

The Regional Municipality of Durham

MINUTES

ENERGY-FROM-WASTE SITE LIAISON COMMITTEE

Wednesday, March 4, 2009

A meeting of the energy-from-waste Site Liaison Committee was held on Wednesday, March 4, 2009, in the lower level boardroom (LL-C), Regional headquarters building, 605 Rossland Road East, Whitby, ON, at 7:00 p.m.

Present: R. Walli, Chair
M. Clayton
G. James
T. Ali
K. Coupland
C. Wedge
Councillor C. Trim
Councillor M. Novak
Councillor A. Foster
C. Curtis, Commissioner of Works, Region of Durham
N. MacDonald, Manager, Solid Waste, Region of York
F. Langmaid, Manager, Special Projects, Municipality of Clarington

Absent: R. Yates, with regrets (called in via teleconference)
M. Ashcroft, with regrets
J. Vinson, with regrets

Also

Present: J. McKay, Jacques Whitford Ltd.
D. Payne, Jacques Whitford Ltd.
C. Ollson, Jacques Whitford Ltd.

Staff

Present: G. Anello, Manager, Waste Planning and Technical Services
S. Munns-Audet, Director, Corporate Communications, attended for part of the meeting
T. Laverty, Communications Officer, Corporate Communications
L. Waller, Operations Technician, Waste Management, attended for part of the meeting
M. Smart, Administrative Assistant, Works Department (Recording Secretary)

ENERGY-FROM-WASTE SITE LIAISON COMMITTEE

Richard Walli, Chair of the SLC, welcomed everyone and forwarded regrets on behalf of Mayor Abernethy and Regional Chair Anderson.

Further to the procedures concerning how to request to delegate before the energy-from-waste (EFW) Site Liaison Committee (SLC) that had been previously addressed at the meeting held January 14 and posted on both the project website (www.durhamyorkwaste.ca) and the Regional website (www.durham.ca), Richard Walli clarified that delegations made to the EFW SLC were to address the subject matter of the site specific reports being brought forward to the respective meeting. Richard Walli further explained that the SLC is looking to be in receipt of public concerns which are specific to the site's Environmental Assessment (EA) evaluation and would permit the SLC to fulfill its mandate as detailed in the Terms of Reference.

MINUTES

Moved by Geoff James that the minutes of January 14 be accepted, seconded by Tracey Ali and carried. Richard Walli advised that the approved minutes will be posted on the project website and the Regional website.

DELEGATIONS

Linda Gasser, 7421 Best Road, Orono, delegated regarding EFW EA process to date, ongoing concerns about public consultation, access to study information and SLC mandate/suggested recommendations. Linda Gasser provided a hard copy of her delegation to the members of the SLC.

Linda Gasser appeared before the committee in opposition to the proposed EFW with concerns that Durham residents have not been properly informed about the incinerator project under consideration. Linda Gasser requested that the following recommendations be considered and passed by the SLC to be brought forward to the Joint Waste Management Group (JWMG) on March 10:

- all study documents be posted on the project website within 24 hours of being released
- project team be directed to post draft JWMG and SLC draft meeting minutes within two weeks of the meeting
- project team and Durham Regional staff be directed to provide hard copies of studies upon request
- project team schedule public consultation sessions in several venues across Durham Region with at least two sessions being held in Clarington
- all SLC meetings be held in the evening
- dates be indicated to when the SLC Chair would present to JWMG and Clarington councils

Richard Walli replied that he was not willing to put forward a motion at this meeting to which Linda Gasser commented that her recommendations were basic in nature. Richard Walli reiterated that he was not prepared to put forward a motion at this time.

Tracey Ali asked Linda Gasser what type of public information sessions (PIS) she would like to see held. Linda Gasser explained that getting answers in a public forum at a venue where those producing the studies could be questioned. Anyone could attend and those with the expertise would be responsible to provide such information. Richard Walli commented that the Consultants would be providing presentations at this meeting and would be able to answer her questions. Linda Gasser confirmed that she would like to see pre-advertised PIS' as previously arranged, similar to round table sessions previously held.

