016 to discuss the 2015 Annual Report.</li> <li>Meeting was held with Regions, Covanta and MOECC on August 25, 2017 to discuss the 2016 Annual Report.</li> </ul>	September 15, 2011	Yes
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"> <li>September 15, 2011 submission date is more than 90 days prior to the start of construction in January 2012.</li> <li>Groundwater Surface Water Monitoring Plan approved by the Regional Director via letter dated October 14, 2011.</li> </ul>	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"> <li>The mechanism for changes requested by the MOE is included in the Groundwater and Surface Water Monitoring Plan.</li> <li>Groundwater and Surface Water monitoring is a requirement of ECA Condition 7(14)</li> </ul>	Carried into the ECA	Yes
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"> <li>Approved Groundwater and Surface Water Monitoring Plan commenced prior to start of construction and will continue until the Regional Director notifies the Regions in writing that the monitoring program is no longer required.</li> <li>Baseline groundwater sampling commenced in January 2012, prior to receipt of waste.</li> </ul>	Carried into the ECA	Yes
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"> <li>Groundwater and Surface Water Facility Initiation Reports were submitted to the MOECC on March 11, 2015, 30 days from when waste was first received on site February 9, 2015.</li> </ul>	March 11, 2015	Yes
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"> <li>Annual reports have been submitted for 2012 – 2016</li> <li>Annual report for 2017 will be submitted by April 30, 2018.</li> </ul>	Carried into the ECA	Yes
20.9	The proponent shall prepare and submit to the Director and Regional	<ul style="list-style-type: none"> <li>Included in the approved Groundwater and Surface Water Monitoring</li> </ul>	Carried into the ECA	Yes

**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix A**  
**EA Notice of Approval Compliance Table**  
**Table A20**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	Director, a report containing the results of the groundwater and surface water monitoring program with 30 days of any of the following events: a) A spill occurs on site; b) A fire or explosion occurs on site; c) A process upset; or, d) Any disruption to normal operations that may directly or indirectly have an impact on groundwater or surface water.	Plan <ul style="list-style-type: none"> <li>Required by Condition 7(14)(b) of the Environmental Compliance Approval</li> </ul>		
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"> <li>Groundwater and Surface Water Monitoring Plan and reports are posted to the website</li> <li>Future reports will be posted to the website as they are prepared.</li> <li>Required by Condition 7(14)(c) of the Environmental Compliance Approval</li> <li>Required by Condition 16 (1) (g) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
<b>21.</b>	<b>Types of Waste and Service Area</b>			
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"> <li>Agreed</li> <li>Required by Conditions 2 (1), 2 (2), and 2 (3) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
21.2	Materials which have been source separated for the purposes of diversion 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.	<ul style="list-style-type: none"> <li>Agreed</li> <li>See Condition 2 (3) (b) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
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"> <li>Agreed</li> <li>See Condition 4 (2) and 4 (3) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
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"> <li>Agreed</li> <li>See Condition 4 (3) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
<b>22.</b>	<b>Amount of Waste</b>			
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"> <li>140,000 tonnes per year is the maximum annual tonnage recognized on page 1 of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
<b>23.</b>	<b>Notice of the Date Waste First Received</b>			
23.1	Within 15 days of the receipt of the first shipment of waste on site, the	<ul style="list-style-type: none"> <li>Notification letter sent to MOECC via email on February 10, 2015, 1</li> </ul>	February 2015	Yes



**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix A  
EA Notice of Approval Compliance Table  
Table A21**

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	proponent shall give the Director and Regional Director written notice that the waste has been received.	day after waste was first received on site.		
<b>24.</b>	<b>Construction and Operation Contracts</b>			
24.1	In carrying out the undertaking, the proponent shall require that its contractors, subcontractors and employees:  a) 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; b) meet applicable regulatory standards, regarding the construction and operation of the undertaking; c) obtain any necessary approvals, permits or licenses; and, d) have the appropriate training to perform the requirements of their position.	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Regions provided a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions.</li> <li>• Carried into the ECA. Environmental Compliance Approval Condition 9(1) requires Covanta to document staff training on the EA and ECA conditions and applicable laws and regulations.</li> <li>• Complaint Protocol will remain in effect throughout the construction, commissioning, and operations periods in accordance with Condition 6 of the Notice to Proceed.</li> <li>• All building and other permits have been approved.</li> </ul>	Carried into the ECA	Yes
<b>25.</b>	<b>Amending Procedures</b>			
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 <i>Environmental Assessment Act</i> requirements.	<ul style="list-style-type: none"> <li>• Agreed</li> </ul>	Carried into the ECA	Yes

## **Appendix B**

### **EA Study Document Compliance Table**

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**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix B**  
**EA Study Document Compliance Table**  
**Table B1**

