

The Regional Municipalities of Durham and York

MINUTES of the JOINT WASTE MANAGEMENT GROUP (JWVG) for the DURHAM/YORK RESIDUAL WASTE STUDY

TUESDAY, APRIL 15, 2008

A meeting of the Joint Waste Management Group for the Durham/York Residual Waste Study was held on Tuesday, April 15, 2008 in the LL-C, Durham Region Headquarters, 605 Rossland Road East, Whitby, Ontario, beginning at 1:24 p.m.

Present: Councillor C. Trim, Municipality of Clarington, Durham Region, Co-Chair
Councillor S. Crawford, Town of Ajax, Durham Region
Councillor G. Emm, Town of Whitby, Durham Region
Councillor M. Ferri, City of Vaughan, York Region, Co-Chair, attended the meeting at 1:36 p.m.
Councillor R. Johnson, City of Pickering, Durham Region
Councillor D. Wheeler, Town of Georgina, York Region
L. Burt, Resident, Township of Scugog, DEAC Representative
M. Evans, Resident, Township of Brock
I. Gray, Resident, Town of Newmarket, Newmarket Environmental Advisory Committee
J. McGinnis, Resident, City of Pickering, Durham Conservation Centre
B. Mersey, Resident, Town of Markham, Markham Conservation Committee
S. Perrella, Resident, City of Vaughan, Vaughan CARES

Alternates

Present: Regional Chair Anderson, Durham Region, attended the meeting at 1:56 p.m.
Councillor N. Pidwerbecki, City of Oshawa, Durham Region

Absent: Councillor G. Landon, Town of Markham, York Region, with regrets
Councillor J. Heath, Town of Markham, York Region

Also

Present: Councillor J. Abernethy, Municipality of Clarington, Durham Region
Councillor M. Novak, Municipality of Clarington, Durham Region
Councillor G. Robinson, Municipality of Clarington

Staff

Present: G. Borchuk, Project Manager, Durham Region
A. Campbell, Director, Solid Waste Management, York Region
G. Cubitt, Chief Administrative Officer, Durham Region
C. Curtis, Commissioner of Works, Durham Region
M. Gaskell, Senior Solicitor, Durham Region, attended for part of the meeting
E. Lockett, Operations Technician 2, Durham Region

S. Love, Legal Counsel, York Region
N. MacDonald, Solid Waste Management, York Region
E. Mahoney, Commissioner, Environmental Services, York Region
E. Mastrangelo, Administrative Assistant, Durham Region
J. McKay, Jacques Whitford
D. Merriman, GENIVAR
S. Munns-Audet, Director of Corporate Communications, Durham Region
D. Payne, Jacques Whitford
A. Scott, Program Manager, Waste Disposal and Quality Assurance, Durham Region
C. Bandel, Committee Secretary, Durham Region

Councillor C. Trim, Durham Region, Chaired the meeting.

1. APPROVAL OF AGENDA

MOVED by Councillor Emm,
"THAT the agenda, as presented, be approved."
CARRIED

2. ADOPTION OF MINUTES

MOVED by Councillor Johnson,
"THAT the minutes of the Joint Waste Management Group meeting held
on March 4, 2008 be adopted."
CARRIED

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. BUSINESS ARISING FROM THE MINUTES

There was no business arising from the minutes.

5. PRESENTATIONS

a) PRESENTATION BY J. MCKAY, JACQUES WHITFORD, ON THE FORMATION
OF A SITE LIAISON COMMITTEE

J. McKay, Jacques Whitford, provided a PowerPoint presentation on the formation of a Site Liaison Committee (SLC). A copy of the presentation was provided as a handout. He stated the SLC will allow for the identification and consideration of local issues, as well as the communication and distribution of information. He further stated the planning and development of the Clarington site requires Clarington input so there is a need for a public body to facilitate this.