Margaret Clayton commented that public recommendations would be considered at the SLC in an open process. Also, that the reports that were brought forward to this meeting were posted on the project website within two days of the committee members receiving their copies. Margaret Clayton provided the dates at which the SLC reports to the next JWMG on March 10 and Clarington Council of April 6.

Louis Bertrand, 124 Liberty Street North, Bowmanville, delegated and presented the SLC with a PowerPoint presentation titled 'Some Technical Issues to Consider'

Louis Bertrand presented to the SLC and asked the following questions:

- what happens to wastewater after quenching
- what happens to bottom ash after exposure to rain (lead left in bottom ash) and where is the bottom ash going (i.e. landfilled, roadfill)
- how will JWMG and Durham Regional Council ensure that continuous sampling takes place

Richard Walli asked that a member of the project team (Consultants) reply in writing to the questions asked by Louis Bertrand.

Cliff Curtis spoke generally to the above questions confirming that the method to handle the process water would be up to the proponents and until the preferred vendor is selected, the exact process is not known. Also, the facility will operate as a zero process water discharge plant. All non-process wastewater (i.e. toilets) needing to be treated will meet sewer-use by-laws and be processed by the sewage treatment plant. The bottom ash is considered non-leachate toxic and disposal will be the responsibility of the vendor but it could be used as daily landfill cover. Peel Region is using some of the bottom ash in their asphalt sub base on private properties.

Mary Novak requested if a doxin/furan cartridge system would be providing continuous stack sampling to which Chris Ollson confirmed that it was a recommendation and would be discussed during his presentation to follow.

It was questioned whether the bottom ash used for daily landfill coverage could become airborne and thereby affect the aquatic habitat. Cliff Curtis confirmed that bottom ash is suitable daily cover and would be managed accordingly. Louis Bertrand advised Richard Walli that he would email a copy of his presentation.

Adrian Foster requested further information about the use of the bottom ash to which Richard Walli confirmed that it is dependant on the selection of the preferred vendor. Cliff Curtis confirmed this information and that the bottom ash would be handled in accordance with governing regulations. Linda Gasser asked for comment or assurance regarding the 'made-in-Durham' solution that surrounds the bottom ash disposal and landfill. Gioseph Anello confirmed that direction could not be provided at this time as it would be up to the preferred vendor's proposed disposal options.

Linda Gasser further questioned the issue of fly ash and commented that sufficient information has not been provided to the public on this issue. Cliff Curtis confirmed that although it is practiced in the United States of America mixing bottom ash with fly ash, it is illegal in Ontario. Cliff Curtis also reiterated that it is up to the technology of the preferred vendor to determine how the fly ash would be managed. Kathy Coupland advised that land disposal regulations still exist and the preferred vendor will still have to meet these regulations. Wendy Bracken questioned who would assume the legal liability to which Richard Walli confirmed her concern would be taken under advisement.

Wendy Bracken, 41 Lillian Crescent, Newcastle, delegated regarding health concerns of incineration, in general and as they relate to the site. Wendy Bracken provided the SLC with a copy of her delegation and two handouts

Wendy Bracken appeared before the committee in opposition to the proposed EFW with concerns about human exposure to the nanoparticles that would be absorbed by body membranes stating that these particles would not be detectable and therefore unable to be monitored. Further concern was discussed regarding air shed quality in Ontario. Also, Wendy Bracken explained that the Municipality of Clarington (Clarington) had hired an independent peer reviewing team who felt that the Step 7 Site Selection Report (adoption of Clarington 01 Site) was flawed. Ms. Bracken was also concerned that the Ministry of the Environment's provincial standards were outdated and that as Dr. Lesbia Smith found epidemiological evidence inconclusive regarding the proposed EFW and found no proof of it being safe or unsafe. Wendy Bracken asked if safety will be based on the Risk Assessment alone.