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
<b>General Requirements</b>				
2	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>The Regions are 100% owners under the Project Agreement</li> <li>Both Regions and the Contractor are named on the Environmental Compliance Approval Application at the MOECC's request.</li> <li>As owners, the Regions remain legally responsible for ensuring that the contractor fulfills its duties under the contract.</li> </ul>	Carried into the ECA	Yes
11	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Required by Condition 18 of the Environmental Compliance Approval</li> <li>Commitment reaffirmed in Section 16 of the Design and Operations Report submitted with the Waste ECA Application</li> <li>Environmental Compliance Approval Condition 18 requires the Regions to submit a Closure Plan for approval by the MOECC at least 9 months prior to facility closure.</li> </ul>	Carried into the ECA	Yes
11	<ul style="list-style-type: none"> <li>Decommissioning of the Facility will be conducted in compliance with applicable regulatory requirements at the time of decommissioning.</li> </ul>	<ul style="list-style-type: none"> <li>Required by Condition 18 of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
11.2	<ul style="list-style-type: none"> <li>Environmental protection awareness, spill prevention planning and contingency training will be implemented for all employees as necessary and appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Final Spill Contingency and Emergency Response Plan was submitted to the MOECC January 29, 2014</li> <li>Staff training requirements including regulatory compliance and emergency response provided in Environmental Compliance Approval Condition 9 (1).</li> </ul>	Carried into the ECA	Yes
15	<ul style="list-style-type: none"> <li>The Regions will prepare and submit to the Director of the EAB of the Ontario MOECC an EA Compliance Monitoring Program.</li> </ul>	<ul style="list-style-type: none"> <li>Compliance Monitoring Program submitted to the Director via letter dated October 14, 2011 in accordance with Condition 4.1 of the EA Notice of Approval</li> </ul>	October 14, 2011	Yes
<b>Air Quality</b>				
11.1	<p>Air quality related mitigation/management during construction will include:</p> <ul style="list-style-type: none"> <li>Mitigation and environmental management / monitoring measures will include:</li> <li>Employment of controlled entrances and exits at the construction site to minimize the offsite tracking of mud.</li> <li>Temporary and permanent grassing in disturbed areas.</li> <li>Dust control during dry periods.</li> <li>Possible implementation of an idling protocol as required.</li> <li>Adherence to an equipment maintenance program.</li> <li>Ambient air quality monitoring for particulate matter will be undertaken to monitor the effectiveness of the mitigation measures.</li> </ul>	<ul style="list-style-type: none"> <li>Construction is substantially complete and the construction general contractor has moved off-site.</li> <li>Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations.</li> <li>Regions provided a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions.</li> <li>Complaint protocol submitted to MOECC as per EA Notice to Proceed Condition 6 will be in effect throughout the construction period.</li> <li>Air Quality during construction is addressed by the contractor in their site Quality Management and/or Site Specific Health and</li> </ul>	Carried into the ECA	Yes

**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix B**  
**EA Study Document Compliance Table**  
**Table B2**

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		Safety Plans		
11.1	<ul style="list-style-type: none"> <li>Very low NO<sub>x</sub> (VLN) system in the Facility's stoker</li> </ul>	<ul style="list-style-type: none"> <li>Facility is equipped with VLN system.</li> </ul>	February 9, 2015	Yes
11.1	<ul style="list-style-type: none"> <li>SNCR for additional NO<sub>x</sub> control</li> </ul>	<ul style="list-style-type: none"> <li>Facility is equipped with SNCR system</li> </ul>	February 9, 2015	Yes
11.1	<ul style="list-style-type: none"> <li>Activated carbon injection after the economizer for mercury and dioxin/furan control</li> </ul>	<ul style="list-style-type: none"> <li>Facility is equipped with an activated carbon system</li> </ul>	February 9, 2015	Yes
11.1	<ul style="list-style-type: none"> <li>Acid gas scrubber the removal of gases such as SO<sub>x</sub> and HCl</li> </ul>	<ul style="list-style-type: none"> <li>Facility is equipped with an acid gas scrubber</li> </ul>	February 9, 2015	Yes
11.1	<ul style="list-style-type: none"> <li>A fabric filter baghouse to remove solid particulate matter</li> </ul>	<ul style="list-style-type: none"> <li>Facility is equipped with a fabric filter baghouse</li> </ul>	February 9, 2015	Yes
11.1	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Facility design includes negative air pressure and fully enclosed waste receiving and ash loading facilities</li> </ul>	February 9, 2015	Yes
11.1	<ul style="list-style-type: none"> <li>Provision of a Continuous Emissions Monitoring System (CEMS) at the baghouse outlet to monitor and record opacity, moisture, CO, O<sub>2</sub>, NO<sub>x</sub>, SO<sub>2</sub>, HCL and HF. Opacity measurements will be used as the filter bag leak detection system.</li> </ul>	<ul style="list-style-type: none"> <li>Facility is equipped with a fully compliant CEMS system</li> </ul>	February 9, 2015	Yes
11.1	<ul style="list-style-type: none"> <li>Provision of a Continuous Emissions Monitoring System (CEMS) at the economizer outlet to monitor and record O<sub>2</sub>, SO<sub>2</sub> and CO.</li> </ul>	<ul style="list-style-type: none"> <li>Facility is equipped with O<sub>2</sub>, SO<sub>2</sub> and CO analyzers at the economizer outlet</li> </ul>	February 9, 2015	Yes
11.1	<ul style="list-style-type: none"> <li>Provision of a Continuous Emissions Monitoring System (CEMS) to monitor and record                             <ul style="list-style-type: none"> <li>Flue gas temperatures at the inlet of the boiler convection section and at the baghouse inlet.</li> <li>The temperature and pressure of the feedwater and steam for each boiler.</li> <li>The mass flow rate of steam at each boiler.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Facility is equipped with each of these controls.</li> </ul>	February 9, 2015	Yes
11.1	<ul style="list-style-type: none"> <li>A long-term continuous dioxins sampling device will be installed to monitor the adsorption of dioxins onto the exchangeable adsorption-resin-filled cartridge.</li> </ul>	<ul style="list-style-type: none"> <li>Facility is equipped with a long term dioxin and furan sampling system.</li> </ul>	September 2015	Yes
11.1	<ul style="list-style-type: none"> <li>Emissions (stack) testing and monitoring protocol as required for the ECA under the EPA.</li> </ul>	<ul style="list-style-type: none"> <li>As per Condition 7(1) and Schedule D of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
11.1	<ul style="list-style-type: none"> <li>NPRI emissions reporting that will entail a combination of monitoring or direct measurement, mass balance, process-specific emissions factors and engineering estimates.</li> </ul>	<ul style="list-style-type: none"> <li>National Pollutant Release Inventory (NPRI) annual reporting is a requirement under the Canadian Environmental Protection Act (Federal)</li> <li>2015 and 2016 Emissions were reported through NPRI.</li> </ul>	Operations Period	Yes