J. McKay also stated Section 7 of the approved EA Terms of Reference outlines the requirement of Public Liaison or Advisory Committees which are committees designated by the proponent to represent a broad range of interests across the study area community and to focus public input to the EA Study. He advised that to date, this role has been filled by the Joint Waste Management Group (JWMG) to represent the larger interests of Durham and York Regions. He stated that as the site specific process begins, Section 7.1 in the approved Terms of Reference addresses the development of the SLC and basically states that a SLC be formed consisting of resident, agency, and other interested representatives to review and provide input on site-specific studies. He advised the development of this SLC is to assist with distributing information through Clarington to help get more public involvement and input into this process and also to satisfy the requirements of the approved EA Terms of Reference.

J. McKay also outlined the scope of responsibilities and the operating criteria for the SLC, and provided an overview of the committee membership and the member selection process. He gave an overview of the meeting format and advised the frequency and timing of the meetings are to be determined by the SLC. He outlined the budget allocated to the SLC and the term of the members.

J. McKay also provided an overview of the anticipated timeline to establish the SLC and advised that once the membership for the SLC is approved, it is anticipated the first SLC meeting will be held in September or October of 2008.

A. Campbell, Director, Solid Waste Management & Administration, Region of York, responded to questions regarding why there is so little York Region involvement in the selection process. He commented that as the intent of the committee is to address specific local issues the people most affected by the EFW, such as the residents of Clarington, should be well represented. He stated York Region will be participating informally through their involvement with management and budgetary matters.

[A memorandum regarding the formation of a site liaison committee and proposed terms of reference was considered later in the meeting. See pages 9 – 11 of these minutes.]

b) **PRESENTATION BY D. MERRIMAN, GENIVAR, REGARDING
ACCOMMODATING DURHAM REGIONAL COUNCIL DIRECTION IN THE
DESIGN OF THE ENERGY FROM WASTE (EFW) FACILITY AIR EMISSION
CRITERIA**

D. Merriman, GENIVAR, provided a PowerPoint presentation regarding the response to the Durham Regional Council direction of the Energy from Waste (EFW) facility air emissions and control systems. A copy of the presentation was provided as a handout. Mr. Merriman advised that on January 23, 2008 resolutions were adopted by Durham Region Council which included requesting that the EFW

incorporate modern state of the art air emission control technology that meet or exceed European monitoring and measurement standards; and, that the Request For Proposals (RFP) and Certificate of Approval (CA) includes Maximum Achievable Control Technology (MACT) for the emission standards and monitoring that the EFW facility will meet.

Mr. Merriman advised that two key European Waste and Incineration Directives, 2000/76/EC and 2006/12/EC, were used as comparables. EU Directive 2000/76/EC sets maximum impact objectives for waste incineration and sets critical limits for nitrogen oxides, sulphur dioxide, and heavy metals and dioxins; and effectively protects people against health risks from air pollution by reducing dioxin emissions by 90% and reducing lead, mercury and cadmium levels by 70%. He provided an overview of the EU 2000/76/EC priorities which include the plant design, construction and operation will meet the requirements for all proposed waste categories, and provides for maximum practical heat recovery through heat and power, steam generation and district heating.

Mr. Merriman also provided an overview of the care and control priorities of the EU Directive 2006/12/EC. These priorities include establishing an integrated and adequate network of disposal installations; the use of cost effective, best available technology; and, the need for specialized waste services. He stated the goals and priorities of the EU 2006/12/EC directive are the self-sufficiency in waste management, the extraction of 'secondary raw materials' through re-use, reclamation and recycling, and the recovery of energy from waste.

Mr. Merriman gave an overview of the table which outlines the EFW proposed operational limits and advised the proposed limits present superior emissions levels to both the EU 2007/76 and Ontario A-7 criteria for total acid gasses, heavy metals, dioxins, carbon monoxide, and particulate. With respect to the total acid gasses, a blended A7 and EU value is being proposed for a less persistent hydrogen chloride (HCl) level.