Tracey Ali inquired if any of the reports that Wendy Bracken had mentioned were found in the Consultant reports. Wendy Bracken could not confirm as she had not yet had the opportunity to review the reports. Richard Walli questioned if the reports mentioned by Wendy Bracken differentiated between 'old' (pre 1990) and 'modern' incinerators. Wendy Bracken advised that she was waiting for further explanation from the Consultants defining a 'state-of-the-art' facility and would request a suitable answer from the project team as well as emission comparison which has not been previously provided.

Chris Ollson replied to a public comment advising that the numbers in the generic risk assessment report provides air concentration and toxic risk assessment. Mary Novak inquired as to whether this would be referenced in his report to which Chris Ollson confirmed it was a part of his presentation on Environmental Surveillance.

It was questioned by a member of the public that the EA Terms of Reference stated that garbage will not come from Toronto. Could the preferred vendor apply for a Certificate of Approvals to include the Toronto waste in the EFW. Cliff Curtis advised that this was an Individual EA whereby Toronto garbage was specifically excluded. It was further questioned if the preferred vendor could go back and repeat the EA as a Class EA. Cliff Curtis explained that it would still be an Individual EA and the chosen site would still be included in the EA. Although it would not be beyond possible, it would take two to three years for an amendment, and it would be a very difficult undertaking.

Richard Walli informed the group that public questions could be forwarded to the project team (info@durhamyork.ca).

CORRESPONDENCE

Email dated March 3 from Omeed M. Neekon regarding public meeting/input on proposed incinerator and submission of his comments. Moved by Richard Walli that correspondence from Omeed M. Neekon be referred to the Consultants for a reply.

Geoff James suggested that when the Consultants reply to the correspondence, that the SLC members be copied.

PRESENTATION ON DRAFT NATURAL ENVIRONMENT IMPACT ASSESSMENT BY JIM MCKAY, JACQUES WHITFORD LIMITED

Jim McKay advised that all documents are accessible on the project website (www.durhamyorkwaste.ca) and that all comments can be forwarded to the project team (info@durhamyorkwaste.ca).

Lake Ontario is included in natural features and recognized in report as not experiencing potential impacts. Air emissions will take into account the lake. Jim McKay would defer the public question to the biologist concerning their inquiry into the designation of the milk snake and mitigation measures. They would be able to speak to this specific inquiry.

Jim McKay confirmed they are in discussions with Central Lake Ontario Conservation Authority (CLOCA), Ministry of Natural Resources (MNR) and Darlington Provincial Park and are requesting their comments be submitted to the project team in writing to be included in future reports.

It was asked if quench water would be deposited in the sewer system to which Jim McKay clarified that the preferred vendor would identify the specifics of the zero-discharge system.

Another concern was raised by a member of the public with regard to page seven of the report stating that both the Eastern Meadow Lark and the Eastern Kingbird were candidates for threatened species designation and it was not correctly noted as such in the report as they are considered of conservation concern. Another concern was made to the table on page nine of the report where the size of the Oshawa Second Marsh was noted that it should be listed as 123 hectares (ha) and not 135 ha and that the listing of the Oshawa Second Marsh for the second time should be Bowmanville Marsh. Jim McKay advised that he would get confirmation and have an appropriate project team member reply to his concerns and make any necessary changes. Jim McKay also advised that more work is going to be done in the surrounding area in the spring and the high water fish survey will be included in the final report. Chris Ollson also commented on potential species at risk and the measures taken to protect these species are the same measures taken to protect any species not at risk. Once a species is designated endangered, protection plans are initiated and coordinated by Environment Canada.

Richard Walli thanked Jim McKay. The above member of the public also requested intervenor funding for public research to which Cliff Curtis advised that there is no funding as this request had previously been denied; however, this is a recommendation that could be made to the SLC. Richard Walli advised that this should be forwarded in writing for consideration.