**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix B**  
**EA Study Document Compliance Table**  
**Table B3**

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
11.1	<ul style="list-style-type: none"> <li>Proposed ambient air quality monitoring in the immediate vicinity of the Facility for a 3-year period.</li> </ul>	<ul style="list-style-type: none"> <li>Ambient air monitoring in accordance with the approved monitoring plan commenced in April 2013.</li> <li>Required by ECA Condition 7(4)</li> </ul>	Carried into the ECA	Yes
<b>Surface Water and Groundwater</b>				
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"> <li>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.</li> <li>Use of perimeter ditching and site grading as well as silt fencing around forested areas to isolate runoff.</li> <li>Use of setback transition use areas and erosion control fencing along watercourses.</li> <li>ESC will be implemented during the construction phase to reduce potential soil loss and runoff velocities.</li> <li>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.</li> <li>The pond will discharge to the CN Rail swale and stormwater will subsequently be conveyed to Tooley Creek.</li> <li>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.</li> <li>Grading plans will be designed to maintain existing drainage patterns which will ensure all captured stormwater will be routed through SWM features.</li> <li>Dewatering and excavation pumping is expected in order to establish a sufficiently dry environment to construct the Facility foundations.</li> </ul>	<ul style="list-style-type: none"> <li>Construction Phase is substantially complete</li> <li>All permanent stormwater controls are in place</li> <li>Required by Condition 4(6) of the Environmental Compliance Approval</li> <li>Regions provided a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions.</li> <li>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.</li> <li>A sediment and erosion control plan has been developed by the contractor and was in effect during the construction phase which monitors surface water. Golder was contracted by Covanta to monitor surface water and erosion and sediment control during the construction phase.</li> <li>Site stormwater management plan has been developed and approved by CLOCA and Clarington (Clarington Master Drainage Plan)</li> </ul>	Carried into the ECA	Yes
11.2	<ul style="list-style-type: none"> <li>A series of groundwater monitoring wells may be installed within the Site to assess the Facility's effects on both groundwater quantity and quality during construction to be determined at subsequent approvals stage.</li> </ul>	<ul style="list-style-type: none"> <li>Groundwater and Surface Water Monitoring Plan approved by MOECC Central Region Director on October 14, 2011 includes groundwater monitoring wells to be installed prior to facility construction and 1 well to be installed after construction.</li> <li>Pre-construction groundwater wells installed in December 2011. Baseline monitoring commenced January 2012.</li> <li>All required monitoring wells are now in service</li> </ul>	December 2011	Yes
11.2	<ul style="list-style-type: none"> <li>Storm water pond design criteria will meet enhanced design guidance criteria found in the MOECC SWM Planning and Design Manual;</li> </ul>	<ul style="list-style-type: none"> <li>The stormwater management pond design is compliant with this requirement and is provided in Section 6.2.4 of the Design Report</li> <li>Stormwater ponds have been designed and constructed on site in</li> </ul>	Construction Period	Yes

**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix B**  
**EA Study Document Compliance Table**  
**Table B4**

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		the southeast and southwest corners of the EFW property		
11.2	<ul style="list-style-type: none"> <li>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;</li> </ul>	<ul style="list-style-type: none"> <li>Pond has been designed with an active storage volume greater than the entire runoff volume from the 100 year storm.</li> <li>Stormwater pond design has been approved and constructed on site.</li> </ul>	Construction Period	Yes
11.2	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Covanta submitted a Spill Contingency and Emergency Response Plan on September 24, 2013 as required by Condition 17.1 of the Notice of Approval and Condition 11(2) of the Environmental Compliance Approval</li> <li>Storage of waste and ash is indoors on impervious surfaces with no drainage to outside the facility.</li> <li>Storage of all chemical reagents is in accordance with applicable regulations. Storage of aqueous ammonia includes secondary containment.</li> <li>Outdoor surface drainage discharges 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.</li> </ul>	Carried into the ECA	Yes
11.2	<ul style="list-style-type: none"> <li>Monitoring of stormwater end-of-pipe Facility discharge quality (as required as part of C of A);</li> </ul>	<ul style="list-style-type: none"> <li>Groundwater and Surface Water Monitoring and Reporting Plan was developed in consultation with MOECC Central Region Office and approved by the Central Region Director on October 14, 2011. Monitoring commenced in January 2012</li> </ul>	Carried into the ECA	Yes
<b>Soils</b>				
11.2 & 11.3	Soils related mitigation and environmental management / monitoring measures during construction will include: <ul style="list-style-type: none"> <li>Topsoil and subsoil salvage and storage.</li> <li>Apply erosion and sedimentation control measures (also described in surface water).</li> </ul>	<ul style="list-style-type: none"> <li>Facility construction is substantially complete.</li> <li>Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations.</li> <li>Regions provided a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions.</li> <li>Erosion and sediment control monitoring is undertaken continuously in accordance with plan approved by the Ministry of Environment and Climate Change, Central Lake Ontario Conservation authority and the Municipality of Clarington</li> <li>Required by ECA Condition 7(10) and 13(4)</li> </ul>	Construction Period	Yes
<b>Acoustic</b>				
11.4	Acoustic related mitigation and environmental management / monitoring	<ul style="list-style-type: none"> <li>Facility construction is substantially complete</li> </ul>	Carried into the	Yes

