

Section 15: Additional Approval Requirements

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## Section 15 Summary

The proponent is committed to ensuring that all applicable regulatory requirements related to the Undertaking will be met. In addition to the EA requirements, there are other approvals and agreements that are potentially applicable the Proposed Undertaking. These approvals include such things as a municipal building permit, site plan approval, Certificates of Approval under the *Environmental Protection Act*, etc.

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## 15. Additional Approval Requirements

As described in the EA Terms of Reference, all applicable regulatory requirements related to the Proposed Undertaking will be met. In addition to the EA requirements, the following table (Table 15-1) describes approvals, agreements and other potentially applicable requirements for the Proposed Undertaking.

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**Table 15-1: Additional Approval Requirements**

Additional Approval / Permit Required	Rationale / Requirements	Work Completed to Date	Comments
<b>Municipality of Clarington</b>			
<p>Building Permit  (Municipality of Clarington Building By-Law and <i>Building Code Act</i>, 1992).</p> <p>Site Plan Approval (Municipality of Clarington By-Law 2007-132 and <i>Planning Act</i>, Section 41).</p>	<p>Site plan approval resulting in a building permit. A municipal building permit would be needed for any new structure. This would require:</p> <ul style="list-style-type: none"> <li>• Set of working drawings;</li> <li>• Site plan showing setback dimensions;</li> <li>• Ontario Land Surveyors drawing; and,</li> <li>• Entrance Approval on Municipal, County or Provincial Roads.</li> </ul>	<p>As part of the DBO RFP, Covanta prepared conceptual designs of the proposed Thermal Treatment Facility. Upon signing the Project Agreement contract, Covanta will prepare detailed designs which will be utilized to secure Building Permit approvals.</p>	<p>Based on the work completed to date, no issues have been identified that would prevent receipt of this permit.</p>
<p>Stormwater Infrastructure Permit and Discharge to Sewer Permit (Region of Durham Sewer Use By-Law 43-2004).</p>	<p>A permit may be required for infrastructure associated with the SWM system, such as piping (typically addressed during Site Planning process).</p> <p>A permit would be required for the disposal of water to the Municipality's Storm Sewers.</p>	<p>Refer to the Surface Water and Groundwater – Technical Study Report for a detailed assessment of stormwater infrastructure requirements and potential discharge to the local sanitary sewer.</p>	<p>Based on the work completed to date, no issues have been identified that would prevent receipt of these permits.</p>
<p>Tree Cutting By-Law  (Municipality of Clarington By-Law 97-35; Durham By-Law 27-2008).</p>	<p>Permits may be required where trees are to be removed or trimmed to permit construction.</p>	<p>The majority of on-site vegetation will be cleared to facilitate construction of the facility. Where possible, mature trees will be maintained.</p>	<p>Based on the work completed to date, no issues have been identified that would prevent receipt of this approval.</p>
<p>Noise By-Laws  (Municipality of Clarington Noise By-Law 2007-071).</p>	<p>If necessary, Durham and York will require exemptions to the municipal by-law for construction noise from the Municipality of Clarington. Exceptions include requirements for operation beyond standard work hours of 7:00 a.m. and 7:00 p.m. Monday to Saturday, or to operate construction equipment that exceeds MOE noise</p>	<p>Refer to the Acoustic Assessment – Technical Study Report for a detailed assessment of potential noise impacts and proposed mitigation/impact management measures</p>	<p>Based on the work completed to date, no issues have been identified that would prevent receipt of this approval.</p> <p>Consultation with the Municipality of Clarington will be completed during construction and operation.</p>

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	guideline NPC-115 levels applicable to maximum construction equipment levels.		
Drinking Water Supply (Durham By-Law 89-2003).	The local Municipality would govern the use of, and connection to, the pre-existing watermains.	Refer to the Surface Water and Groundwater Assessment - Technical Study Report for a detailed assessment of water supply requirements	Based on the work completed to date, no issues have been identified that would prevent receipt of this approval.
Wastewater Discharge (Durham Sewer Use By-Law 43-2004).	The effluent would be required to meet Durham's guidelines in Part 2 of the Sewer Use By-law 43-2004.	Refer to the Surface Water and Groundwater Assessment - Technical Study Report for a detailed assessment of wastewater discharge from the facility.	Based on the work completed to date, no issues have been identified that would prevent receipt of this approval.
<b>Utilities</b>			
General Utilities	Appropriate agreements be in place with the appropriate utilities to provide the required services (electricity, telephone, etc.) during the construction and operation of the facility.		
Power Purchase Agreement (PPA)	The power purchase agreement (PPA) is the legal contract that will be required between Durham and York and the OPA for the sale of electricity from the EFW facility. The PPA defines the price at which the OPA procures the electricity and the Terms and Conditions under which it does so.	<p>A formal letter was received from the Ministry of Energy and Infrastructure confirming that the OPA has been directed to enter into negotiations with the proponents of the Durham York facility for the procurement of electricity at a price of eight cents per kilowatt hour.</p> <p>Three qualifying requirements were stated in the letter as follows:</p> <ol style="list-style-type: none"> <li>1) The Durham-York Facility must obtain all required licenses and approvals for commercial operation as an EFW electricity generation facility in Ontario.</li> <li>2) The Durham-York Facility</li> </ol>	Further to requirement 3) the Hydro One Networks Inc. (HONI) Connection Impact Assessment (CIA) Application - Form B, the HONI CIA Study Agreement and the Independent Electrical System Operator (IESO)/HONI joint System Impact Assessment/Customer Impact Assessment package (Form 1536) have all been submitted resulting in Hydro One completing a CIA for the project as well as a Class "C" Connection Cost Estimate (+/- 50%).

