



Energy from Waste – Waste Management Advisory Committee (EFW-WMAC) Terms of Reference

March 2022

1. Purpose

- 1.1 The Energy from Waste-Waste Management Advisory Committee (EFW-WMAC) is established to provide a forum for public and other stakeholders to monitor, review and liaise with the Regional Municipality of Durham (Durham) on the EFW facility including how the waste is being sorted prior to arriving on-site. The success of the EFW facility will depend on the diversion measures and waste separation (waste management) that happens at the transfer stations and curb-side collection. The EFW-WMAC (Committee) is being established to satisfy the Host Community Agreement (HCA) with the Municipality of Clarington (Clarington) and the Commissioner & Medical Officer of Health's Report 2009-COW-01 obligations.

2. Mandate

- 2.1 The EFW-WMAC will act in an advisory role to the Durham Works Committee on issues or concerns which arise with waste diversion, waste management, environmental performance and monitoring of the EFW facility, including the construction and operational phases.
- 2.2 The EFW-WMAC will be comprised of volunteers from Durham appointed by Durham Regional Council and Clarington Council in accordance with these Terms of Reference.

3. Scope of Activities

- 3.1 The scope of activities that the EFW-WMAC may undertake include, but are not limited to:
- a) Review, discuss and improve understanding of waste diversion and management that occurs before the waste arrives at the EFW facility.
 - b) Review, discuss, summarize and/or provide opinions about available information, environmental surveillance programs, independent environmental testing, public reporting of environmental surveillance data, environmental performance for the EFW facility (as outlined in the Commissioner & Medical Officer of Health's Report 2009-COW-01).

- c) Identify, assess and study specific issues/concerns which may be related to or associated with the EFW facility or feeder waste management system, including issues referred to the EFW-WMAC by the public, local governments, health professionals, etc., or that otherwise come to the EFW-WMAC's attention and to relay findings to Durham's Works Committee
- d) Advise on the development and implementation of community outreach activities which support the growth and environmental awareness and appreciation in Durham in co-operation with other organizations where appropriate. This may include public information sessions, educational workshops and participating in some community events.
- e) Review and discuss matters of public interest regarding the EFW facility and its processes, policies and operation. Advise on emerging issues that may be associated with environmental and human health.
- f) Facilitate communication between stakeholders.
- g) Provide a forum for the residents to bring their concerns/questions or suggestions pertaining to the EFW facility.

4. Composition

- 4.1 The EFW-WMAC will be comprised of volunteers selected at large from Durham in accordance with these Terms of Reference.
- 4.2 The EFW-WMAC will be comprised of nine members. Members shall not hold an elected office (municipal, provincial or federal).
- 4.3 All members are regarded as individuals and do not represent their respective employers or advocacy group in their capacity as an EFW-WMAC member.
- 4.4 Members will be appointed for a two year term to a maximum of three consecutive terms. Appointments will be staggered to provide continuity for the committee.

5. Membership Selection

- 5.1 Membership shall consist of nine residents from Durham.
- 5.2 Five residents will be appointed by Durham Regional Council.
- 5.3 Four residents will be appointed by Clarington Council.

- 5.4 The EFW-WMAC will notify Durham’s Works Committee or Clarington Council, as the case may be, of the need to seek replacement members. Members will be replaced in accordance with the membership selection process outlined in Sections 5 and 6 of these Terms of Reference. Members shall continue to serve until their replacements are appointed.
- 5.5 Non-attendance for three consecutive meetings will be considered grounds for replacement.
- 5.6 Invitations to attend EFW-WMAC meetings will be provided to the following non-voting members:
- Staff representative from Durham’s Works Department.
 - Staff representative from Durham’s Health Department.
 - Staff representative from The Regional Municipality of York.
 - Staff representative from Clarington.
 - Staff representative from the Ministry of the Environment, Conservation and Parks.
 - Senior staff representative of the facility’s design, build, operate (DBO) contractor and operator.
 - Ward 1 Local and Regional members of Clarington Council.

6. Call for Membership

- 6.1 Durham will place an advertisement seeking individuals interested in volunteering for appointment to the EFW-WMAC within the geographic boundary of Durham Region. Responses will be evaluated by Durham’s Senior Waste Management staff using the criteria outlined in Section 7 of these Terms of Reference and five members will be recommended for appointment by Durham’s Works Committee and Durham Regional Council.
- 6.2 Clarington will advertise the opportunity to participate in the EFW-WMAC as a representative of Clarington, using Clarington’s process for committee appointments for four members.

7. Eligibility Criteria/Evaluation

- 7.1 Interested individuals from Durham will be required to submit an application form to the Regional Clerk outlining their interest and qualifications in being appointed to the EFW-WMAC. The submission of additional information on why they should be selected for membership, detailing their knowledge of the EFW facility and the Environmental Assessment process and project will be considered.

- 7.2 Previous participation or experience with committees/working groups will be considered an asset.
- 7.3 Every potential appointee must disclose any obligation, commitment, relationship or interest that could conflict or may be perceived to conflict with his or her duties as part of the EFW-WMAC. A conflict of interest could arise in relation to personal matters including:
- Directorships or other employment.
 - Interests in business enterprises or professional practices.
 - Share ownership.
 - Existing professional or personal associations.
 - Professional associations or relationships with other organizations.
 - Personal associations with other groups or organizations, or family relationships.

8. Officers

- 8.1 The Chair will be elected by the Committee and serve for a two year term.
- 8.2 The Vice Chair will be elected by the Committee and serve for a two year term.
- 8.3 If a vacancy of any of the key roles occurs, a replacement will be elected by the Committee.