**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix B**  
**EA Study Document Compliance Table**  
**Table B5**

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	measures during construction will include: <ul style="list-style-type: none"> <li>• Pile driving effects will be reduced through alternative technologies (e.g., vibratory pile driving), controls, and scheduling.</li> <li>• 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.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• The Regions submitted a Noise Monitoring and Reporting Plan to the Director in accordance with Condition 19 of the Notice of Approval on September 15, 2011</li> <li>• Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations, including Clarington Noise by-law.</li> <li>• Regions provided a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions.</li> <li>• Required by ECA Condition 7(5)</li> </ul>	ECA	
11.4	Noise-related mitigation and environmental management/monitoring measures during operation will include: <ul style="list-style-type: none"> <li>• The Facility will be designed to current standards incorporating efficiencies and design enhancements that reduce sound emissions.</li> <li>• Where necessary, mitigation measures will be included to ensure applicable noise criteria are met at PORs as predicted.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• The Regions submitted a Noise Monitoring and Reporting Plan in accordance with Condition 19 of the Notice of Approval on September 15, 2011, which includes an annual acoustic audit during the operations phase to monitor compliance with applicable noise criteria.</li> <li>• Noise Monitoring and Reporting Plan was approved by the MOECC via Amendment Approval dated August 12, 2014.</li> <li>• 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 &amp; 2 Areas (Urban)", October 1995, as amended from time to time.</li> <li>• Noise audits have been completed for 2015 and 2016.</li> </ul>	Carried into the ECA	Yes
	<b>Visual</b>			
11.5	Visual-related mitigation and environmental management / monitoring measures during construction will include: <ul style="list-style-type: none"> <li>• Staging of construction activities.</li> <li>• Timely removal of construction debris.</li> <li>• A monitoring program and contingency plan will be implemented to address any issues that may arise during the construction of the Facility.</li> <li>• Investment in architectural enhancements to the Facility.</li> </ul>	<ul style="list-style-type: none"> <li>• An architectural concept for the facility was developed in consultation with the Municipality of Clarington.</li> <li>• Facility has been constructed and landscaping completed in accordance with approved plan.</li> </ul>	Construction Period	Yes
11.5	Visual-related mitigation and environmental management / monitoring measures during operation will include: <ul style="list-style-type: none"> <li>• The use of neutral external colours and effective landscaping.</li> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• An architectural concept for the facility was developed in consultation with the Municipality of Clarington.</li> <li>• Landscaping complete in accordance with the approved plan.</li> <li>• Need for supplementary, off-site visual remediation will be assessed on a case-by-case basis after the facility is constructed.</li> </ul>	Operating Period	Yes

**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix B**  
**EA Study Document Compliance Table**  
**Table B6**

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	Facility.			
	<b>Natural Environment</b>			
11.6	<p>Natural environment related mitigation and environmental management / monitoring during construction will include:</p> <ul style="list-style-type: none"> <li>• Protective protocols to avoid killing or harming wildlife during Project activities.</li> <li>• Wildlife corridor along the entire east-west length of the Facility's southern property line may be established to enhance wildlife movement.</li> <li>• Native tree and shrub species will be planted and existing species allowed to grow without disturbance providing additional habitat.</li> <li>• Undertake a pre-construction survey to assess bird nesting activity prior to clearing and grubbing.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Landscape plan as approved by the Municipality of Clarington gives consideration to wildlife habitat.</li> <li>• Construction Site Fencing allows for a wildlife corridor to the North and South of the Site.</li> <li>• Reconnaissance report prepared by Golder Associates dated November 11, 2011 to address pre-construction bird nesting activities prior to start of construction.</li> <li>• For work offsite surrounding the Energy from Waste facility, the Regions have retained a consultant to undertake monitoring of Eastern Meadowlark. Reports will be produced and provided to the MNR as per letter dated August 28, 2013 from the MNR.</li> <li>• Construction complete.</li> </ul>	Construction Period	Yes
	<b>Social / Cultural</b>			
11.7, 8, 9	<p>Social / cultural related mitigation and environmental management / monitoring measures during construction will include:</p> <ul style="list-style-type: none"> <li>• See Noise above for related mitigation / management measures.</li> <li>• See Visual above for related mitigation / management measures</li> <li>• 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.</li> <li>• Deeply buried archaeological resources could still exist and standard conditions regarding discovery of human remains and/or other cultural heritage values will apply.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations.</li> <li>• Regions provided a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions.</li> <li>• To date no findings of archaeological significance have been found on site.</li> <li>• Construction complete.</li> </ul>	Construction Period	Yes
	<ul style="list-style-type: none"> <li>• Road/pavement improvements to the South Service Road and Osborne Road to accommodate construction vehicles.</li> </ul>	<ul style="list-style-type: none"> <li>• Construction is substantially complete</li> </ul>	Construction Period	Yes
	<ul style="list-style-type: none"> <li>• Formation of a Thermal Treatment Facility Site Liaison Committee (SLC) for the construction period.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Required by ECA Condition 17</li> </ul>	Carried into the ECA	Yes



**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix B**  
**EA Study Document Compliance Table**  
**Table B7**

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>A requirement of the EA Notice of Approval [See Appendix A, Section 7 (Community Communications Plan)]</li> <li>Community Communications Plan was submitted to the MOECC on September 18, 2013.</li> <li>MOECC approval via letter dated September 30, 2013.</li> </ul>	September 18, 2013	Yes
	<ul style="list-style-type: none"> <li>Development and implementation of a community complaints system for construction.</li> </ul>	<ul style="list-style-type: none"> <li>Complaint protocol approved by the MOECC July 13, 2011 as per Condition 6 of the EA Notice of Approval.</li> <li>Requirement of Condition 10 of the Environmental Compliance Approval</li> <li>Monthly reports are sent to the EFWAC and the MOECC.</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>Management of residual waste in enclosed vehicles and on enclosed tipping floor</li> </ul>	<ul style="list-style-type: none"> <li>Noted in Sections 5.3 and 5.8 of the Design and Operations Report and required by Environmental Compliance Approval Condition 4(2) and 4(5)</li> <li>Construction of an enclosed tipping floor is complete.</li> <li>All waste is delivered to the site in closed vehicles</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>Air from tipping floor is used as combustion air, destroying odours and maintaining negative pressure within receiving area.</li> </ul>	<ul style="list-style-type: none"> <li>Required by Condition 8 (1) of the Environmental Compliance Approval Construction of tipping floor and combustion air system is complete and compliant with these requirements.</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>Management of ash and residues using various measures to reduce ash emissions.</li> </ul>	<ul style="list-style-type: none"> <li>Requirement of Condition 4 of the Environmental Compliance Approval</li> <li>See Section 8.0 of the Design and Operation Report for additional details.</li> <li>Storage of ash, and will be indoors on impervious surfaces with no drainage to outside the facility.</li> <li>Ash is transported to the ash storage building in enclosed conveyors</li> <li>Bottom ash and fly ash handled separately.</li> <li>Building maintained under negative pressure and fully ventilated to a dust collection system</li> <li>Loading of trucks occurs indoors with the doors closed</li> <li>Fly ash is mixed with water, cement and pozzolan to render it non-hazardous and reduce dust.</li> <li>Bottom ash is immersed in quench water and retains 15-25% moisture content, reducing dust potential</li> </ul>	Carried into the ECA	Yes

