



## **Energy from Waste Advisory Committee**

### **Terms of Reference**

**(Per the Minister of the Environment's Conditions)**

#### **1. Purpose**

One of the Minister of Environment's Conditions of Approval for the Energy From Waste (EFW) Environmental Assessment (EA) was the establishment of an EFW Advisory Committee (EFWAC). The EFWAC is established to provide a forum for the transfer of information between the Proponent (Durham Region and York Region) and the various stakeholders including the Design-Build-Operate contractor, the local municipalities in Durham and York Regions, the Central Lake Ontario Conservation Authority, and three local community groups. Representatives from other agencies and members of the general public may attend as observers. The Committee will remain active during three distinct phases of the projects: design, construction and operation of the plant. This document outlines the role of the EFWAC, presents guidelines for how the committee will operate, the membership and when meetings will take place. This document may be amended as the project unfolds and the process develops.

#### **Mandate**

Pursuant to Condition 8 of the Minister of the Environment's (Minister) Notice of Approval, the purpose of the EFWAC is to ensure that concerns about the design, construction and operation of the undertaking are considered and mitigation measures are implemented where appropriate by the Proponent.

The Mandate of the EFWAC is to:

- Provide a balanced, inclusive discussion and forum for stakeholders to provide advice to the Project Team.
- To serve as a formal mechanism to exchange ideas and concerns related to the EFW project.

#### **2. Scope of Activities**

Pursuant to Condition 8.8, the advisory committee shall be provided with a copy of the documents listed below by the Facilitator through the Project Team for information and may review the documents as appropriate and provide comments to the proponent about the documents, including the:

- a) Compliance Monitoring Program required by Condition 4;

- b) Annual Compliance Report required by Condition 5;
- c) Complaint Protocol required by Condition 6;
- d) Community Communications Plan required by Condition 7;
- e) The Annual Reports required by Condition 10;
- f) Ambient Air Monitoring and Reporting Plan required by Condition 11;
- g) Air Emissions Monitoring Plan required by Condition 12;
- h) Written report prepared and signed by the qualified professional required by Condition 16.5;
- i) Spill Contingency and Emergency Response Plan required by Condition 17;
- j) Odour Management and Mitigation Plan and the Odour Management and Mitigation Monitoring Reports required by Condition 18;
- k) Noise Monitoring and Reporting Plan required by Condition 19;
- l) Groundwater and Surface Water Monitoring Plan, the results of the groundwater and surface water monitoring program, the annual report on the results of the groundwater and surface water monitoring program required by Condition 20;

### **3. Membership and Code of Conduct**

#### **3.1 Membership**

As per Conditions 8.3, 8.4, 8.5, the Minister has mandated that the Regions invite the following to participate on the Committee.

The EFWAC shall be comprised of one representative from each of the following:

- a) Each of the lower tier municipalities in the Regional Municipality of Durham
- b) Each of the lower tier municipalities in the Regional Municipality of York
- c) A staff member each from the Municipalities of Durham and York Regions
- d) Central Lake Ontario Conservation Authority
- e) DurhamCLEAR
- f) Durham Environment Watch
- g) Zero Waste 4 Zero Burning

### **3.2 Invitations to attend EFWAC meetings will be provided to the following:**

- Staff representative from each Health Department in Durham and York Regions
- Staff representative from the Ministry of the Environment

### **3.3 Code of Conduct**

In accordance with Condition 8.10, Committee members, guests and the Facilitator shall:

- Attend all meetings.
- Declare any situation which is, or has the potential to be, a conflict of interest before agenda items are presented.
- Carry out their functions with integrity, and act in the best interests of the mandate and the Minister's Conditions.
- Act responsibly and fairly with the care, diligence and prudence of a reasonable individual.
- Respect all viewpoints and follow rules of decorum.
- Ensure opinions expressed outside the Committee represent personal viewpoints versus those of the Committee.
- Not use any information provided to the Committee for personal gain.

In the spirit of the Minister's Conditions, the EFWAC shall:

- Not be used as a venue for review of the past decisions associated with the approved undertaking;
- Not be an approval body or steering Committee; and
- Not be a forum to solicit data or information on matters outside the mandate of the committee.

### **3.4 Call for Membership**

A letter was sent to the Directors in each of the lower tier municipalities in Durham and York inviting them to represent their municipality on the committee. The local community groups identified in the EA also received an invitation to participate on the Committee. Based on the technical nature of the project, it was determined by the Project Team that the list of invited members would only be sent to senior managers or directors at the municipal level, regulatory agencies, plus the three local community groups identified in Condition 8, who

have familiarity with the project. However, local municipalities may select any other member of staff or council to sit at the committee.

#### **4. Expectations of Committee Members/Roles**

Durham and York acknowledge that membership on the Committee does not constitute support for the approved undertaking.

The local community groups identified as members of the Committee shall be compensated for mileage to attend meetings. Mileage claims shall be supported by Google map and submitted to the staff liaison to process the claim.

Members are expected to:

- Participate voluntarily.
- Adhere to the code of conduct (Section 3.3).
- Provide advice that is reflective of the views of the organization and/or the community to which they belong; should they choose members may actively solicit the viewpoints of their organization or community.
- Uphold the Committee purpose.
- Become familiar with what is in the approved Final Residual Waste Study Environmental Assessment Report and the Minister's Conditions.
- Make presentations if/where required.