8.4 Chair

- Shall manage and provide leadership to the committee.
- Shall chair meetings, maintaining order, while allowing for discussion and input from committee members and staff representatives.
- Shall establish and maintain a positive meeting environment.
- Shall make presentations as requested, including at least one presentation annually to Clarington Council and Durham Works Committee/Regional Council.
- Shall co-ordinate any exchange of information (advise, request for information, etc.) through the EFW-WMAC to Durham's Works Committee.

8.5 Vice Chair

- Shall act on behalf of the Chair in his/her absence.

8.6 Durham Staff Liaison

- Shall chair the inaugural meeting.
- Shall prepare all meeting agendas and take minutes.
- Shall keep a current and accurate statement of all expenses.
- Shall update the website by posting minutes, annual reports and any other important meeting correspondence.
- Shall advertise each meeting in Durham area newspapers.

9. Support Services

9.1 The Waste Management division of Durham's Works Department will appoint a staff liaison to the EFW-WMAC to provide administrative, procedural and technical support to the EFW-WMAC.

9.2 The Region will provide secretariat support.

9.3 The staff liaison will co-ordinate all requests for advice from the EFW-WMAC through meeting agendas. EFW-WMAC responses to such requests shall be co-ordinated by the Chair and the staff liaison to the Works Committee.

9.4 Regional Council will provide an annual budget of up to but not limited to \$20,000 to cover operational expenses of the EFW-WMAC, and this budget will be administered by the Durham Works Department.

9.5 Appointed EFW-WMAC members will be reimbursed for mileage expenses for attendance at EFW-WMAC meetings upon submission of an expense sheet in accordance with Regional policy. Any other funding requests must be submitted, in advance to the Durham Works Department for consideration.

9.6 Durham will provide space on its website to post information such as meeting minutes and other relevant information.

9.7 Upon request, the representatives of the Regions, contractors and governmental/regulatory bodies shall ensure that all studies and other information relevant to the Committee's mandate are made available to the EFW-WMAC.

10. Meetings/Resolutions

- 10.1 The EFW-WMAC shall meet quarterly throughout the year at Regional Headquarters. Meeting dates must be determined such that they take into account business needs and the schedule of Regional Committees/Council. The meeting location may be subject to change once the EFW facility is operational and providing space is available. The EFW-WMAC will establish a meeting schedule at its inaugural meeting. The Committee may choose to adjust the schedule taking into account business needs and the schedule of Regional Committees/Council, however, must ensure that one meeting will be held per quarter. Special meetings may be held at the call of the EFW-WMAC Chair. All meetings will be posted on the Durham website, and any changes to the dates must be posted on the Durham website two weeks in advance of the proposed meeting.
- 10.2 All meetings will be open to the public.
- 10.3 As a formal Advisory Committee to the Region, the EFW-WMAC is subject to Regional Council Rules of Procedure unless otherwise specified in these Terms of Reference.
- 10.4 All decisions made by the EFW-WMAC will be based on a majority vote unless otherwise specified in these Terms of Reference or Regional Council Rules of Procedure.
- 10.5 Quorum shall consist of a majority of the sitting members.
- 10.6 The EFW-WMAC may establish working groups to address specific issues as identified in the Annual Solid Waste Management Servicing and Financing Study, noting that secretariat support will not be provided to these working groups. Working groups shall be comprised of members of the EFW-WMAC and any other staff support as deemed necessary. The Chair of a working group shall be a voting member of the EFW-WMAC. The working group will report back to the EFW-WMAC.

11. Delegations to Meetings

- 11.1 Any person wishing to appear as a delegate to the EFW-WMAC must submit a written request no later than 9:30 a.m. on the Monday preceding the meeting to the EFW-WMAC staff liaison advising of the topic on which they wish to speak for inclusion in the agenda. The staff liaison will forward the written request to the EFW-WMAC Chair if the relevance of a delegation appears to be outside the mandate of the Committee, then the Chair will request that the Committee decide as to whether a delegation should be heard. Materials to be presented by a delegate shall be provided one week in advance of the meeting. Any person wishing to address the EFW-WMAC who has not previously arranged to do so may be granted permission to do so only by a two-thirds affirmative vote of the Committee.

12. Minutes and Agendas

- 12.1 Agendas will be distributed two weeks in advance of upcoming meetings.
- 12.2 The minutes of each EFW-WMAC meeting will be included on the subsequent meeting's agenda for approval. Following the meeting, the unapproved minutes will be circulated by e-mail to the Committee members upon completion. The unapproved minutes will be circulated to members of Durham Regional Council as part of the Council Information Package (CIP) prepared by the Regional Clerk and posted on Durham's website.

13. Annual Reports

- 13.1 An annual report summarizing the activities of the previous year shall be prepared by the EFW-WMAC and the staff liaison, and forwarded to Durham's Works Committee and Clarington Council. The report should include any suggested revisions to the Terms of Reference.
- 13.2 The Chair of the EFW-WMAC will present their annual report, and any additional reports as requested to Durham's Works Committee/Regional Council and to Clarington Council.
- 13.3 An annual review of the EFW-WMAC will be completed by Durham's Works Committee to determine the effectiveness of the EFW-WMAC and ensure continued improvement.
- 13.4 Clarington Council will be consulted on any changes to the Terms of Reference.

14. EFW-WMAC Dissolution

- 14.1 The Committee can be dissolved at any time by Durham Regional Council, in consultation with Clarington Council and the members, providing that the requirements of Durham Report 2009-COW-01 and Host Community Agreement have been fulfilled or upon the decommissioning of the facility.