

Section 4: Approved EA Terms of Reference Requirements and Concordance

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Section 4 Summary

The EA Study was undertaken in accordance with the Approved EA Terms of Reference which defined the framework and methodology for the EA including the scope, study areas, study periods and consultation to be included in the Project. The EA Terms of Reference included those activities required to fulfill the requirements of Ontario's *Environmental Assessment Act* (EAA). The EA Terms of Reference, developed in 2005 were approved by the Ontario Minister of the Environment (MOE) on March 31, 2006.

4. Approved EA Terms of Reference Requirements and Concordance

In accordance with the Codes of Practice, Section 4.3.3, “Terms of Reference Requirements” the sections below have been prepared to provide the following:

- A high-level process flow/sequence of “key” events;
- Milestones/major decision making points; and,
- A tabular summary of the requirements of the Approved EA Terms of Reference and where these requirements have been addressed in the EA.

The following Table 4-1 presents, at a high-level, an overview of the study process and dated activities and timeframe for the EA Study, highlighting the key events/milestones and decision-making points from the development of the EA Terms of Reference to implementation of the Undertaking.

Table 4-1 Milestone/Major Decision Making Point

Study Milestone	Date	Decision Required and Result
EA Terms of Reference Approval	March 31, 2006	<ul style="list-style-type: none"> • Approval of EA Terms of Reference by the Minister of the Environment on March 31, 2006.
EA Study Initiated	April 2006	<ul style="list-style-type: none"> • Initiation of the EA Study.
Evaluation of “Alternatives to” the Undertaking (i.e., Technologies)	April - May, 2006	<ul style="list-style-type: none"> • Development and evaluation of “Alternatives to”.
Identification of Preferred Approach to Manage Residual Waste	2006	<ul style="list-style-type: none"> • Identification of preferred “Alternative to” to manage Durham/York residual waste. • Selection of thermal treatment as preferred “Alternative to” based on results of evaluation and consultation undertaken as part of EA.
Evaluation of “Alternative Methods” of Carrying out the Undertaking (i.e., Siting)	2006 – May 2009	<ul style="list-style-type: none"> • Evaluation and identification of Recommended Preferred Site for managing Durham/York residual waste.
Generic Human Health and Ecological Risk Assessment Study Released	2007	<ul style="list-style-type: none"> • Durham and York Regional Councils receive report and approved public consultation on report.
Request for Qualifications Issued	July 12, 2007	<ul style="list-style-type: none"> • Issued by Durham Department of Finance.
Identification of Recommended Preferred Durham/York Site	October 2007	<ul style="list-style-type: none"> • Identification of Clarington 01 as the Recommended Preferred Site based on results of evaluation and consultation undertaken as part of EA.
Request for Qualifications Closes	October 2007	<ul style="list-style-type: none"> • Evaluation of qualifications by staff from Durham and York and members of the Study Team from Jacques Whitford, Genivar and Deloitte & Touche.
Approval of Qualified Vendors	January 2008	<ul style="list-style-type: none"> • Approval by Durham and York Regional Councils • Five (5) vendors pre-qualified.
Approval of Recommended Preferred Site Clarington 01 by Regional Councils	January 2008	<ul style="list-style-type: none"> • Approval by Durham and York Regional Councils.

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Study Milestone	Date	Decision Required and Result
Request for Proposals issued to prequalified vendors to identify a preferred vendor and technology	August 16, 2008	<ul style="list-style-type: none"> Development, approval and issuance of RFP by Durham and York.
Request for Proposals Closes	February 19, 2009	<ul style="list-style-type: none"> Submission deadline extended from January 15, 2009.
Identification of Recommended Preferred Durham/York Technology Vendor	April 2009	<ul style="list-style-type: none"> Report regarding evaluation of proposals submitted as part of RFP issued by Durham and York Regions. Authorization from the Regional Councils to proceed with negotiation and development of a contract with the selected, successful proponent.
Completion of Site Specific Studies to confirm suitability and documentation to support approvals	January - May 2009	<ul style="list-style-type: none"> Incorporation of vendor data into site-specific studies to confirm suitability of Site. Preparation of documentation to support decision.
Completion of Site-specific Risk Assessment	January - May 2009	<ul style="list-style-type: none"> Analysis of data and incorporation into final recommendation of Site suitability.
Complete EA Documentation	May-July 2009	<ul style="list-style-type: none"> Submission of draft EA to Regional Councils. Approval of draft EA by Regional Councils.
Submit EA Documentation to Minister of Environment for Approval	July 2009	<ul style="list-style-type: none"> Submission of the EA Study document for consideration by the Minister of the Environment.
EA Review and Decision by Minister	2009-Winter 2010	<ul style="list-style-type: none"> Ongoing.