#### **5. Expectation of the Facilitator/Roles**

In contrast to the previous Energy from Waste Site Liaison Committee established for the Environmental Assessment, the new Committee meetings will be lead by a Facilitator instead of a Chair. An independent Facilitator will be appointed by the Project Team and can be removed or replaced only by the Project Team. The Facilitator is expected to:

- Provide guidance and support to the committee in setting meeting agendas and determining the frequency of meetings.
- Manage the meetings and adherence to protocols.
- Ensure the committee adheres to the mandate and that discussions are focused and in-scope.
- Moderate the discussion to ensure a balanced and inclusive exchange of ideas.
- Encourage advice and feedback from all members.
- Ensure the code of conduct is adhered to by all present during meetings.

- Support and guide the Committee in determining options for managing disruptions to meetings.
- Determine the timing of; calling to order, breaks and adjournment of meetings having due regard to the tenor and productivity of meetings.

**6. Expectation of the Project Team (DBO contractor and Durham and York project team staff)**

- Appoint a senior team member(s) to be a regular resource person at Committee meetings to provide project updates and respond to Committee questions and comments.
- Appoint a Facilitator to ensure guidance, support and to maintain constructive meetings.
- Appoint a staff liaison to the EFWAC to provide administrative, procedural and technical support to the EFWAC. The staff liaison will be responsible for minutes, agendas, uploading meeting minutes, coordinating flow of information and other information which is deemed important to the project website.
- Coordinate the attendance of other specialists as required to address specific issues or reports. Upon request, the representatives of the DBO Contractor and governmental / regulatory bodies shall ensure that all studies and other information relevant to the EFWAC's mandate are made available to the EFWAC.
- As per Condition 8.2 d) and Condition 5, the Project Team shall prepare an annual report summarizing the activities completed by the EFWAC.

**7. Alternates and Resignations**

Alternates can be replaced by the member's organization at any time with advance notice provided.

If a member's alternate is present at a meeting at the same time as the member, the alternate will be an observer and not have speaking rights.

If an alternate is present at the meeting representing the member, the alternate will be assumed to be speaking on behalf of the member.

Resignations shall be given in writing to the Facilitator.

## **8. Protocol for Disseminating and Review of Information**

### **8.1 Meetings**

As per Section 8.9 of the Minister's Conditions, the initial meeting was held on January 20<sup>th</sup>, 2011.

- Meetings should be held quarterly through the design and construction stages of the facility.
- Meetings will be event or milestone driven and called by the Project Team, however, should a member(s) feel a meeting is necessary, they may make a request for a meeting by contacting the Facilitator. If the Facilitator deems the need for a meeting to be within the purpose and mandate of the Committee, they shall call a meeting.
- The EFWAC shall meet annually at a minimum after initial start-up and regular facility operation, with one meeting scheduled after the facility emissions and compliance reports have been released and reviewed by members.
- Meetings will generally take place during business hours, or as determined by the Committee to facilitate maximizing member attendance. Meetings may also be held after hours to accommodate the local community groups and members of the public wishing to attend for special presentations. Requests for a change of time should be forwarded to the Facilitator.
- The meeting location may be subject to change. Potential locations could include the EFW facility itself once it is operational and provided space is available.
- All meetings will be open to the public as observers to ensure openness and transparency.
- Meetings will follow a format of: review of comments from previous meeting, presentation, comments and questions.

### **8.2 Minutes**

- Minutes will be taken for each meeting.
- Draft minutes will be distributed via email for review within two weeks of the meeting date.
- Members will have one week after the draft minutes have been circulated to review and provide approval or suggest changes or clarifications be made to draft minutes.

- Once the minutes have been reviewed and approved by the Committee, they will be posted on the project website. Final versions of other Committee materials will also be posted on the project website, within three weeks of the meeting date.
- Issues requiring follow-up will be addressed at the next meeting.

### **8.3 Agendas**

- Final agendas will be circulated one week prior to the meetings.
- Members of the committee will be able to suggest changes to the agenda
- Agendas will be prepared for all meetings.
- Agendas will include a suggested duration for discussion of items.
- Final agendas will be posted on the project website.

### **8.4 Presentations and Discussions at Meetings**

- A minimum eleven (11) members must be present for a quorum.
- Procedural issues will be resolved through majority vote.
- Significant reports and documents tabled for discussion at meetings may include a presentation by the Project Team or designate.
- Where there is a need for further review and/or comment on reports or documents, members will be asked to provide comments two weeks prior the next meeting so that the Project Team and/or DBO contractor will have the opportunity to review and respond at the next meeting.
- Request for presentations will be provided to the Facilitator two weeks in advance of the meeting for consideration to ensure content is relevant to the mandate of the committee. The Facilitator may seek advice from members to determine if the presentation conforms to Committee mandate.
- The Committee Facilitator will inform members of all requests for presentations.
- The Facilitator may provide members or guests making presentations with advice, guidance and constructive suggestions on presentation content and materials if they should choose.

## **9. Reporting Relationship**

The EFWAC is acting in an advisory capacity to the Project Team. The Project Team has a responsibility to report to the Ministry of Environment regarding the activities of the Committee in order to meet the conditions of approval of the

Environmental Assessment. The EFWAC has a communication and correspondence relationship with the Ministry of Environment and the Project Team. All recommendations and comments from the EFWAC will be documented in the minutes and correspondence will be documented in a comment response log and provided to the Ministry as part of the annual report (Condition 8.2 d). A rationale for all decisions made by the Project Team will be provided. A diagram of the reporting structure is provided as Attachment #1.

## **10. EFWAC Dissolution**

The Committee can be dissolved at any time by the members in recognition that there is no need to continue, having fulfilled the Minister's Conditions or upon the decommissioning of the facility.





## Attachment #1 Energy from Waste Committees' Reporting Structure