Mr. Merriman advised that on March 14, 2008 the Project Team presented the proposed emissions objectives to the Ministry of the Environment (MOE) Directors and the initial advice from the MOE was to do better than the A-7 Guideline requirements. The Project Team considered the MOE recommendations and prepared draft emissions criteria which were sent to Doris Dumais, Director, MOE Certificates and Approvals Unit, on March 25, 2008 for comment.

Mr. Merriman provided an overview of the emission control technology and stated the RFP will require vendors to guarantee EFW emission limits and to provide maximum acceptable control technology that can meet the proposed operational limits. He stated the RFP will specify the continuous monitoring where feasible of exhaust gas monitoring and process monitoring, as well as quarterly or semi-annual stack testing of dioxins and heavy metals. He also stated that the frequency of stack sampling may be reduced once a good track record has been proven.

Mr. Merriman advised the exact combination and arrangement of emission control technologies for the EFW facility may vary depending on the final proposals provided by each pre-qualified vendor. However, the RFP will require each vendor to guarantee compliance with the Operational Limits set out in the Table, regardless of what technology they propose.

Mr. Merriman responded to questions of the Committee regarding stack sampling; testing of stack emissions; and, the enforcement of the specific emission requirements. Mr. Merriman also responded to questions regarding the blended HCl limits proposed for the EFW facility as opposed to the limits specified in the EU and A-7 guidelines. He advised blended limits are being proposed as it allows for flexibility for variables in the waste stream but the limits set out in the EU guidelines will be met most of the time. It was also pointed out that the EU directive specifies a total limit on gases but not for individual contaminants, therefore the Ontario limits are more stringent because there are specific limits for each contaminant and the limits are below the EU and A-7 guidelines. It was questioned if the operation of the facility was the reason for spikes or peaks of HCl emissions. D. Merriman stated the operator does not have the ability to remove materials that have HCl in them but the materials will be mixed to ensure a more even blend or mix of materials. It was also stated that technologies that can manage the spike in HCl are some of the issues being explored in the business case for the EFW facility.

Mr. Merriman also responded to questions regarding the monitoring of dioxins and he stated that emission levels will be reviewed and enforced by the MOE. It was stated more emphasis needs to be put on educating the public on how to dispose of materials such as fluorescent bulbs and batteries properly to keep them out of the waste stream. It was also clarified that a requirement of extra space to allow the flexibility for adding future pieces of control technology would be built into the RFP.

MOVED by Councillor Wheeler,

"THAT the first bullet on Slide 12 (Emission Monitoring) of the PowerPoint presentation titled 'Accommodating Durham Regional Council Direction in the Design of EFW Facility Air Emission Criteria', dated April 15, 2008 be amended prior to it being posted on the project study website, by deleting the words 'where feasible' and replacing with the words 'where technically possible to do so on a reliable basis' so that the first bullet now reads as follows:

- Specify continuous monitoring where technically possible to do so on a reliable basis'."

CARRIED

[The recommendations in the presentation were considered later in the meeting with the memorandum regarding the response to Durham Regional Council Direction on EFW Facility Air Emission Control System. See pages 11 – 12 of these minutes.]

6. DELEGATIONS

a) LINDA GASSER, 7421 BEST ROAD, ORONO, L0B 1M0, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY

