



# Energy from Waste Advisory Committee (EFWAC) Meeting #3

## MINUTES (APPROVED)

<b>SUBJECT:</b>	Energy from Waste Advisory Committee Meeting #3
<b>ATTENDEES:</b>	Please refer to page 9 for complete listing.
<b>LOCATION:</b>	The Regional Municipality of Durham, Meeting Room LL-C 605 Rossland Road East, Whitby
<b>DATE AND TIME:</b>	Thursday, August 4, 2011 at 1:30 p.m.

Please note: Energy from Waste Advisory Committee (EFWAC) Meeting #3 was open to the public.

ITEM	ACTION
<p><b>1. <u>WELCOME – FACILITATOR COMMENTS AND GROUND RULES</u></b></p> <p>Sue Cumming, the independent facilitator, welcomed members and confirmed quorum. She noted that handouts of all material up for discussion were available. She welcomed public and Ministry of the Environment (MOE) observers. Each committee member in attendance introduced themselves.</p> <p>The facilitator gave an overview of the meetings agenda highlighting that it was drafted to address concerns raised at previous meetings.</p> <p>The facilitator then reminded committee members of facilitator and member ground rules which include appropriate conduct, respect for all points of view and giving others the opportunity to speak uninterrupted.</p>	
<p><b>2. <u>ADMINISTRATIVE ITEMS</u></b></p> <p>The second EFWAC meeting draft minutes were brought forward for adoption. The facilitator noted that changes were made to the draft minutes based on comments received from EFWAC members. Once the minutes are adopted by the committee they will be uploaded to the project website and made public. As there were no further clarifications to the minutes, they were adopted.</p> <p>A committee member noted that at the previous meeting, time would not allow for all questions to be answered and it was decided they would be submitted after the meeting. Questions were submitted electronically April 3<sup>rd</sup> but no response was received until July, after the MOE public comment period had closed. The member felt the response time was not acceptable and hindered their ability to</p>	<p><b>Project team to make EFWAC Meeting #2 minutes publicly available.</b></p>

<p>make further comments to the MOE.</p> <p>The project team noted that the MOE request for a public comment period on the CofA occurred after the last meeting. The team had committed to providing responses to questions before the subsequent meeting, this was achieved. The project team also noted that some of the answers required knowing exactly what was included in the CofA.</p> <p>The facilitator asked that the project team provide a response within a few days to the sender confirming that the questions were received and providing an estimated turnaround time for response, depending on the technicality of the questions. The project team indicated that it is their intent to respond as quickly as possible where possible.</p> <p>The proposed schedule of the next meeting is late October or early November. The exact date will be sent out well in advance of the meeting. The facilitator noted that an attempt was made to hold the current meeting in the evening, however, from the responses received quorum would not have been reached. She asked the committee to commit to holding the next meeting in the evening. There was agreement to hold the next EFWAC meeting in the evening.</p>	
<p><b>3. <u>UPDATE ON THE COMMITTEE REQUEST FOR CHANGE OF STATUS OF THE MOE STAFF ATTENDANCE AT THE EFWAC MEETINGS</u></b></p> <p>A letter was sent from the project team to the MOE requesting the revision of condition 8.7 of the Durham York Residual Waste Study Amended Environmental Assessment (EA) Notice of Approval which states “<i>A representative from the ministry shall be invited to attend meetings as an observer</i>”. The revision would indicate the representative from the MOE shall be invited to participate on the advisory committee. The MOE response stated that under the EAA the Minister cannot amend a Notice of Approval, therefore, the request cannot be considered.</p> <p>The MOE has offered to provide a presentation and explain their rationale for this decision at the next EFWAC meeting. The facilitator noted the MOE representatives coming to the next EFWAC meeting would be there to discuss the EFWAC process, CofA requirements and project oversight, therefore, technical questions should not be directed at them. A member requested the MOE be invited to speak to technical matters. It was noted later in the meeting that questions of a technical nature should continue to be put to MOE staff. The senior MOE staff who would be attending the next meeting will not be able to respond to technical questions.</p>	<p><b>Project team to confirm that an invitation has been sent to the MOE to present at the next EFWAC.</b></p>
<p><b>4. <u>PRESENTATION UPDATE ON THE STATUS OF THE CofA and REPORTS AND UPDATE ON EA CONDITIONS: AMBIENT AIR MONITORING PLAN, GROUND WATER AND SURFACE WATER MONITORING PLAN and EMISSIONS MONITORING PLAN</u></b></p> <p>Gio Anello, a member of the project team, gave a combined presentation on the CofA and monitoring plans. He asked members to voice their questions throughout the presentation. Please see Attachment 1 for the complete presentation.</p>	

A member questioned how often the residuals testing would occur. Gio Anello stated that there are contract requirements as well as requirements from the Environmental Protection Act Regulation 347 that will determine the frequency of testing; the Regions' obligation is to characterize the ash and submit a testing protocol to the MOE as required by the CofA.