**Study milestone as defined in the Agreement Between the Durham and York for Joint Study on Waste Disposal.*

The following Table 4-2 presents a tabular summary for the EA as set out in the requirements of the Approved EA Terms of Reference and where they are addressed in the EA Study document.

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Table 4-2 Table of Concordance – Approved EA Terms of Reference

Section in EA Terms of Reference	EA Terms of Reference Requirement(s)	Section(s) in the EA where Terms of Reference Requirements Satisfied
Section 1.0		
Section 1.0 - Introduction and Background	<ul style="list-style-type: none"> The EA will be prepared in accordance with the requirements set out in Subsection 6.1(2) of the EAA with regards to the content of an EA. Inclusion of a record of public and government agency consultation in the EA documents. 	<ul style="list-style-type: none"> Section 16.0 - Consultation Summary
Section 3.0		
Section 3.1 – Purpose of the Undertaking	<ul style="list-style-type: none"> A description of and a statement of the rationale for the Undertaking. 	<ul style="list-style-type: none"> Section 3.0 - Statement of Purpose
Section 3.2 – Description of the Undertaking	<ul style="list-style-type: none"> A description of the Undertaking. 	<ul style="list-style-type: none"> Section 10.0 - Identification and Description of the Undertaking
Section 3.3 – Potential Consideration of Contingency or Surplus Disposal Capacity	<ul style="list-style-type: none"> A review of the need to include contingency disposal or processing capacity. 	<ul style="list-style-type: none"> Section 8.8.8 - Assumptions Common to all Environmental Considerations
Section 4.0		
Section 4.1 - “Alternatives to” the Undertaking (Alternative Approaches and Technologies)	<ul style="list-style-type: none"> A description of and a statement of the rationale for the “Alternatives to” the Undertaking. 	<ul style="list-style-type: none"> Section 7.0 - “Alternatives to” the Undertaking
Section 4.2 - “Alternative Methods” of Implementing the Undertaking (Alternative Sites)	<ul style="list-style-type: none"> A description of and a statement of the rationale for the “Alternative methods” of implementing the Undertaking. 	<ul style="list-style-type: none"> Section 8.0 - Evaluation of “Alternative methods” of Implementing the Undertaking – Site Identification Process
Section 5.0		
Section 5.0 - Description of the Environment Potentially Affected	<ul style="list-style-type: none"> A description of the environment to be affected or that might reasonably be expected to be affected, directly or indirectly. 	<ul style="list-style-type: none"> Section 8.8.9 - Environment Potentially Affected
Section 6.0		
Section 6.1 - Comparative Evaluation of “Alternatives to” the Undertaking	<ul style="list-style-type: none"> An evaluation of alternatives to the Undertaking. 	<ul style="list-style-type: none"> Section 7.0 - “Alternatives to” the Undertaking

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Section in EA Terms of Reference	EA Terms of Reference Requirement(s)	Section(s) in the EA where Terms of Reference Requirements Satisfied
<ul style="list-style-type: none"> Step 1 	<ul style="list-style-type: none"> Finalize evaluation criteria and confirm priority rankings. 	<ul style="list-style-type: none"> Section 7.3 - Step 1: Confirmation of Evaluation Methodology
<ul style="list-style-type: none"> Step 2 	<ul style="list-style-type: none"> Development of Alternative Residuals Processing Systems. 	<ul style="list-style-type: none"> Section 7.4 - Step 2: Development of "Alternatives to" (Residual Processing Systems)
<ul style="list-style-type: none"> Step 3 	<ul style="list-style-type: none"> Data collection. 	<ul style="list-style-type: none"> Section 7.5 - Step 3: Data Collection on the Environment Potentially Affected and Technical Components of the "Alternatives to"
<ul style="list-style-type: none"> Step 4 	<ul style="list-style-type: none"> Application of comparative evaluation criteria. 	<ul style="list-style-type: none"> Section 7.6 - Steps 4, 5 and 6: Application of Evaluation Criteria to "Alternatives to"
<ul style="list-style-type: none"> Step 5 	<ul style="list-style-type: none"> Consideration of mitigation measures, identification of "net effects". 	<ul style="list-style-type: none"> Section 7.6 - Steps 4, 5 and 6: Application of Evaluation Criteria to "Alternatives to"
<ul style="list-style-type: none"> Step 6 	<ul style="list-style-type: none"> Comparison of net effects, development of relative dis/advantages. 	<ul style="list-style-type: none"> Section 7.6 - Steps 4, 5 and 6: Application of Evaluation Criteria to "Alternatives to"
<ul style="list-style-type: none"> Step 7 	<ul style="list-style-type: none"> Consideration of dis/advantages in context of priorities to select preferred system. 	<ul style="list-style-type: none"> Section 7.7 - Step 7: Identification of Preferred "Alternative to" (Residual Processing System)
Section 6.2 - Screening and Comparative Evaluation of Alternative Methods of Implementing the Undertaking.	<ul style="list-style-type: none"> The alternative methods of implementing the undertaking. 	<ul style="list-style-type: none"> Section 8.0 - Evaluation of "Alternative methods" of Implementing the Undertaking
<ul style="list-style-type: none"> Step 1 	<ul style="list-style-type: none"> Finalize siting methodology and Criteria and confirm priority rankings. 	<ul style="list-style-type: none"> Section 8.2 - Step 1 - Facility Site Selection Methodology and Criteria Confirmation
<ul style="list-style-type: none"> Step 2 	<ul style="list-style-type: none"> Area screening and identification of suitable lands. 	<ul style="list-style-type: none"> Section 8.3 - Step 2 - Study Area Screening
<ul style="list-style-type: none"> Step 3 	<ul style="list-style-type: none"> Identification of minimum site size requirement. 	<ul style="list-style-type: none"> Section 8.4 - Step 3 - Determination of Required Site Size
<ul style="list-style-type: none"> Step 4 	<ul style="list-style-type: none"> Potential Site Identification. 	<ul style="list-style-type: none"> Section 8.5 - Step 4 - Potential Site Identification
<ul style="list-style-type: none"> Step 4b (optional) 	<ul style="list-style-type: none"> Review of privately owned and "willing seller" lands. 	<ul style="list-style-type: none"> Section 8.5 - Step 4 - Potential Site Identification
<ul style="list-style-type: none"> Step 4c (optional) 	<ul style="list-style-type: none"> Review and adjustment of constraints to arrive at a Long-list of sites. 	<ul style="list-style-type: none"> Section 8.5 - Step 4 - Potential Site Identification

