

**Clarington Staff Report #PSD-071-09 on the Durham/York
Residual Waste Environmental Assessment**

Comments and Responses

The following comprises the responses, by the Proponents' consulting team, to the points identified as Clarington staff's peer review of the "final EA documents" outlined in Clarington Planning Report # PSD-071-09. Our responses follow the respective identifier for each comment as outlined in Clarington Report No. PSD-071-09.

3.0 CLARINGTON'S PEER REVIEW OF FINAL EA COMMENTS

3.1 Comments on the Draft Environmental Assessment (EA) Document, June 12, 2009

3.1.3 *Section 8 – Site Identification Process.* The Peer Review team continues to have concerns regarding the traceability of how certain factors "played out" in the comparative evaluation of Alternative methods. Specifically, Clarington staff cannot determine, from the information provided, whether Clarington 01 is the "best" site.

Response: *The intent of the evaluation of "alternative methods" (i.e., alternative siting opportunities) in the subject EA Study is to identify a "preferred alternative" (i.e., preferred site) that, on balance, is "advantaged", with respect to net potential environmental effects, in relation to the other alternative sites on the Short List. The comparative evaluation process is an exercise in trading off each site's potential net effects on the (broadly-defined) environment relative to each other using the identified criteria and associated indicators. The purpose is not to select the "best" site. As stated in the provincial Code of Practice for Preparing and Reviewing EAs, "One alternative is rarely preferred to all others in every respect. Relative advantages in one area may be offset by relative disadvantages in another". It is the considered opinion of the Proponents' consultants that the evaluation of Alternative methods is traceable and, therefore, approvable under the Ontario Environmental Assessment Act (OEAA).*

3.1.4 *Section 9 – Vendor Identification Process.* The Clarington staff report states that the Regions' Project Team has committed to assess whether the Covanta proposal is consistent with the EA process. Clarington's peer review team will review this information when it is made available and has indicated that they would appreciate guidance from the MOE as to whether the vendor RFQ/RFP processes sufficiently address EA process requirements.

Response: *Acknowledged.*

- 3.1.5 *Section 10 – Identification and Description of the Undertaking.* Clarington staff would like to see greater clarity within the EA Study document regarding the timing of expansions to the Facility over the planning period.

Response: *The EA Study has comprised, in part, an evaluation of potential net effects of the Facility at the Site on the basis of an initial design capacity of 140,000 tpy and at a potential maximum design capacity of 400,000 tpy. This is, for the purposes of the EA Study, reasonable. The timing and magnitude of phased expansions of the Facility over the course of the planning period are not specifically known at this time. The potential net effects evaluation undertaken by the subject EA Study sets the planning-level approvals context within which permitting for the development of the initial (140,000 tpy) design capacity as well as all subsequent phased expansions of the Facility, up to the maximum of 400,000 tpy, will be completed. It is neither necessary nor reasonable to evaluate the potential net effects of the Facility at each projected potential expansion in its design capacity. The evaluation of potential net effects at the initial design capacity then at the maximum design capacity is reasonable for the purposes of the EA Study.*

- 3.1.6 *Section 12 – Changes to the EA.* The Clarington staff report states that the Service Area for the Facility should be defined for each potential, projected, phase of its development. Further, the role of Clarington is not defined with respect to major and minor amendments (to the EA document).

Response: *The Service Area has been defined as part of the EA Study and any fundamental change to this definition would require an Amendment to the EA. It is contemplated that minor modifications to the Service Area definition would be accommodated within the permitting processes (i.e., Cs of A approval) at each potential phased expansion of the Facility which would not require an Amendment to the EA. The Municipality of Clarington would be directly involved in all permitting approvals processes, related to the Facility, undertaken over the course of the planning period.*

- 3.1.7 *Section 13 – Commitments.* Clarington acknowledges that the Proponents' consulting team is reviewing and, where applicable, revising the commitments table in the EA document to reflect the Host Community Agreement. Further, the report states that the specific role and functioning of the Site Liaison Committee should incorporate "lessons learned" from the EA process.

Response: *Acknowledged.*

- 3.1.8 *Section 14 – Monitoring.* The EA Compliance Monitoring Program should include commitments made during public consultation events and a list of commitments could be compiled based on the consultation record.

Response: *The commitments made over the course of the EA Study are outlined in Section 13 of the EA Study document.*

- 3.1.9 *Section 16 – Consultation Summary.* Clarington acknowledges that the consultation summary contained in the (June 12) draft EA document appears to be complete and notes that traceability will be important in EA compliance monitoring.

Response: *Acknowledged.*

3.2 Comments on the Site Specific Studies (Appendices C1-C12) June 12, 2009

Generally, Clarington’s Peer Review team is satisfied with the technical reports documenting the site-specific studies completed for the Facility at the Clarington 01 Site. There are a few outstanding items, however, as follows.

- 3.2.1 *Appendix C-1 Air Quality Assessment Technical Study Report.* Air quality should be modeled to account for changed baseline conditions at each potential future Facility expansion.

Response: *Acknowledged.*

- 3.2.3 *Appendix C-3 Facility Energy and Life Cycle Assessment.* The benefits of GHG reductions should be updated at each potential future Facility expansion to determine the potential benefits of the Facility in this regard.

Response: *Acknowledged.*

- 3.2.5 *Appendix C-5 Acoustic Assessment Technical Study Report.* An acoustic assessment should be completed to identify measures to mitigate the effects of pile driving if this activity is required at a respective potential future Facility-expansion phase.

Response: *Acknowledged.*

- 3.2.6 *Appendix C-6 Visual Assessment Technical Study Report.* Visual assessment receptors within the CEBP are to be updated based on the peer review team’s comments and the proposed mitigation measures should be referenced in Section 13 “Commitments” in the final EA Study document.

Response: *Visual assessment indicators have been updated in Appendix C-6 and in Section 11 of the EA Study document. Mitigation measures are referenced in Section 13 of the EA Study document.*

- 3.2.8 *Appendix C-8 Social/Cultural Assessment Technical Study Report.* The types of mitigation that would be undertaken to address the potential effects of the Facility on the “social/cultural” environment, as addressed in the Host Community Agreement, need to be identified. Any outstanding items in this regard will be reported by staff to Clarington Council for submission to the MOE as part of the formal review of the EA Study document.

Response: *Mitigation measures to address potential effects on the “social/cultural” environment have been identified and now include commitments made in the Host Community Agreement.*

3.2.10 *Appendix C-10 Traffic Assessment Technical Study Report.* Should a revised method of haulage to the Facility be chosen after the project has been approved, potential effects and mitigation measures should be identified resulting in revisions to the technical report. Clarington acknowledged that this would not require an Amendment to the EA Study.

Response: *Acknowledged.*

3.2.11 *Appendix C-11 Economic Assessment Technical Study Report.* The Municipality’s peer review team did not receive the version of the report that had been updated based on the Business Case prepared for Durham Region. Staff will report any outstanding issues identified in the formal review of the EA Study reports to Clarington Council for submission to MOE.

Response: *Acknowledged.*

3.2.12 *Appendix C-12 Site Specific HHERA Technical Study Report.* Clarington’s peer review team suggested that a discussion on nano-particles be included in the technical report together with a “plain language” summary of the report to accommodate the public. The Clarington staff report also stated that the HHERA be updated using revised baseline conditions at a potential Facility expansion phase together with the assessment of upset conditions at a respective (proposed) expanded design capacity.

Response: *A discussion of nano-particles as well as a “plain language” summary of the report has been included in the technical study report. All future technical analyses will be undertaken in compliance with applicable regulatory requirements in the event of an increase in the design capacity of the Facility.*