**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix B**  
**EA Study Document Compliance Table**  
**Table B8**

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	<ul style="list-style-type: none"> <li>Mitigation of vectors/vermin through pest/vector control.</li> </ul>	<ul style="list-style-type: none"> <li>Requirement of Condition 8 (14) of the Environmental Compliance Approval</li> <li>Noted in Section 13.5 of the Design and Operations Report and Condition 8(14)</li> <li>Pest/Vector control has been subcontracted to a qualified pest control company and monitored for effectiveness.</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>Mitigation of litter through implementation of litter control program throughout the Site.</li> </ul>	<ul style="list-style-type: none"> <li>Requirement of Condition 8(12) of the Environmental Compliance Approval</li> <li>Site-wide litter collection on a daily basis as per Section 13.4 of the Design and Operations Report and Environmental Compliance Approval Condition 8(12)</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Requirement of Condition 8(10) of the Environmental Compliance Approval</li> <li>Energy Drive and private truck access construction is complete, with all required off-site traffic controls.</li> </ul>	N/A	Yes
	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Host Community Agreement executed on February 18, 2010 includes this provision</li> <li>The expropriation of the lands associated with the host community agreement requirements for the York Durham Energy Centre went before the Ontario Municipal Board. A settlement was reached July 27, 2015.</li> <li>Construction on the facility access road and Energy Drive has been completed.</li> </ul>	July 2015	Yes
	<ul style="list-style-type: none"> <li>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)</li> </ul>	<ul style="list-style-type: none"> <li>Requirement of Condition 13 (4) of the Environmental Compliance Approval</li> <li>Soil Testing plan submitted September 23, 2011</li> <li>Revised Soil Testing Plan submitted to the MOECC via letter dated October 5, 2012</li> <li>MOECC approval via letter dated March 15, 2013.</li> <li>Soils testing commenced in accordance with the approved plan.</li> <li>The first Soils Testing Report was completed and submitted November 19, 2013.</li> <li>Second (first operational year) Soils Testing Report was submitted on October 23, 2015.</li> <li>Third (second operational year) Soils Testing Report was submitted on November 3, 2016.</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>Formation of a Thermal Treatment Facility Site Liaison Committee SLC for</li> </ul>	<ul style="list-style-type: none"> <li>In addition to the Advisory Committee described in Notice of</li> </ul>	Carried into the	Yes

**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix B**  
**EA Study Document Compliance Table**  
**Table B9**

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	the operations period.	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. <ul style="list-style-type: none"> <li>Required by ECA Condition 17</li> </ul>	ECA	
	<ul style="list-style-type: none"> <li>See construction above regarding development and implementation of a Community Relations Plan</li> </ul>	<ul style="list-style-type: none"> <li>A requirement of the EA Notice of Approval [See Appendix A, Section 7 (Community Communications Plan)]</li> <li>Community Communications Plan was submitted to the MOECC on September 18, 2013.</li> <li>MOECC approval via letter dated September 30, 2013.</li> </ul>	Prior to receipt of non-hazardous municipal solid waste	Yes
	<ul style="list-style-type: none"> <li>See construction above regarding development and implementation of a community complaints system for operations</li> </ul>	<ul style="list-style-type: none"> <li>Appendix A, Complaint Protocol (Notice of Approval Condition 6 applies to construction, commissioning, and operations periods</li> <li>Complaint Procedure is required by Condition 10 of the ECA</li> </ul>	Carried into the ECA	Yes
<b>Economic</b>				
11.10	<ul style="list-style-type: none"> <li>Establishment of a hazardous waste depot to serve Clarington residents.</li> </ul>	<ul style="list-style-type: none"> <li>Establishment of the hazardous waste depot commenced when land expropriation for other Host Community Agreement commitments was completed and the Certificates of Approval and Building Permit for the Durham York Energy Centre were issued.</li> <li>A site has been selected and is currently being developed.</li> </ul>	2017	No
11.10	<ul style="list-style-type: none"> <li>Construction of Energy Drive from Courtice Road to Osborne Road to serve the Energy Park.</li> </ul>	<ul style="list-style-type: none"> <li>Construction on the facility access road and Energy Drive is complete.</li> </ul>	May 2015	Yes
11.10	<ul style="list-style-type: none"> <li>Construction of a SWM Facility to serve the Energy Park.</li> </ul>	<ul style="list-style-type: none"> <li>Stormwater management requirements for the Energy Park will be assessed if and when development of the Energy Park proceeds.</li> </ul>	May 2015	Yes
11.10	<ul style="list-style-type: none"> <li>Construction of a waterfront trail from Courtice Road to the eastern limit of the Durham property.</li> </ul>	<ul style="list-style-type: none"> <li>Waterfront trail has been completed.</li> </ul>	2017	Yes
11.10	<ul style="list-style-type: none"> <li>Transfer of 22 acres of surplus land adjacent to the Courtice WPCP to Clarington.</li> </ul>	<ul style="list-style-type: none"> <li>The transfer of 22 acres of land to Clarington was completed on October 15, 2015.</li> </ul>	2015	Yes
11.10	<ul style="list-style-type: none"> <li>Commencement of the EA for servicing the Clarington Science Park.</li> </ul>	<ul style="list-style-type: none"> <li>An EA was filed on June 19, 2015 and the end of the review period was August 21, 2015.</li> </ul>	August 2015	Yes
<b>Human Health and Ecological Risk</b>				
	<ul style="list-style-type: none"> <li>Refer to “Air Quality” above.</li> </ul>	<ul style="list-style-type: none"> <li>Refer to “Air Quality” above.</li> </ul>	N/A	Yes