A committee member questioned if the testing protocol, yet to be developed, will come to EFWAC for review and comment. Gio Anello stated that, according to the CofA, the testing protocol is between the MOE and the operator. He also noted that there are several other protocols and testing requirements within the CofA that are between the operator and the MOE.

A member questioned where information about the testing protocol can be found and what PH values will be used for these tests as TCLP testing protocols have been criticised in the United States for using PH values unreflective of those typically found in landfills. Gio Anello committed to send this protocol to members by Tuesday August 9, 2011.

A committee member questioned whether there were compliance limits in the A7 Guideline, or any Ontario Regulation, for the contaminants listed in table 5 of the draft Air Emissions Monitoring Plan and what happens if one of the contaminants listed in table 5 is very high as there is no mention of compliance. Gio Anello stated that the parameters for the contaminants not included in the CofA performance requirements and included in table 5 will be modelled and compared against the appropriate limits contained in "ONTARIO REGULATION 419/05 AIR POLLUTION - LOCAL AIR QUALITY"

Gio Anello reaffirmed that CofA and EA conditions are both subject to MOE enforcement, whether conditions are in both documents or not. He continued stating that monitoring plans must be developed with the MOE, this process has been initiated. These documents will be submitted to the EFWAC for review and comment. The Ambient Air Monitoring Plan required a working group be established, this working group has met. Plans must be implemented, reported and reviewed and revised accordingly by the MOE.

### **AMBIENT AIR MONITORING PLAN**

The facilitator noted the two members from the EFWAC who sit on the Ambient Air Working Group. A member asked how often this working group will meet. Gio Anello answered that the working group has reviewed the Ambient Air Monitoring Plan and provided advice all of which was incorporated into the second draft as follows: the establishment of a baseline one year before operation (rather than six months prior), two monitoring stations to ground truth the risk assessment (increased from one) and the expansion of the list of metals included for monitoring. Based on advice received from the Ambient Air Working Group (members included the Ontario Agency for Health Promotion and Protection (OAHPP), two EFWAC members, the MOE and follow up with Environment Canada), the draft Ambient Air Monitoring Plan was revised. There will now be two to three monitoring stations (or two full with one partial station), continuous monitoring of PM<sub>2.5</sub>, NO<sub>x</sub>, sulphur dioxide and intermittent monitoring of metals every six days, Polycyclic aromatic hydrocarbons (PAHs) every 12 days and dioxins and furans every 24 days, all in accordance with MOE standards.

**Project team to provide EPA TCLP reference by Tuesday August 9, 2011**

**Project team to confirm whether the contaminants listed in table 5 of the draft Air Emissions Monitoring Plan are regulated by any Ontario Regulation or the Source Testing Code by Tuesday August 9, 2011.**

**The project team answered many questions regarding filterable particulate matter in their responses to member questions, for further clarification please contact the MOE.**

A member submitted comments drafted by the three environmental groups on the EFWAC: Durham Environment Watch, Zero Waste 4 Zero Burning and Durham Environment Watch. These comments are attached to the minutes and will be addressed prior to submission of the plan to the MOE.

A member, who also sits on the Ambient Air Working Group, stated that the consultants used scientific modeling that is used industry wide, therefore, regardless of which consultant prepared the report the same modeling would have been used. Believes the science is sound and is comfortable with the consultants who did the work.

A project team member noted that the Ambient Air Working Group was comprised of members with background and expertise in ambient air monitoring to act as peer reviewers.

The member would like to see the full burden, current plus the facility as hydrogen chloride triggered risk in the Risk Assessment at 400,000 tonnes. Gio Anello stated that there is continuous stack monitoring for hydrogen chloride which is why Environment Canada determined it was not required in the baseline. The letter from Environment Canada confirming to be provided to the EFWAC members.