PRESENTATION ON DRAFT GEOTECHNICAL INVESTIGATION BY JIM MCKAY, JACQUES WHITFORD LIMITED

Jim McKay explained that the geotechnical report presents the geotechnical soil, bedrock and groundwater conditions. Additional information will be provided by the preferred vendor. Jim McKay advised public comments can be forwarded to the project team.

A member of the public inquired about the sand layers that were mentioned in the report. Adrian Foster also inquired as to the height of the groundwater at the location and the environmental concerns with possible chemicals being deposited into the groundwater due to permeable soil. Jim McKay advised that this would be addressed in Chris Ollson's presentation and the preferred vendor's data will also need to be received. Chris Ollson also confirmed that groundwater is not a significant pathway for contaminant transport.

The question was raised by the public as to the depth of the bedrock. Jim McKay confirmed that it was not hit and the boreholes were dug down 10 metres. Further information would be included in the next level as part of the detailed design. Jim McKay also confirmed that the wells in the area and the pollution control plant near Lake Ontario were being monitored (seasonal).

PRESENTATION ON DRAFT STAGE 2 ARCHAEOLOGICAL ASSESSMENT AND BUILT HERITAGE BY JIM MCKAY, JACQUES WHITFORD LIMITED

Jim McKay confirmed that the report is currently with the Ministry of Culture. He also confirmed that shovel testing could not be completed, but will be revisited in the spring.

Tracey Ali questioned the email address to which inquiries and comments could be made. Jim McKay confirmed the project website.

A short break was called by Richard Walli at 8:55 p.m. and the SLC was to reconvene at 9:05 p.m.

PRESENTATION ON DRAFT ENVIRONMENTAL BASELINE STUDY BY DR. CHRIS OLLSON, JACQUES WHITFORD LIMITED

The Baseline Environmental Study was prepared as background information for the site-specific risk assessment (SSRA) and to establish baseline concentrations of selected chemicals in various environmental media. Documented within this report are the scope, methodology, and results of the baseline sampling program that was completed to establish the baseline concentrations within the close proximity of the proposed facility, and is presented in nine major sections.

Tracey Ali questioned slide two of the presentation asking for clarification. Chris Ollson advised that that if it was not checked, it was not tested as it either could not be tested or it was not felt necessary to test. Tracey Ali questioned the third slide that showed sampling locations and commented on the southeast winds. Chris Ollson confirmed that the predominant winds were northeast but that the winds are able to blow in all directions. Some locations were not accessible, southeast, due to safety issues or private property owners who denied access to enter onto their property to perform tests. The team noticed that there was not a lot of variability in the area which was anticipated.

Mary Novak commented on page 67 of the report that chromium noted on the chart had an analytical limit greater than the anticipated value. Chris Ollson advised that some labs are unable to achieve a standard limit and that the minimum detection limit value is higher than the criteria. Mary Novak inquired if the team revisited to test again. Chris Ollson explained that none of the findings were 'out of line' and that the lab is well aware of the anticipated baseline data and the lab report on certificates.

A member of the public advised that her property had been tested periodically and would like to know her results. Chris Ollson advised that Durham Agricultural Advisory Committee (DAAC) has been asked to report back and that results would be sent to the appropriate stakeholders.

Another member of the public suggested reducing the 25-year time analysis for Brampton and comparing the data to what is currently available. Chris Ollson agreed but advised that the SSRA air modelling captures what is in the air and what will be

deposited in the soil. Over the course of a facility life span (30 years), the modelling will perform a risk assessment which uses contaminant levels found at the 30 year mark. Chris Ollson advised that the Peel Facility emissions data was used in the development of the generic risk assessment. Chris Ollson commented in reply to a public concern about the enforcement of the Region's emission standard for the EFW and stated that the Ministry of the Environment will uphold the Certificate of Approvals standards.