# **Appendix C**

**Advisory Committee Annual Report 2017**

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**Durham York Energy Centre 2017 Compliance Monitoring Report – Appendix C  
Energy From Waste Advisory Committee Summary Table**

Meeting #	Date	Time	Agenda Topic
Meeting #13	March 16, 2016	2:30 – 4:30	<ul style="list-style-type: none"> <li>• Presentation on DYEC Acceptance Testing Results</li> </ul>
Meeting #14	July 12, 2017	2:00 - 4:00	<ul style="list-style-type: none"> <li>• 2016 DYEC Annual Compliance Report</li> </ul>

## **Meeting #13 Minutes**

### **Advisory Committee Annual Report**

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These minutes were finalized during the July 12, 2017 EFWAC meeting and therefore not available for inclusion in the 2016 Annual Compliance Report. All other materials from Meeting #13 were made available in the 2016 Annual Compliance Report.



## MINUTES

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**Subject:**

Energy from Waste Advisory Committee (EFWAC)

**Date and Time:**

Wednesday, March 16, 2016, from 2:30 p.m. to 4:30 p.m.

**Participants:**

Chris Darling, CLOCA

Amy Burke, Municipality of Clarington

Linda Gasser, Zero Waste 4 Zero Burning

Kerry Meydam, Durham Environment Watch

Wendy Bracken, Durham Environment Watch

Nick Colucci, Township of Brock

Mike Saulnier, City of Oshawa

Brad Brooks, Town of Whitby

Laura McDowell, York Region

Lindsay Milne, York Region

Mirka Januszkiewicz, Durham Region

Gioseph Anello, Durham Region

**Location:**

Durham Region Headquarters, 605 Rossland Road East, Whitby – Room LL-C (lower level)

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1. Welcome and Introductions

Ms. Sue Cumming, independent Facilitator, welcomed the members of the Committee and the members of the public to the thirteenth meeting of the Energy from Waste Advisory Committee (EFWAC). The Facilitator confirmed quorum was not obtained and thanked those members in attendance. Ms. Cumming reviewed the current agenda and the outstanding items from the April 2015 meeting.

- **M. Januszkiewicz confirmed that the name of the Ministry of the Environment and Climate Change (MOECC) supervisor, who W. Bracken had mentioned had advised her that a TAGA unit can monitor ultrafine particulate matter, had not been received by W. Bracken and that the Project Team would follow up directly with W. Bracken.**
- **The Project Team determine if Stantec will attend a future meeting, and when, to present on the Ambient Air Monitoring Reports (additional discussion below).**
- **The Project Team follow up with Covanta with regard to confirming findings or additional results, if available, from other incinerators as it relates to the reliability and safety of the ash stabilization method (see discussion below).**

## 2. Energy from Waste Project Update: Acceptance Testing

G. Anello presented on the results of the Acceptance Test (the Test). The Test is a requirement of the Project Agreement in order for the Owners to issue to Covanta, upon a pass, the Acceptance Test Certificate so that the Facility may commence Commercial Operations, which began on January 29, 2016. Attachment #2, which summarized the results of the Environmental Compliance and Performance Guarantees of the Acceptance Test, was provided as a handout.

In follow up to G. Anello's presentation, L. Gasser discussed concern that the presentation and Attachment #2 was misleading as neither appropriately identified that:

- Residue Quantity did not initially pass the Test, and that it was with Durham Region Council approval that the Owners amended the value in order for the Owners to issue a pass.
- The Source Test failed a dioxin test; Covanta claimed interference, and the MOECC did not investigate but instead allowed Covanta to test again whereby Covanta increased the reagent to pass.
- In October 2016, the Carbon Monoxide test failed, exceeding the regulatory limit.

L. Gasser further discussed how the public are waiting to read the report from the Owners' technical consultant, HDR, which has yet to be posted to the project website as committed to by the Project Team at the December 2015 and January 2016 Council meetings. The Project Team confirmed that HDR's report had not yet been posted, and although it will be and is not anticipated to be redacted, at this time it was still considered privileged and will not be made available until the amending contract is executed. Additional discussion ensued with regard to the issuance of the Acceptance Test Certificate and related amendment to the contract, which the Project Team proceeded to confirm for L. Gasser that they were not in a position to speak to the confidential nature of this matter. M. Januszkiewicz confirmed, in response to K. Meydam's inquiry about the outstanding issues identified in 2016-COW-1 (Durham York Energy Centre Construction Update Report), that all technical issues have been addressed.

L. Gasser noted concern as it relates to ambient air monitoring (98<sup>th</sup> percentile and three-year data collection), and requested that a backup monitoring station be considered due to:

- Only a 25 per cent recovery rate of data was collected in the 2014 fourth quarter Crago report;
- The high number of instrumentation issues encountered by Stantec, generally, and more noticeably in the 2014 third quarter Crago report;
- The issue with collection of PM<sub>2.5</sub> data which is often invalidated; and,
- The concern that Stantec is comparing their own data results against the human health and risk assessment (HHRA), which Stantec also prepared.