Gio Anello stated that comments must be received by August 15, 2011. Comments should go to the facilitator, with a copy to Gio Anello. These will be forwarded to the project team who will compile a comment/response table that will be submitted to the MOE.

A member questioned which plans required comments by August 15. Gio Anello stated the three plans that require submission by August 31: **Air Emissions, Ambient Air Quality and Odour Monitoring and Mitigation require comments by August 15.**

**Noise and Groundwater and Surface Water Monitoring Plans must be submitted 90 days prior to construction. Please have the comments for these two reports submitted by August 31, 2011.** Gio Anello stated that there are other monitoring plans, such as soil monitoring, that have yet to be developed.

A committee member noted that Osborne Road is spelled incorrectly in all documentation. The name was changed two years ago at the family's request, not Osbourne but rather Osborne.

#### **NOISE MONITORING AND REPORTING PLAN**

There are three aspects of this plan: an independent acoustic audit at operations phase, an acoustic assessment summary table (for anytime there is adjustment to equipment, this will be identified in the annual report to the MOE) and noise monitoring, the contract requires parameter and most sensitive Points of Reception monitoring during peak operation. **Require comments on this plan by August 31, 2011.**

**Project team to forward these comments to the EFWAC membership.**

**Project team to circulate letter from Environment Canada by August 9, 2011.**

**Committee members to submit comments on the draft Ambient Air Quality, Air Emissions and Odour Monitoring Plans by August 15, 2011.**

**Project team to correct the spelling of Osborne Road in all documents.**

**Committee members to forward comments on Noise and Ground/Surface water monitoring plans by August 31, 2011.**

A member questioned what the guidelines are that have to be met and what happens if these are exceeded. Gio Anello responded that there are guidelines and standards, and the MOE canvasses the site to ensure compliance. As an example, at one of the Durham's Transfer Stations certain machinery cannot be used at the same time as other machinery because it would exceed the noise limits.

### **ODOUR MONITORING AND MITIGATION PLAN**

The odour monitoring and mitigation plan is contingent on a negative pressure being maintained in the facility. The facility is constantly sucking air in and this is the main mechanism for mitigating odour, there will be no odour outside the facility. Negative pressure will be confirmed through instrumentation such that the air flow is creating a lower pressure indoors than outdoors. If a situation occurs when both of the lines are not functioning then air is still sucked into the building and sent up the stack, bypassing combustion. All waste and ash storage is kept indoors.

A member questioned how odour is detected, is it subjective or scientific. Gio Anello stated that there is an Olfactory Panel. There is also a 24-hour, 7-day a week complaint phone line, if someone smells an odour they would call this line. All calls are monitored for service performance.

A member commented on the communication plan for odour reporting. The draft states complaints should be reported to the Regions and Clarington but this is not written into the plan. Clarington would like to be informed about complaints as residents may also contact their local Councillors. It was also questioned if there is public access to the odour mitigation log. Gio Anello stated that any complaint received must be reported to the District MOE office, the Regions and will confirm whether Clarington is included. Also stated that all documentation and reports are public.

The member questioned potential sources of odour which contain uncovered trucks. Gio Anello stated this was a worst case scenario and that the Regions do not use uncovered trucks, this statement will be removed from the draft.  
**Require comments on this plan by August 15, 2011.**

### **GROUNDWATER AND SURFACE WATER MONITORING PLAN**

The Groundwater and Surface Water Monitoring Plan will be installing up to five wells for groundwater monitoring and will be conducting surface water testing in the creek area. The monitoring plan is in accordance with MOE criteria and samples will be sent to an independent lab for analysis. **Require comments on this plan by August 31, 2011.**

A member questioned how often this monitoring would occur. It was confirmed three times per year and some surface water monitoring is continuous.

A committee member wanted clarification regarding temperature control of the two large storm water ponds as ponds of this nature have had issues with high water temperature before being released into the environment creating algae problems. The committee member asked if it would be more prudent to have one

**Region to confirm whether Clarington will receive the complaints log.**

**Project Team to remove uncovered trucks from the list of potential sources of odour.**

large meandering pond rather than two smaller ponds in order to better control the temperature of the water.