Richard Walli reminded the group that this is the baseline study to be used as a comparison in the future. Chris Ollson furthered on that comment that the report could be seen as a line of reasoning or graphical representation for the upcoming report. Richard Walli reminded everyone that they could submit their comments to the project team in order to receive further explanations and details with regard to the report.

PRESENTATION ON FINAL REPORT REVIEW OF INTERNATIONAL BEST PRACTICES OF ENVIRONMENTAL SURVEILLANCE FOR ENERGY-FROM-WASTE FACILITIES BY DR. CHRIS OLLSON, JACQUES WHITFORD LIMITED

At Regional Council of May 28, 2008, the Consultants were requested to provide this report. The first phase completed was to derive a draft study protocol. The recommended option proposed would be based on the fundamental tenant that the program ensures the protection of public and environmental health.

The Consultant's recommended level of environmental surveillance to go before Committee and Council includes the following: compliance with Ontario MOE Guideline A-7; establishment of more stringent stack chemical emissions standards than provided in MOE Guideline A-7; inclusion of new stack sampling technology for dioxins and furans; that a SLC be charged, in part, with the review of any environmental surveillance program to ensure public participation and evaluation of the program's efficacy in protecting public and environmental health.

The Consultant did not recommend the following levels of environmental surveillance: ambient air monitoring; environmental monitoring (soil, vegetation, agricultural products) and human biomonitoring.

Chris Ollson explained that there are two types of incinerators – 'modern' and 'old'. Incinerators that fall within the definition of 'old' are those built prior to the late 1990s. In 2000, the European Union (EU) introduced more stringent standards and regulations regarding emissions.

A member of the public inquired about the possibility of an upset occurring in 'real time' monitoring and what the effects of that delay would create. Chris Ollson advised that the continuous monitoring program would include notification of all spikes or upsets in the system and there would be no short term effect from dioxins and furans.

Chris Ollson acknowledged a member of the public's concern about agricultural sampling procedures in the EU. Chris Ollson also advised that any information found in

studies being quoted by the public and making reference to 'modern' incinerators, could be forwarded to the project team.

Richard Walli inquired about how MOE guidelines would be set and how they would be accepting any recommendations made. Chris Ollson deferred this question to Cliff Curtis. Cliff Curtis advised that in his opinion, although to date it is unknown, all recommendations are subject to the MOE review of the EA and they will be looking closely at the parameters of testing against the recommended testing and will hold to tighter standards if anything. Chris Ollson commented that typically the proponent does not ask for more stringent emission standards as in this case. Cliff Curtis commented that the MOE could request lower emission levels.

Public concerns and discussions ensued regarding the reasons why biomonitoring is not being recommended. Chris Ollson clarified that one of the reasons that the study team felt biomonitoring was not recommended was that after the team considered the results from the extensive research on the post effects of existing facilities worldwide to date, which included older facilities, they saw no change in the facilities' baseline study results. Further discussion ensued regarding the public's inquiry into possible negative effects of various pollutants emitted in nanoparticles and the body's ability to absorb these nanoparticles without defence. Chris Ollson advised that professionals calculate the risks when conducting these studies, and although heightened public concern is considered, it is the results of the professional calculations that correctly reflect health related impacts. A member of the public questioned what dominated the preferred vendor submission of data and if air emissions were being considered as the biggest concern. Cliff Curtis clarified that included in the rating system of the preferred vendor, extra points were weighed towards environmental rather than financial.

A member of the public questioned who would be responsible to monitor and enforce compliance that the minimum requirements are met and/or exceeded. Chris Ollson explained that C of A air standards are strictly regulated by the MOE and compliance must be met as a legal requirement.

Another member of the public commented that they feel what is suggested by literature is not good enough and advised that heightened public concern is what is being presented to the team and various committees regarding levels of emissions and consideration made as precautionary principles for the health of future generations.

It was also requested by a member of the public that public forums be held with the consultants.

The meeting adjourned at 10:45 p.m.