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Section in EA Terms of Reference	EA Terms of Reference Requirement(s)	Section(s) in the EA where Terms of Reference Requirements Satisfied
<ul style="list-style-type: none"> Step 5 	<ul style="list-style-type: none"> Evaluation of Long-list and identification of Short-list of sites. Undertake public consultation upon finalization of Short-list of alternative sites. 	<ul style="list-style-type: none"> Section 8.6 - Step 5 - Evaluation of the Long-list of Alternative Sites
<ul style="list-style-type: none"> Step 6 	<ul style="list-style-type: none"> RFQ for vendor. 	<ul style="list-style-type: none"> Section 8.7 - Step 6: Initiation of Technology Procurement Process Section 9.1 - Step 1 RFQ Process
<ul style="list-style-type: none"> Step 7 	<ul style="list-style-type: none"> Evaluation of Short-list. Issue RFP to identify vendor. Identification of preferred vendor and site. Undertake public consultation on selection of preferred vendor and site. 	<ul style="list-style-type: none"> Section 8.8 - Step 7: Evaluation of the Short-list Sites Section 9.2 - Step 2 RFP Process Section 11.0 - Assessment of the Undertaking
<p>Section 6.3 - Application of a Competitive Request for Proposal (RFP) Process</p>	<ul style="list-style-type: none"> A RFQ followed by a RFP process will be used to ultimately select a vendor of the preferred technology ("Alternative to") concurrently with the selection of a preferred Durham/York site. The RFP will request price proposals for a facility(s) to be developed on a prospective site described using generic characteristics. Selection of overall preferred vendor. 	<ul style="list-style-type: none"> Section - 9.0 - Vendor Identification Process
<p>Section 6.5 – Detailed Site Specific Studies</p>	<ul style="list-style-type: none"> Complete detailed investigations incorporating the proposed facility/technology at the preferred site to satisfy the requirements of the EPA, to obtain a Certificate of Approval and to confirm the suitability of the proposed facility on the proposed site. Development of detailed work program upon site selection. Preparation of detailed work program in consultation with public and relevant government agencies. 	<ul style="list-style-type: none"> Section 11.0 - Assessment of the Undertaking. These assessments were completed based on conceptual designs to confirm potential impacts at an EA level of detail. Further detailed information may be required to satisfy EPA requirements and to incorporate a greater degree of detail in the design.
<p>Section 6.6 – Applicability of the CEAA</p>	<ul style="list-style-type: none"> Coordination of EA processes with provincial and federal governments if applicable. 	<ul style="list-style-type: none"> Section 5.2 - Canadian Environmental Assessment Act (CEAA) Requirements
<p>Section 7.0</p>		

