

Section 4: Approved EA Terms of Reference Requirements

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## 4. Approved EA Terms of Reference Requirements

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 in the environmental assessment they are discussed.

The following Table 4-1 presents, at a high-level, an overview of the study process 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"> <li>• Minister of the Environment approved EA Terms of Reference on March 31, 2006.</li> </ul>
EA Study Initiated	April 2006	
Evaluation of “Alternatives to” the Undertaking (i.e. Technologies)	2006	<ul style="list-style-type: none"> <li>• Development and evaluation of “Alternatives to”.</li> </ul>
*Identification of Preferred Approach to Manage Residual Waste	2006	<ul style="list-style-type: none"> <li>• Identification of preferred “Alternative to” to manage Durham/York residual waste.</li> <li>• Selection of thermal treatment as preferred “Alternative to” based on results of evaluation and consultation undertaken as part of EA.</li> <li>• See Section 7 of EA.</li> </ul>
Evaluation of “Alternative Methods” of Carrying out the Undertaking (i.e. Siting)	2006 – May 2009	<ul style="list-style-type: none"> <li>• Evaluation and identification of Recommended Preferred site for managing Durham/York residual waste.</li> </ul>
Generic Human Health and Ecological Risk Assessment Study Released	2007	<ul style="list-style-type: none"> <li>• Regional Council receives report and approves public consultation on report.</li> </ul>
Request for Qualifications Issued	July 2007	<ul style="list-style-type: none"> <li>• Issued by Durham Department of Finance.</li> </ul>
*Identification of Recommended Preferred Durham/York Site	October 2007	<ul style="list-style-type: none"> <li>• Identification of Clarington 01 as recommended preferred site based on results of evaluation and consultation undertaken as part of EA.</li> <li>• See Section 8 of EA.</li> </ul>
Request for Qualifications Closes	October 2007	<ul style="list-style-type: none"> <li>• Evaluation of qualifications by staff from Durham and York and members of the Study Team from Jacques Whitford, Genivar and Deloitte &amp; Touche.</li> </ul>
Approval of Qualified Vendors	January 2008	<ul style="list-style-type: none"> <li>• Approval by Durham and York Regional Councils</li> <li>• Five (5) vendors pre-qualified.</li> </ul>
Approval of Recommended Preferred Site Clarington 01 by Regional Councils	January 2008	<ul style="list-style-type: none"> <li>• Approval by Durham and York Regional Councils.</li> </ul>

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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"> <li>Development, approval and issuance of RFP by Durham and York.</li> </ul>
Request for Proposals Closes	February 19, 2009	<ul style="list-style-type: none"> <li>Submission deadline extended from January 15, 2009.</li> </ul>
Identification of Recommended Preferred Durham/York Technology Vendor	April 2009	<ul style="list-style-type: none"> <li>Report regarding evaluation of proposals submitted as part of RFP issued by Durham and York Regions.</li> <li>Authorization from the Regional Councils to proceed with negotiation and development of a contract with the selected, successful proponent.</li> <li>See Section 8 of EA.</li> </ul>
Completion of Site Specific Studies to confirm suitability and documentation to support approvals	January - May 2009	<ul style="list-style-type: none"> <li>Incorporation of vendor data into site-specific studies to confirm suitability of site.</li> <li>Preparation of documentation to support decision.</li> <li>See Section 9 of EA.</li> </ul>
Completion of Site-specific Risk Assessment	January - May 2009	<ul style="list-style-type: none"> <li>Analysis of data and incorporation into final recommendation of site suitability.</li> <li>See Section 9 of EA.</li> </ul>
Complete EA Documentation	May-June 2009	<ul style="list-style-type: none"> <li>Submission of draft EA to Regional Councils.</li> <li>Approval of draft EA by Regional Councils.</li> </ul>
Submit EA Documentation to Minister of Environment for Approval	June 2009	
EA Review and Decision by Minister	2009	<ul style="list-style-type: none"> <li>Ongoing.</li> </ul>
Implementation of Undertaking	Spring 2010 - 2013	<ul style="list-style-type: none"> <li>Operations expected to commence in 2013 following receipt of all required approvals, and facility construction.</li> </ul>

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

## 4.1 Concordance with the EA

The following Table 4-2 presents a tabular summary for the EA set out in the requirements of the approved EA Terms of Reference and where in the environmental assessment they are discussed.