Ms. Gasser appeared before the Committee to express her concerns with the Energy from Waste (EFW) project. Ms. Gasser provided a copy of her presentation. Ms. Gasser stated she has several concerns with the proposed Terms of Reference for the SLC. She stated the goal and mandate of the SLC must be expanded to allow the SLC to provide advice on any aspect of the EA and related EPA process, through submission up to possible approval, and the scope of activities should be adjusted to reflect this. Ms. Gasser also stated the budget for the SLC should be increased beyond the \$10,000. She stated the JWMG liaison to the SLC should be a Durham Councillor and further a project team external consultant with the expertise to provide technical support should sit on the SLC as a non-voting member. She also stated space must be provided on the project website for meeting minutes and annual reports from the SLC. Ms. Gasser stated the voting membership should be expanded to eleven (11) members to allow for the consideration of people from relevant organizations with the range of required technical and community expertise. She also stated a member of both the Durham Environmental Advisory Committee (DEAC) and the Durham Agricultural Advisory Committee (DAAC) should sit on the SLC as voting members. She further stated the majority of the SLC members should be Clarington residents. Ms. Gasser also stated politicians should not appoint the Chair of the SLC and instead should be selected by the committee members. She also suggested that project activity should drive the meeting schedule for the SLC. She urged the Committee not to adopt the draft Terms of Reference and instead refer this matter to Works Committee and Clarington Council for further input.

b) TRACY ALI, 2364 MAPLE GROVE ROAD, BOWMANVILLE, L1C 3K7, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY

Ms. Ali appeared before the Committee to express her concerns with the Energy from Waste (EFW) project. Ms. Ali provided a copy of her presentation. She questioned what would be done with the toxic ash from the incinerator and where and how it would be disposed of. She also has concerns that the emissions from an incinerator would add to the already overburdened airshed in the Clarington area. Ms. Ali stated the members of the JWMG as well as Municipal and Regional Councils need to make smart decisions today to shape a healthy future for Clarington and Durham Region. She encourages the formation of a public liaison or community advisory committee and also encourages members of the JWMG to research alternatives to an EFW facility and make innovative and smart decisions about waste management and diversion.

Ms. Ali responded to questions of the Committee.

- c) PAUL-ANDRE LAROSE, 435 GLENDALE AVENUE, OSHAWA, L1J 3H9,
REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL
ASSESSMENT STUDY

Dr. Larose appeared before the Committee to express his concerns with the Energy from Waste (EFW) project. Mr. Larose provided a copy of his presentation. He stated Durham Region is about to release a "Food Charter" and feels it makes little sense to promote the virtues of local agriculture if it is being contaminated by the emissions from an incinerator. He also stated a Maximum Achievable Control Technology (MACT) will not result in zero toxic emissions. Dr. Larose discussed the incidences of various types of cancers in populations residing in proximity of incinerators. He also discussed cases where certain products were deemed safe, such as Bisphenol-A which is found in plastics, only to find years later they are in fact health hazards. He is concerned Durham Region is heading down this same path with incineration. Dr. Larose also stated that when estimating the risk associated with an incinerator, the impact of the system when everything is working fine is not the only thing that should be considered. The impact when system failures occur and the associated consequences also need to be considered.

7. CORRESPONDENCE

- a) CORRESPONDENCE DATED FEBRUARY 14, 2008 FROM JOANNE PAQUETTE,
REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL
ASSESSMENT STUDY
- b) CORRESPONDENCE DATED FEBRUARY 28, 2008 FROM JAMES AND
CATHERINE MCKEEVER, REGARDING THE DURHAM/YORK ENERGY FROM
WASTE ENVIRONMENTAL ASSESSMENT STUDY
- c) CORRESPONDENCE DATED MARCH 1, 2008 FROM ELISHA GENNARA,
REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL
ASSESSMENT STUDY
- d) CORRESPONDENCE DATED MARCH 3, 2008 FROM GREG AND LISA RODD,
REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL
ASSESSMENT STUDY
- e) CORRESPONDENCE DATED MARCH 5, 2008 FROM KRISTIN D. MCKINNON-
RUTHERFORD, REGARDING THE DURHAM/YORK ENERGY FROM WASTE
ENVIRONMENTAL ASSESSMENT STUDY
- f) CORRESPONDENCE DATED MARCH 6, 2008 FROM KRISTIN D. MCKINNON-
RUTHERFORD, REGARDING THE DURHAM/YORK ENERGY FROM WASTE
ENVIRONMENTAL ASSESSMENT STUDY