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		<p>must meet or exceed emissions, waste diversion and any other requirements established by the Ontario MOE for the purposes of the initiative.</p> <p>3) The Durham-York Facility must be capable of connecting to, and conveying electricity into, out of and through, either a local electricity distributor's distribution system or the IESO-controlled grid, without additional cost to that system or the grid.</p>	
<p>Capital Cost Recovery Agreement (CCRA)</p>	<p>With respect to the next step, it has been recommended that the project proceed directly to the Capital Cost Recovery Agreement (CCRA) based on the CIA and the Class "C" Connection Cost Estimate of \$411,200 which includes capital upgrades to the existing Hydro One system for final connection but not any line expansion work which may be required.</p> <p>At this stage the Hydro One relationship lead interface should be transferred from the Region to Covanta who will design, build and operate the facility. This would be the logical point to transfer the Hydro One interface to Covanta as equipment specific details will be required to fully proceed with the CCRA.</p>		<p>All of these electrical applications will have to be revised and the studies refined to incorporate updated vendor specific information including the actual estimated output from the facility. There may be additional fees payable to HONI and IESO for these revisions.</p>
<p><b>Provincial – Ontario Ministry of the Environment</b></p>			

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<i>Environmental Assessment Act (EAA)</i>	The EA must satisfy the requirements of the Approved Terms of Reference and the requirements of the EAA.	Completed Environmental Assessment and all associated technical study reports supporting the environmental assessment.	The Environmental Assessment has been prepared in accordance with the requirements of the Approved Terms of Reference and the <i>Environmental Assessment Act</i> .
<i>Environmental Protection Act (EPA)</i>	<b>Section 9 – Air and Noise</b> CofA for air emissions would be required under Section 9 of the EPA in regards to point-of-impingement (POI) standards, end-of-stack standards and ambient air quality standards. Noise emissions would also be addressed under this approval. Requires the preparation of a CofA application.	Refer to the Air Quality Assessment – Technical Study Report and the Acoustic Assessment – Technical Study Report.	Based on the work completed to date, no issues have been identified that would prevent issuance of this CofA.
<i>Environmental Protection Act (EPA)</i>	<b>Section 27 - Waste</b> CofA under Part V, Section 27 of the EPA requires that a CofA (Waste) be issued for the use, operation, establishment, alteration, or enlargement or extension of a waste management system or waste disposal site.	Details with respect to the design and operations of the facility have been included in Section 10.0 – Identification and Description of the Undertaking.  Each of the Site Specific Studies has been completed based on the conceptual design and proposed operating parameters supplied by the Preferred Vendor.	Based on the work completed to date, no issues have been identified that would prevent issuance of this CofA.
<i>Ontario Water Resources Act (OWRA)</i>	Under Ontario Regulation 387/04, the Water Taking and Transfer Regulation, the extraction of groundwater resources are regulated and guidance criteria explained. A Permit To Take Water (PTTW) ( <b>Section 34</b> ) may be required for construction dewatering.  A CofA (Industrial Sewage Works) is required to establish, alter, extend or replace new or existing sewage works	Refer to the Surface Water and Groundwater Assessment - Technical Study Report for a detailed assessment of potential water impacts.	Based on the work completed to date, no issues have been identified that would prevent issuance of this CofA.

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	<p>used for the collection, transmission, treatment or disposal of wastewater to the environment. As required under <b>Section 53</b>, an application for a Cof A (Industrial Sewage Works) must be submitted to the MOE for the Facility in the event that it would be discharging industrial wastewater and stormwater to a receiving waterbody. It is anticipated that a CofA for stormwater would be required for the Facility.</p>		
<b>Ministry of Culture</b>			
Letter of Concurrence	A Letter of Concurrence is required from the Ministry of Culture agreeing with Archaeological Assessment prior to any construction activities on the site.	Refer to the Stage 2 Archaeological Assessment and Built Heritage, Clarington 01 Site, Township of Clarington, Durham, Ontario	Based on the work completed to date, no issues have been identified that would prevent issuance of this clearance.
<b>International</b>			
Canada – U.S. Air Quality Agreement	As the Project would be located within 100 km of the U.S. border (approximately 27 km), notification under Article V of the Ozone Annex to the Canada – U.S. Air Quality Agreement would be required.	Refer to the Air Quality Assessment – Technical Study Report.	Based on the work completed to date, no issues have been identified with respect to this agreement.