G. Anello confirmed that to meet the requirement for the reliability of data, and use that data, it must be 75 per cent reliable. G. Anello explained that the Owners receive quarterly inspections from the MOECC on the monitoring stations and, that the MOECC evaluates the performance of each station and has confirmed that the stations have passed reliability requirements.

L. Gasser stated the need for Stantec to be invited to an upcoming EFWAC meeting to explain the ambient air results, how data is reported and determined invalid, address instrumentation issues and how these issues are being resolved. In response, G. Anello advised that the malfunction(s) are listed in the quarterly reports. The cause of the malfunction is identified along with the corrective action. The data loss is also explained with the percent reliability.

L. Gasser questioned if soil-monitoring data is collected from the Crago station. G. Anello confirmed that it was not an option at this site as the property measures only 10 feet square, and that it was not a requirement of the MOECC approved Soils Testing Plan. G. Anello clarified that reporting on fence line monitoring is a mandatory requirement of the MOECC, along with upwind and downwind monitoring. G. Anello advised that the MOECC has confirmed that they do not want to be in receipt of reports from the additional monitoring station (Crago) which was installed at the direction of Durham Region Council. G. Anello also confirmed that the Project Team reviews the data collected at both mandatory and additional monitoring stations.

M. Januszkiewicz advised that the Project Team would follow up to address the project website issues encountered by L. Gasser including:

- Concern that it is not easy to navigate the Additional Ambient Air Monitoring web page to find the Crago Reports.
- Concern that the last posted report was for the first quarter in 2015.
- Issue with subscribers not receiving notice when documents are posted.
- **Durham Region Project Team members to address website issues including location, posting, and public notification (registered) of the finalized Crago reports which have issued to-date.**

Discussion by W. Bracken ensued as it related to past errors made by Stantec and missed by the MOECC during the Environmental Assessment phase. W. Bracken requested a commitment from the Project Team that Stantec be invited to the next meeting to present and discuss with the Committee the findings of their ambient air monitoring reports, as previously requested in April 2015.

L. Gasser noted that the Committee's mandate is to discuss issues concerning the Facility's operations, etc. and that discussion to address these issues only occurs at EFWAC meetings, and that the wait for a response from the Project Team when issues are submitted in writing is

unacceptable. L. Gasser further noted that the statement repeatedly included in the conclusions of the executive summaries of the Ambient Air Monitoring Reports “measured concentrations of NO<sub>2</sub>, SO<sub>2</sub>, and PM<sub>2.5</sub> were below the applicable O. Reg. 419/05 Standards or HHRA health-based criteria presented in Table 2-2 of the report” should be removed as there are no standards and the values in the HHRA are outdated, as there is a new Canadian standard for PM<sub>2.5</sub>. L. Gasser asked in follow up to correspondence submitted directly to M. Januszkiewicz, if a regulation for PM<sub>2.5</sub> has been enacted, and if not and without this knowledge, this blanket statement should not be made.

- **The Project Team confirmed that following the Committee’s review of the 2016 Annual Report, any questions concerning Ambient Air Monitoring will be addressed. The MOECC also conducts an annual review of the Ambient Air Monitoring and determines whether any changes to the program need to be implemented.**

### 3. Next Meeting

K. Meydam inquired about scheduling regular meetings in accordance with the Committee’s mandate included in their Terms of Reference (ToR), and the MOECC’s Notice of Approval to Proceed with the Undertaking, to monitor the status of the facility on a continuous basis, and not at milestones only determined by the Project Team, as done over the past few years resulting in very limited EFWAC meetings being held. K. Meydam also inquired if the Committee would receive direct notifications if or when issues are encountered at the facility.

In response to K. Meydam, W. Bracken, and L. Gasser’s requests that a draft of the Annual Compliance Report be provided to the EFWAC prior to submission of the final report to the MOECC, it was clarified that the appendix related to EFWAC in the report includes the agenda, presentation, and meeting notes. W. Bracken, L. Gasser, and K. Meydam identified items (e.g. CEMS data, waste throughput, etc.) addressed in the main Annual Compliance Report, which they felt should be first presented to EFWAC for review and input, prior to its finalization.

K. Meydam requested that an EFWAC meeting be held following the Voluntary Spring Source Test and not following the completion of the fall Compliance Source Test. M. Januszkiewicz confirmed that following the presentation of expert reports on the Voluntary Spring Source Test and Ambient Air Monitoring Reports to Durham Region Council, the same information will be provided to EFWAC concurrently. M. Januszkiewicz also confirmed for L. Gasser that the results of the Voluntary Spring Source Test will be made public.

L. Gasser reminded the Committee of the 2012 and 2014 resolutions from Durham Region Council directing the Project Team to hold quarterly meetings. L. Gasser further commented that with the failed attempts to maintain schedules previously determined, the list of outstanding items for procedural and operational issues increases, which only the citizen members monitor. That the ToR, developed by the Project Team and approved by MOECC, should consider the current, more predictable reporting schedule, and the possibility of an increase in questions from members’

review of the materials issued. L. Gasser stated, in addition to determining a tentative, regular schedule (e.g. two meetings per year), there needs to be a mechanism for the EFWAC to call an additional meeting(s) if certain items need discussion with the Project Team and/or Committee.

In response to M. Januszkiewicz' proposal that should the EFWAC have any questions on the Annual Compliance Report, that questions be submitted to the Project Team, or M. Januszkiewicz directly, L. Gasser noted that the meetings of the EFWAC are a forum for the public, not just members, and that questions and concerns should be addressed at these meetings.

L. McDowell confirmed that York Region, in the event that representatives are unable to attend EFWAC meetings, keep their local municipalities well informed on DYEC updates.