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- g) CORRESPONDENCE DATED MARCH 6, 2008 FROM SHAWN AND ANGIE LUMSDEN, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY
 - h) CORRESPONDENCE DATED MARCH 8, 2008 FROM RUSS AITCHISON, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY
 - i) CORRESPONDENCE DATED MARCH 9, 2008 FROM KRISTIN D. MCKINNON-RUTHERFORD, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY
 - j) CORRESPONDENCE DATED MARCH 19, 2008 FROM LISA DIAZ, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY
 - k) CORRESPONDENCE DATED MARCH 20, 2008 FROM BARRIE AND LISA COLLINS, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY
 - l) CORRESPONDENCE DATED MARCH 20, 2008 FROM GAIL WENSINK, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY
 - m) CORRESPONDENCE DATED MARCH 23, 2008 FROM BOB CLARKE, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY
 - n) CORRESPONDENCE DATED MARCH 26, 2008 FROM C. ANNE GREENTREE, DEPUTY CLERK, MUNICIPALITY OF CLARINGTON, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY
 - o) CORRESPONDENCE DATED MARCH 28, 2008 FROM COLLEEN KNIGHT, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY
 - p) CORRESPONDENCE DATED APRIL 7, 2008 FROM COLLEEN KNIGHT, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY
 - q) CORRESPONDENCE DATED APRIL 7, 2008 FROM LYNN TOMLINSON, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY

r) CORRESPONDENCE DATED APRIL 8, 2008 FROM TRACEY ALI, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY

s) CORRESPONDENCE DATED APRIL 10, 2008 FROM KRISTIN D. MCKINNON-RUTHERFORD, REGARDING THE DURHAM/YORK ENERGY FROM WASTE ENVIRONMENTAL ASSESSMENT STUDY

MOVED by Regional Chair Anderson,
"THAT Correspondence Items a) to m) and o) to s) be received for information."

CARRIED

MOVED by Councillor Wheeler,
"THAT Correspondence Item n) be received for information."

CARRIED

8. REPORTS

a) MEMORANDUM REGARDING THE FORMATION OF A SITE LIAISON COMMITTEE AND PROPOSED TERMS OF REFERENCE

A memorandum from A. Campbell, Director of Solid Waste Management, Region of York and M. Januszkiewicz, Director of Waste Management Services, Region of Durham, dated April 15, 2008, was received.

[A presentation was heard earlier in the meeting. See pages 2 – 3 of these minutes.]

MOVED by Councillor Emm,
"THAT the Joint Waste Management Group recommends to the Durham Region Works Committee and the York Region Solid Waste Management Committee for approval and subsequent recommendation to their respective Regional Councils:

a) THAT in accordance with the approved Environmental Assessment (EA) Terms of Reference, and following the approval of the business case by both Durham and York Region Councils, a Site Liaison Committee (SLC) be established; and

- b) THAT the proposed Terms of Reference for the SLC, as detailed in the memorandum, dated April 15, 2008, to the Joint Waste Management Group (JWMG) from Andrew Campbell, Director, Solid Waste Management & Administration, Region of York, and Mirka Januszkiewicz, Director of Waste Management, Region of Durham, be adopted."

CARRIED AS AMENDED
(See Following Motions)

MOVED by Councillor Johnson,

"THAT the proposed Terms of Reference be amended by adding the following sentence at the end of Section 3 (13), Operating Criteria:

'The Chair will also provide a presentation to both the Joint Waste Management Group and Clarington Council after each meeting of the SLC.'

CARRIED

MOVED by Councillor Emm,

"THAT the proposed Terms of Reference be amended by deleting the third bullet under Section 4, Membership, Non-Voting Members and replacing it with the following:

- The Local Ward 1 Councillor and the Regional Ward 1 Councillor."

