The Regional Municipality of Durham
To: The Works Committee
From: Commissioner of Works
Report: 2011-WR-8
Date: June 15, 2011

SUBJECT:
Energy from Waste - Waste Management Advisory Committee (EFW-WMAC)

RECOMMENDATION:
THAT the Works Committee recommends to Regional Council that Regional Council approves the Terms of Reference of the Energy from Waste - Waste Management Advisory Committee (EFW-WMAC) as agreed upon by the Regional Municipality of Durham and the Municipality of Clarington.

REPORT:
Attachment No. 1: EFW-WMAC Draft Terms of Reference
Attachment No. 2: Host Community Agreement
Attachment No. 3: Committee of the Whole Report 2009-COW-01
Attachment No. 4: Municipality of Clarington Report PSD-033-11
Attachment No. 5: Joint Finance and Administration and Works Committee Report 2011-J-15

1. PURPOSE
The purpose of this report is to obtain approval of the attached draft Terms of Reference (ToR) (Attachment No.1) in order to establish a public advisory committee: Energy from Waste - Waste Management Advisory Committee (EFW-WMAC). The establishment of this committee is required to ensure the Regional Municipality of Durham (Region) meets all requirements set out in the following:

a) Host Community Agreement (HCA) (Attachment No. 2)
b) Committee of the Whole Report 2009-COW-01 (Attachment No. 3)
2. **BACKGROUND**

Condition 2 of the Environmental Assessment Notice of Approval states that Regional Municipalities of Durham and York must comply with any commitments made during the environmental assessment or other approvals issued for the undertaking. This includes meeting the commitments made in Committee of the Whole Report 2009-COW-01 (Attachment No. 3), and the HCA (Attachment No. 2) to establish a public liaison committee to oversee the EFW project. As such, the Region must form a committee to satisfy both the Regional Council directive and the HCA (Attachment No. 2) as per Committee of the Whole Report 2009-COW-01 (Attachment No. 3):

"...should be independent, appointed by and accountable to the Regional Council, comprised of Clarington and Durham residents, representatives of the facility, MOE and the Region." (Attachment No. 1)

3. **DISCUSSION**

On February 3, 2011, Report 2011-J-15 (Attachment No. 5) was presented to the Joint Finance and Administration and Works Committee. This report included a draft ToR for an Integrated Waste Management Committee developed by the Region. A recommendation was made to forward the draft ToR to Clarington for input, as per Section 2.2 of the HCA (Attachment No. 2).

Clarington Report PSD-033-11 (Attachment No. 4) was presented to Clarington Council on April 4, 2011. The report details suggested changes to the draft ToR from those which were initially proposed. Regional and Clarington staff met to discuss potential concerns and revised the draft. The following changes were incorporated:

- clarify membership compositions and who will make the appointments
- reporting relationship
- length of appointments to the committee
- election of the committee officers
- timing of the publication of the draft minutes
- name of the committee

The proposed EFW-WMAC will be comprised of residents from the Region in keeping with the above commitment.

As per section 2.2 of the HCA, the ToR for this committee have been developed in a collaborative effort with Clarington and endorsed by Clarington Council in Report PSD-033-11 (Attachment No. 4).
The purpose for this committee will be to provide a forum for public and other stakeholders to monitor, review and liaise with the Region on the EFW facility, including the management of waste prior to delivery to the EFW facility. The committee will act in an advisory role to the Regional Works Committee on matters pertaining to the integrated waste management system and EFW.

4. **NEXT STEPS**

Upon Regional Council approval of the Terms of Reference, the Regional Municipality of Durham and Municipality of Clarington will advertise in local area newspapers for membership. Interested residents will be evaluated based on the eligibility criteria outlined in Section 6 of the draft Terms of Reference. Five of the nine members will be selected by Regional staff and their appointment will be brought back to Regional Council for formal approval and appointment of membership.

As per the revised draft Terms of Reference, the Municipality of Clarington will advertise and select four members to sit on the committee using the Municipality of Clarington’s appointment process.

This report has been reviewed by Legal Department staff.

Clifford Curtis, P. Eng., MBA, Commissioner of Works

Recommended for Presentation to Committee

G. H. Cubitt, M.S.W.,
Chief Administrative Officer

WM/rms