Gio Anello stated there is an overarching drainage and storm water plan for Energy Park and that the two storm water ponds being developed for this facility will ensure that storm water meets MOE standards. After leaving the EFW storm water ponds, water travels to another storm water pond, adjacent to the railroad tracks, being built in accordance with the Clarington Master Drainage Plan.

The member clarified that typical approvals for storm water management ponds in subdivisions require a bottom drop, meaning under normal flows the water on the bottom of the pond is discharged which is generally cooler than the water on top.

Durham has committed in the Host Community Agreement to construct the storm water management ponds for their portion of Energy Park. The pond being constructed is servicing more than just their property.

Another member noted that CLOCA is working with the Municipality of Clarington on the Master Drainage Plan. The swale will be enhanced and the ponds will drain into the swale. This plan is a work in progress. Gio Anello confirmed that the proponents will be expanding the swale area for Energy Park drainage.

A member noted that the draft speaks to monitoring the temperature in Tooley Creek during construction but not afterwards. Need to establish a baseline and continue after construction. A member stated that Clarington is currently doing a watershed study on both Robinson and Tooley Creeks which provides an existing conditions report including temperature, this document is available on Clarington's website.

**Project team to provide link to the Clarington Watershed Study.**

### **AIR EMISSIONS MONITORING PLAN**

The Air Emissions Monitoring Plan follows CofA conditions which were very detailed. Conditions include continuous emissions monitoring, continuous sampling of dioxins and furans, stack test completed by a third party and the submission of a Source Testing Plan for MOE approval before any source testing occurs. **Require comments on this plan by August 15, 2011.**

Comments submitted by the three environmental groups are attached to the minutes (Attachments 2 & 3). Responses will be ready for submission by August 31. Gio Anello stated the purpose of submitting comments was to have them combined in a comment and response table stating if they were incorporated into the plan and if not, why. He also noted that many of the questions submitted on this document have been answered previously by the MOE and that the project team answers will be consistent with MOE responses.

Another member voiced concern regarding scheduled stack testing being conducted by an independent third party because, in theory, the operator could modify parameters to ensure they are compliant. Would prefer that stack test be performed randomly, without warning. Gio Anello stated that there is a lot of preparation involved before a stack test can occur. Schedule E of the CofA and the Ontario Source Code require that a plan must be submitted to the MOE two months before the test, therefore, it is an impossibility to have a surprise test.

A member noted that from their experience, the MOE is on-site and witnesses the testing to ensure it is conducted during normal operation. Environmental conditions also play a part in when the testing can be done. Another member noted that the testers themselves have to undergo health and safety training before they can enter the site and that the Ministry of Labour is very cautious about these tests, another reason why they require advanced notice.

### **OTHER ISSUES**

A member questioned whether there was still going to be a large billboard sign reading out emissions data at any given moment. Gio Anello stated this sign was a Regional Council directive and that it is in the CofA to have a display board. This is also a Host Community Agreement requirement.

A member questioned the rationale for conducting continuous monitoring of dioxins and furans if these figures are not used for compliance. The data will be made publicly available and is analyzed at least monthly. It is continuously sampled because the concentrations are so low. The intent of continuous monitoring is a feedback loop to the operator to ensure proper operations.

A member asked if there was a worst case scenario plan. Gio Anello replied that there is an emergency response plan as well as an Environmental Management System in accordance with ISO 14001 standard which requires a procedure in place for excursions. The emergency response plan document will go to the EFWAC. However, the ISO 14001 plan will not go to the EFWAC but may be audited by an independent, certified party.

Gio Anello continued further explanation of the complaints response plan stating there is a 24-hour, 7-day a week call centre facilitated by the Regions and Covanta. Complaints must be recorded, investigated and reported to the MOE District Manager and will look into reporting to Clarington. The MOE may ask us to implement any additional control measures based on complaints and the responses given.

Gio Anello stated that for communications and reporting there will be an annual report, on-line real time emissions, as well as the EFWAC and the Energy from Waste - Waste Management Advisory Committee (EFW-WMAC). There are very good examples of such reports available on the web for the Onondoga facility in Syracuse, NY. A member questioned how the public will be able to gain access to the annual reports. Gio Anello stated that the reports would be presented to the EFWAC, the EFW-WMAC, the MOE, and they will be available on the project website.

Durham and Clarington will be advertising for membership shortly. The membership must be approved by Durham and Clarington Councils. The EFW-WMAC is another public forum for consultation.