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Section in EA Terms of Reference	EA Terms of Reference Requirement(s)	Section(s) in the EA where Terms of Reference Requirements Satisfied
Section 7.1 – Parties to be consulted during EA study	<ul style="list-style-type: none"> Parties to be consulted include Public Liaison or Advisory Committees, First Nations Groups, Government and Agencies, and the General Public. 	<ul style="list-style-type: none"> Section 16.0 – Consultation Summary. For a more detailed account of all consultation activities, please refer to the Record of Consultation.
Section 7.2 – Scope of Consultation at Study Milestones	<ul style="list-style-type: none"> Minimum scope of consultation activities. 	<ul style="list-style-type: none"> Section 16.0 – Consultation Summary. For a more detailed account of all consultation activities, please refer to the Record of Consultation.
<ul style="list-style-type: none"> Step 1 – initiate EA Study and review evaluation methodology and criteria for “Alternatives to” 	<ul style="list-style-type: none"> General public notices. Consultation for input on evaluation methodology and criteria. 	<ul style="list-style-type: none"> Section 16.0 – Consultation Summary. For a more detailed account of all consultation activities, please refer to the Record of Consultation.
<ul style="list-style-type: none"> Step 2 – Evaluate “Alternatives to” and select preferred approach 	<ul style="list-style-type: none"> Open house/public meeting type events open to the general public and intended to notify and receive input on selection of the preferred “Alternative to”. 	<ul style="list-style-type: none"> Section 16.0 – Consultation Summary. For a more detailed account of all consultation activities, please refer to the Record of Consultation.
<ul style="list-style-type: none"> Step 3 – Review of evaluation methodology and criteria for “Alternative methods” 	<ul style="list-style-type: none"> Events such as open houses intended to obtain input on finalizing the evaluation methodology and criteria. 	<ul style="list-style-type: none"> Section 16.0 – Consultation Summary. For a more detailed account of all consultation activities, please refer to the Record of Consultation.
<ul style="list-style-type: none"> Step 4 – Evaluate “Alternative Methods” of implementing the undertaking, RFP to identify a preferred technology vendor and identification of preferred site. 	<ul style="list-style-type: none"> At identification of Short-list – open house type events intended to notify and receive input on the process leading to selection of the Short-list sites. At identification of preferred site – one on one meetings and focused information sessions with community/residents to inform and exchange information regarding site specific issues, next steps in process and opportunities to discuss/resolve concerns. General public notice of selected preferred site. 	<ul style="list-style-type: none"> Section 16.0 – Consultation Summary. For a more detailed account of all consultation activities, please refer to the Record of Consultation.

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<ul style="list-style-type: none"> Step 5 – Complete site specific studies to confirm suitability and documentation to support approvals. 	<ul style="list-style-type: none"> Provision of opportunity to form a Site Liaison Committee. One-on-one meetings, focused information sessions with community/residents potentially impacted by site to obtain input on Study methodologies and to inform and exchange information regarding Study results, design and operational implications, and supporting documentation. 	<ul style="list-style-type: none"> Section 16.0 – Consultation Summary. For a more detailed account of all consultation activities, please refer to the Record of Consultation.
<p>Section 7.2 - Feedback mechanism for responding to and incorporating public comment.</p>	<ul style="list-style-type: none"> Following each public consultation event, comments will be tabulated and addressed in a table format outlining the comment, response and any changes to the EA Study that may be required to address the issues raised. Comment/Response tables will be made available to interested parties through the Study website, and, provided in hard copy by request or by email. 	<ul style="list-style-type: none"> Section 16.0 – Consultation Summary. For a more detailed account of all consultation activities, please refer to the Record of Consultation.
<p>Section 7.2 - Communications strategy</p>	<ul style="list-style-type: none"> Elements include maintenance of a Study website, development and issuance of public advisories, notices and news, and provision of a range of avenues for communication between the public and Study representatives. This strategy will be maintained and updated, as required, for the entirety of the Study. 	<ul style="list-style-type: none"> Section 16.0 – Consultation Summary. For a more detailed account of all consultation activities, please refer to the Record of Consultation.
<p>Section 7.3 – Issues Resolution</p>	<ul style="list-style-type: none"> Use of a facilitator to negotiate a resolution or the EAA's mediation provisions. 	<ul style="list-style-type: none"> Section 16.0 – Consultation Summary. For a more detailed account of all consultation activities, please refer to the Record of Consultation.
Section 8.0		
<p>Section 8.0 – Monitoring Strategy</p>	<ul style="list-style-type: none"> Development of a monitoring strategy and schedule for the purpose of confirming assumed or predicted impacts and the performance of mitigation measures once the undertaking is in place and operational. 	<ul style="list-style-type: none"> Section 14.0 - Monitoring Program
Section 9.0		

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Section in EA Terms of Reference	EA Terms of Reference Requirement(s)	Section(s) in the EA where Terms of Reference Requirements Satisfied
Section 9.0 – Flexibility in application of the ToR	<ul style="list-style-type: none"> Adjustments will be undertaken at the direction of the JWMG and in consultation with the MOE. 	<ul style="list-style-type: none"> Section 8.1.1 - Step 6: Alignment of Siting Process and Competitive Process