CARRIED

MOVED by Councillor Johnson,

"THAT the proposed Terms of Reference be amended by adding the following sentence at the end of Section 7, Committee Budget:

Mileage expenses will be reimbursed to committee members for attendance at SLC meetings upon submission of an expense sheet."

CARRIED

The main motion of Councillor Emm was then put to a vote and CARRIED AS AMENDED.

The main motion, as amended, now reads as follows:

- "a) THAT in accordance with the approved Environmental Assessment (EA) Terms of Reference, and following the approval of the business case by both Durham and York Region Councils, a Site Liaison Committee (SLC) be established; and

b) THAT the proposed Terms of Reference for the SLC, as detailed in the memorandum, dated April 15, 2008, to the Joint Waste Management Group (JWMG) from Andrew Campbell, Director, Solid Waste Management & Administration, Region of York, and Mirka Januszkiewicz, Director of Waste Management, Region of Durham, be amended as follows and, as amended, be adopted:

i) By adding the following sentence at the end of Section 3 (13), Operating Criteria:

The Chair will also provide a presentation to both the Joint Waste Management Group and Clarington Council after each meeting of the SLC;

ii) By deleting the third bullet under Section 4, Membership, Non-Voting Members, and replacing it with the following:

- The Local Ward 1 Councillor and the Regional Ward 1 Councillor;
and

iii) By adding the following sentence at the end of Section 7, Committee Budget:

Committee members will be reimbursed for mileage expenses for attendance at SLC meetings upon submission of an expense sheet."

b) MEMORANDUM REGARDING THE RESPONSE TO DURHAM REGIONAL COUNCIL DIRECTION OF THE ENERGY FROM WASTE (EFW) FACILITY AIR EMISSIONS AND CONTROL SYSTEMS

A memorandum from A. Campbell, Director of Solid Waste Management, Region of York and M. Januszkiewicz, Director of Waste Management Services, Region of Durham, dated April 15, 2008, was received.

[A presentation was heard earlier in the meeting. See pages 3 – 6 of these minutes.]

MOVED by Councillor Emm,

"THAT the Joint Waste Management Group recommends to the Durham Region Works Committee and the York Region Solid Waste Management Committee for approval and subsequent recommendation to their respective Regional Councils:

THAT, subject to the Ministry of the Environment's (MOE) acceptance of the proposed Durham/York Energy From Waste (EFW) facility emission limits, and both Durham and York Regional Council's approval of the business case, the EFW proposed operating limits (as detailed in Table 1 in the memorandum, dated April 15, 2008, to the Joint Waste Management Group (JWMG) from Andrew Campbell, Director, Solid Waste Management & Administration, Region of York, and Mirka Januszkiewicz, Director of Waste Management, Region of Durham), be adopted for inclusion in the Request for Proposals to be sent to selected vendors, on the understanding that the project team will continue to work with the Ontario Ministry of the Environment to establish emission criteria and monitoring for the proposed Durham/York EFW facility generally as illustrated in Table 1 and discussed in the memorandum, subject to additional refinements as may be required;

AND FURTHER THAT the final emission criteria arrived at with the MOE be incorporated into the Request for Proposals for the EFW facility."

CARRIED

9. OTHER BUSINESS

a) REQUEST FOR ALTERNATES FOR CITIZEN MEMBERS OF THE JOINT WASTE MANAGEMENT GROUP

S. Perrella questioned if it was possible for the citizen representatives to be given the same consideration as Councillors appointed to the Committee, and have alternates attend JWMG meetings in their absence. It was questioned if the EA Terms of Reference would have to be amended or if only the Terms of Reference for the JWMG needed to be amended. It was the consensus of the Committee that staff investigate this issue and report back at the next JWMG meeting.

10. ADJOURNMENT

MOVED by Councillor Emm,
"THAT the meeting be adjourned."

CARRIED

The meeting adjourned at 3:10 p.m.