There will be daily inspections and logs available to the MOE, on-site for unannounced visits. There will be specific event reports such as third party audits and the requirement for annual reporting.

**Project team to ensure EFWAC members are made aware when the EFW-WMAC committee is advertising for membership.**

A member questioned if the community communication plan was coming to the EFWAC. The facilitator confirmed this would come to the committee prior to waste entering the facility.

The facilitator summarized the questions to be replied to by August 9, the monitoring plans for which comments are due August 15 and by August 31, and confirmed with the project team that comments will be returned to the committee by September 15. The facilitator also confirmed that the next meeting would be scheduled for late October or early November, and that this date will be set as soon as possible. The MOE is presenting at the next meeting to clarify the EFWAC process and their observer status, and reaffirmed that they cannot answer technical questions. Today's minutes will be circulated in draft within two weeks.

Meeting adjourned at 4:00 p.m.

## **PRESENT**

Faye Langmaid, Manager of Special Projects, Municipality of Clarington  
Nathalie Henning, Manager of Waste and Environmental Programs, City of Oshawa  
Ben Kester, Director of Public Works, Township of Uxbridge  
Ilmar Simanovskis, Director of Infrastructure and Environmental Services, Town of Aurora  
Doug Anderson, DurhamCLEAR  
Chris Darling, Director of Development Review and Regulation, Central Lake Ontario Conservation Authority  
Brian Jones, Director, Public Works Services, Town of Newmarket  
Nick Colucci, Councillor Ward 4, Township of Uxbridge (Alternate)  
Murray Gale, Supervisor of Solid Waste, Town of Whitby (Alternate)  
Wendy Bracken, Durham Environment Watch (Alternate)  
Tracey Ali, Zero Waste 4 Zero Burning (Alternate)

## **Project Team**

Giuseppe Anello, Manager, Waste Planning and Technical Services, The Regional Municipality of Durham  
Lyndsay Waller, Operations Technician, The Regional Municipality of Durham  
Dave Gordon, Manager, Waste Management Program Planning and Policy, The Regional Municipality of York

## **Other**

Susan Cumming, Cumming + Company, EFWAC Facilitator  
Dave Fumerton, District Manager, Ministry of the Environment  
Sandra Thomas, District Supervisor for the York Durham District Office, Ministry of the Environment

## **REGRETS**

Joanne Paquette, Manager, Communications (Works), The Regional Municipality of Durham  
David Crome, Director of Planning, Municipality of Clarington (alternate)  
Mirka Januszkiewicz, Director, Waste Management, The Regional Municipality of Durham  
Greg Borchuk, Project Manager, Waste Management, The Regional Municipality of Durham  
Laura McDowell, Director, Environmental Promotion and Protection, The Regional Municipality of York  
Seth Dittman, Solid Waste Project/Process Engineer, The Regional Municipality of York  
Ian Roger, Director of Public Works and Parks, Township of Scugog  
Rob Flindall, Director of Engineering and Public Works, Township of King  
Brian Anthony, Director, Public Works, City of Vaughan  
Kerry Meydam, Durham Environment Watch  
Linda Gasser, Zero Waste 4 Zero Burning  
Robert Magloughlen, Director of Engineering and Public Works, Town of Georgina  
Suzanne Beale, Director of Public Works, Town of Whitby  
Terry Ricketts, Director, Environmental Services, Town of Richmond Hill  
Dave Meredith, Director of Operations and Environmental Services, Town of Ajax  
Steve Elford, Senior Environmental Officer #1184, Ministry of the Environment  
Courtney Daniels, Project Coordinator, Solid Waste Management, The Regional Municipality of York  
Ken Gorman, Director, Environmental Health, The Regional Municipality of Durham  
Joe La Marca, Director, Health Protection Division, Public Health Branch, The Regional Municipality of York  
Gavin Battarino, Project Officer, Ministry of the Environment  
Thomas Gettinby, CAO and Municipal Clerk, Township of Brock  
Paul Whitehouse, Director, Public Works, Town of Whitchurch-Stouffville  
Christopher Kalimootoo, Director of Engineering and Environmental Services, Town of East Gwillimbury  
Peter Loukes, Director of Operations, Town of Markham  
Dhaval Pandya, Coordinator of Transportation Engineering, City of Pickering  
Claudia Marsales, Manager, Waste Management, Town of Markham