**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
<b>Section 1.0</b>		
Section 1.0 - Introduction and Background	<ul style="list-style-type: none"> <li>▪ 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 environmental assessment.</li> <li>▪ Inclusion of a record of public and government agency consultation in the EA documents.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<b>Section 2.0</b>		
Section 2.0 - Identification of the Proponents	<ul style="list-style-type: none"> <li>▪ The elected Councils of both municipalities must approve the Proposed EA ToR prior to its submission to the Minister of the Environment for Approval</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<b>Section 3.0</b>		
Section 3.1 – Purpose of the Undertaking	<ul style="list-style-type: none"> <li>▪ A description of and a statement of the rationale for the undertaking.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
Section 3.2 – Description of the Undertaking	<ul style="list-style-type: none"> <li>▪ A description of the undertaking.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
Section 3.3 – Potential Consideration of Contingency or Surplus Disposal Capacity	<ul style="list-style-type: none"> <li>▪ A review of the need to include contingency disposal or processing capacity.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<b>Section 4.0</b>		
Section 4.1 - “Alternatives to” the Undertaking (Alternative Approaches and Technologies)	<ul style="list-style-type: none"> <li>▪ A description of and a statement of the rationale for the “Alternatives to” the undertaking.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>

Section in EA Terms of Reference	EA Terms of Reference Requirement(s)	Section(s) in the EA where Terms of Reference Requirements Satisfied
Section 4.2 - "Alternative Methods" of Implementing the Undertaking (Alternative Sites)	<ul style="list-style-type: none"> <li>▪ A description of and a statement of the rationale for the "Alternative methods" of implementing the undertaking.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<b>Section 5.0</b>		
Section 5.0 - Description of the Environment Potentially Affected	<ul style="list-style-type: none"> <li>▪ A description of the environment to be affected or that might reasonably be expected to be affected, directly or indirectly.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<b>Section 6.0</b>		
Section 6.1 - Comparative Evaluation of "Alternatives to" the Undertaking	<ul style="list-style-type: none"> <li>▪ An evaluation of alternatives to the undertaking.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 1</li> </ul>	<ul style="list-style-type: none"> <li>▪ Finalize evaluation criteria and confirm priority rankings.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 2</li> </ul>	<ul style="list-style-type: none"> <li>▪ Development of Alternative Residuals Processing Systems.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 3</li> </ul>	<ul style="list-style-type: none"> <li>▪ Data collection.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 4</li> </ul>	<ul style="list-style-type: none"> <li>▪ Application of comparative evaluation criteria.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 5</li> </ul>	<ul style="list-style-type: none"> <li>▪ Consideration of mitigation measures, identification of "net effects".</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 6</li> </ul>	<ul style="list-style-type: none"> <li>▪ Comparison of net effects, development of relative dis/advantages.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 7</li> </ul>	<ul style="list-style-type: none"> <li>▪ Consideration of dis/advantages in context of priorities to select preferred system.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
Section 6.2 - Screening and Comparative Evaluation of Alternative Methods of Implementing the Undertaking.	<ul style="list-style-type: none"> <li>▪ The alternative methods of implementing the undertaking.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 1</li> </ul>	<ul style="list-style-type: none"> <li>▪ Finalize siting methodology and Criteria and confirm priority rankings.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>

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"> <li>• Step 2</li> </ul>	<ul style="list-style-type: none"> <li>▪ Area screening and identification of suitable lands.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 3</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identification of minimum site size requirement.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 4</li> </ul>	<ul style="list-style-type: none"> <li>▪ Potential Site Identification.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 4b (optional)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Review of privately owned and “willing seller” lands.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 4c (optional)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Review and adjustment of constraints to arrive at a “long-list” of sites.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 5</li> </ul>	<ul style="list-style-type: none"> <li>▪ Evaluation of “long-list” and identification of “short-list” of sites.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 6</li> </ul>	<ul style="list-style-type: none"> <li>▪ RFQ for vendor.</li> <li>▪ Undertake public consultation upon finalization of “short-list” of alternative sites.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 7</li> </ul>	<ul style="list-style-type: none"> <li>▪ Issue RFP to identify vendor.</li> <li>▪ Evaluation of “short-list”.</li> <li>▪ Identification of preferred vendor and site.</li> <li>▪ Undertake public consultation on selection of preferred vendor and site.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<p>Section 6.3 - Application of a Competitive Request for Proposal (RFP) Process</p>	<ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ The RFP will request price proposals for a facility(s) to be developed on a prospective site described using generic characteristics.</li> <li>▪ Selection of overall preferred vendor.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>