In follow up to L. Gasser's question posed in December 2014 regarding the long term reliability of fly ash encapsulation, and subsequent follow up question in February 2015 (to Covanta at the Durham York Energy Centre Open House) and April 2015 (to the Project Team at the EFWAC Meeting), regarding the availability of peer review documentation for same, G. Anello confirmed that such documentation is not available. G. Anello further confirmed that Covanta completed in-house testing using the toxicity characteristic leaching procedure (TCLP), and that the fly ash is deposited in an engineered landfill and monitored in accordance with the landfill's ECA.

- **Project Team to consider setting the next two 2016 EFWAC meetings (spring and fall) to ensure timing and availability of members, with consideration to not scheduling meetings during the summer, and if necessary, cancelling appropriately.**
- **Project Team to include the EFWAC meeting schedule into 2017 on the next agenda.**
- **Project Team to distribute results of the Voluntary Spring Source Test to the EFWAC prior to June.**

#### 4. Meeting Adjourns

Meeting concluded at 4:35 p.m.



# Durham York Energy Centre Update

Energy from Waste Advisory Committee (EFWAC)  
March 16, 2016

Gioseph Anello, M.Eng., P.Eng., PMP  
Manager, Waste Planning and Technical Services

## Durham York Energy Centre - Acceptance Test Table Environmental Compliance

Test	Regulatory Requirement	Covanta	HDR Observations	MOECC Compliance Assessment	Owners' Technical Recommendation	Comments
<b>Environmental Compliance</b>						
Source Test	Meet the ECA requirements	Passed all parameters after the retesting for dioxins and furans	Test conducted in accordance with the approved Pre-Test Plan	MOECC letter dated December 15, 2015  Pass	Pass	Capable of operating in compliance with ECA limits
CEMS	ECA Schedule C parameters and limits	Passed all compliance parameters	Two CO excursions Root Cause Analysis reviewed along with corrective action	CO is an operational limit and not a compliance limit	Pass	CO excursions were dealt with at the time of occurrence
Odour	Acceptable range of 0.020 to 0.080 ppm	Detection threshold for n-butanol of 0.053 ppm	Followed procedures in the Odour Monitoring and Mitigation Plan	MOECC letter dated December 15, 2015 Pass	Pass	Compliant with Reg. 419/05 including ECA odour limit
Noise	Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (urban)	Receptor based and up-close measurements and subjective observations indicate compliance with the sound level limits	Followed procedures in the Noise Monitoring and Reporting Plan	MOECC letter dated December 11, 2015  Pass	Pass	Report confirms that sound levels from operation are in compliance
Ash	Bottom: less than 10% by weight Combustible materials  Fly: TCLP analysis included the 88 listed organic compounds and metals	Loss of Ignition testing: 2.85%  All 88 analytes were below their corresponding regulatory thresholds	Followed procedures in the Ash Testing Protocol	MOECC letter dated December 17, 2015  Pass	Pass	Ash testing report is acceptable to the MOECC

Durham York Energy Centre - Acceptance Test Table Performance

Test	Project Agreement Guarantee	Covanta	HDR	HDR Recommendation	Owners' Technical Recommendation
<b>Operations</b>					
Reliability	Facility-wide operations at a minimum of 95% Design Steam Flow	101.6% of design steam flow	101.9% of design steam flow	Pass	Pass
	95% Availability of Boiler	The Facility achieved a 99.93% average boiler availability	The Facility achieved a 99.93% average boiler availability	Pass	Pass
Throughput Capacity	Full load for 5 consecutive days HHV of 13,327 kJ/kg 2,124 tonnes and a minimum of a 1,000 tonnes per boiler	total actual throughput 2,260 tonnes	total actual throughput 2,251 tonnes  Boilers #1 and #2 was 1,131 tonnes and 1,120 tonnes, respectively.	Pass	Pass
Energy Recovery	gross energy: 937 kWh/Tonne (HHV of 13.8)	961 kWh/Tonne at 13.7 MJ/kg	965 kWh/Tonne at 13.8 MJ/kg	Pass	Pass
	net energy: 829 kWh/Tonne (HHV of 13.8)	840 kWh/Tonne at 13.7 MJ/kg	846 kWh/Tonne at 13.8 MJ/kg	Pass	Pass
Residue Quality	Unburned Combustible less than 3%	less than 0.83%	less than 0.83%	Pass	Pass
	Moisture less than the 25%	averaged 16.7%	averaged 16.7%	Pass	Pass
Residue Quantity	HHV of 13,359 kJ/kg 30- days: maximum of 29.4%	quantity was 26.7% <sup>(1)</sup>	quantity was 31.87%	Fail	Fail
	HHV of 13,180 kJ/kg 5 – days: maximum of 29.7%	quantity was 26.8% <sup>(1)</sup>  (1) = Based on Covanta assertion that Pozzolan/Cement is excluded from the calculation for fly ash quantity.	quantity was 29.9%	Fail	Fail
Metals Recovery	Ferrous : 80% by weight	87.7% by weight	83.0% by weight	Pass	Pass
	Non-ferrous: 60% by weight	84.7% by weight	84.7% by weight	Pass	Pass

# Meeting #14 Agenda

Advisory Committee Annual Report

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## **AGENDA**

### **Energy from Waste Advisory Committee (EFWAC)**

#### **Meeting #14**

**Wednesday, July 12, 2017**

**2:00 to 4:00 PM**

**Lower Level Boardroom (LL-C)**

**Durham Regional Headquarters Building**

**605 Rossland Road East, Whitby**

- 1. Welcome and Introductions**
- 2. Durham York Energy Centre (DYEC) 2016 Annual Compliance Report (ECA)**  

The Project Team will respond to questions submitted by EFWAC members regarding the DYEC 2016 Annual Compliance Report.
- 3. Next Meeting**
- 4. Meeting Adjourns**

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3560.