Section in EA Terms of Reference	EA Terms of Reference Requirement(s)	Section(s) in the EA where Terms of Reference Requirements Satisfied
Section 6.5 – Detailed Site Specific Studies	<ul style="list-style-type: none"> <li>▪ Complete detailed investigations 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.</li> <li>▪ Development of detailed work program upon site selection.</li> <li>▪ Preparation of detailed work program in consultation with public and relevant government agencies.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
Section 6.6 – Applicability of the Canadian Environmental Assessment Act	<ul style="list-style-type: none"> <li>▪ Coordination of EA processes with provincial and federal governments if applicable.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<b>Section 7.0</b>		
<ul style="list-style-type: none"> <li>• Section 7.1 – Parties to be consulted during EA study</li> </ul>	<ul style="list-style-type: none"> <li>▪ Update list of parties to be consulted over course of study.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Section 7.2 – Scope of Consultation at Study Milestones</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minimum scope of consultation activities.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 1 – initiate EA study and review evaluation methodology and criteria for “Alternatives to”</li> </ul>	<ul style="list-style-type: none"> <li>▪ General public notices.</li> <li>▪ Consultation for input on evaluation methodology and criteria.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 2 – Evaluate “Alternatives to” and select preferred approach</li> </ul>	<ul style="list-style-type: none"> <li>▪ 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”.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>• Step 3 – Review of evaluation methodology and criteria for “Alternative methods”</li> </ul>	<ul style="list-style-type: none"> <li>▪ Events such as open houses intended to obtain input on finalizing the evaluation methodology and criteria.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>

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"> <li>Step 4 – Evaluate “Alternative Methods” of implementing the undertaking, RFP to identify a preferred technology vendor and identification of preferred site.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>General public notice of selected preferred site.</li> </ul>	<ul style="list-style-type: none"> <li>To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>Step 5 – Complete site specific studies to confirm suitability and documentation to support approvals.</li> </ul>	<ul style="list-style-type: none"> <li>Provision of opportunity to form a Site Liaison Committee.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>Section 7.2 - Feedback mechanism for responding to and incorporating public comment.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>Comment/Response tables will be made available to interested parties through the Study website, provided in hard copy by request or by email.</li> </ul>	<ul style="list-style-type: none"> <li>To be updated upon completion of full draft EA document</li> </ul>
<ul style="list-style-type: none"> <li>Section 7.2 - Communications strategy</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>This strategy will be maintained and updated, as required, for the entirety of the Study.</li> </ul>	<ul style="list-style-type: none"> <li>To be updated upon completion of full draft EA document</li> </ul>
<p>Section 7.3 – Issues Resolution</p>	<ul style="list-style-type: none"> <li>Use of a facilitator to negotiate a resolution or the EAA’s mediation provisions.</li> </ul>	<ul style="list-style-type: none"> <li>To be updated upon completion of full draft EA document</li> </ul>
<p><b>Section 8.0</b></p>		

Section in EA Terms of Reference	EA Terms of Reference Requirement(s)	Section(s) in the EA where Terms of Reference Requirements Satisfied
Section 8.0 – Monitoring Strategy	<ul style="list-style-type: none"> <li>▪ Development of a monitoring strategy and schedule for the purpose of confirming assumed or predicted impacts and the performance of mitigative measures once the undertaking is in place and operational.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>
<b>Section 9.0</b>		
Section 9.0 – Flexibility in application of the ToR	<ul style="list-style-type: none"> <li>▪ Adjustments will be undertaken at the direction of the Joint Waste Management Group and in consultation with the MOE.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be updated upon completion of full draft EA document</li> </ul>

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