

AMENDMENT TO ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 7306-8FDKNX

Notice No. 2

Issue Date: October 24, 2014

The Regional Municipality of Durham
605 Rossland Rd E 5th Floor
Whitby, Ontario
L1N 6A3

and
The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

and

TransRiver Canada Incorporated, as general partner for and on behalf of Covanta Durham
York Renewable Energy Limited Partnership
445 South St
Morristown, New Jersey
USA 07960

Site Location: Durham York Energy Centre
1835 Energy Drive
Clarington Municipality, Regional Municipality of Durham
L1E 2R2

You are hereby notified that I have amended Approval No. 7306-8FDKNX issued on June 28, 2011 for Waste Disposal Site (Incineration), complete with an Energy from Waste Facility and associated equipment, as follows:

1. The address of the Site has been changed to read as follows:

Durham York Energy Centre
1835 Energy Drive
Clarington Municipality, Regional Municipality of Durham
L1E 2R2

2. The following definitions have been added:

"Operator" means any person other than the Regions' employees, authorized by the Regions as having the charge, management or control of any aspect of the Site and includes TransRiver Canada Incorporated, as general partner for and on behalf of Covanta Durham York Renewable Energy Limited Partnership, the partnership under the laws of Nova Scotia more particularly described in the October 6, 2014 letter from Joanna Rosengarten to the Ministry of Environment and Climate Change, and includes its successors and assignees, their successors and assignees;

"Regions" means any person that is responsible for the establishment or operation of the Site being approved by this Approval, and it includes The Regional Municipality of Durham and The Regional Municipality of York, their successors and assignees;

2. The following definition has been amended to read as follows:

"Site" means the property referred to as Durham York Energy Centre where the Owner has located and operates the Facility and the Works and located at 1835 Energy Drive in the Municipality of Clarington, Regional Municipality of Durham;

"Owner" within the context of this Approval, means the Regions and the Operator;

3. The following Conditions have been amended to read as follows:

"General: Change of Ownership" Conditions 1.(14) and 1.(15):

(14) The Regions shall notify the Director in writing, and forward a copy of the notification to the District Manager, within thirty (30) days of the occurrence of any changes:

- (a) the ownership of the Site;
- (b) the operator of the Site;
- (c) the address of the Regions;
- (d) the partners, where the Regions are or at any time become a partnership and a copy of the most recent declaration filed under the *Business Names Act*, R.S.O. 1990, c. B.17, as amended, shall be included in the notification;
- (e) the name of the corporation where the Regions are or at any time become a corporation, other than a municipal corporation, and a copy of the most current information filed under the *Corporations Information Act*, R.S.O. 1990, c. C.39, as amended, shall be included in the notification.

(15) No portion of this Site shall be transferred or encumbered prior to or after closing of the Site unless the Director is notified in advance. In the event of any change in ownership of the Site, other than change to a successor municipality, the Regions shall notify the successor of and provide the successor with a copy of this Approval, and the Regions shall provide a copy of the notification to the District Manager and the Director.

**"Service Area, Approved Waste Types, Rates And Storage: Storage Restrictions"
Condition 2.(5)(e):**

- 2.(5)(e) (i) A maximum of 630 tonnes of the Residual Waste, limited to the bottom ash shall be stored in two (2) dedicated bunkers, located within the confines of the Residue Building, described in the Supporting Documentation.
- (ii) The storage duration of bottom ash in the bunkers is limited to a maximum of seven (7) days.
- (iii) Should additional storage location(s) and a longer storage duration be required during testing, a minimum of forty eight (48) hours before the storage parameters are changed from those approved in Condition 2.(5)(e)(i) and (ii), the Owner shall notify the District Manager, in writing, of the proposed changes and provide the reasons for the changes.

"Site Operations: Residual Waste Handling and Disposal" Condition 4.(5)(b)(iii):

4.(5)(b)(iii) The Owner may use the equipment that comes in contact with the hazardous wastes to handle other wastes provided that prior to such use, the equipment has been cleaned, as confirmed by visual inspections, to ensure the removal of any hazardous waste residues and to prevent cross contamination.

"Closure of the Site" Conditions 18.(1) and 18.(2):

- (1) A minimum of nine (9) months prior to closure of the Site, the Regions shall submit, for approval by the Director, a written Closure Plan for the Site. This Plan shall include, as a minimum, a description of the work that will be done to facilitate closure of the Site and a schedule for completion of that work.
 - (2) Within ten (10) days after closure of the Site, the Regions shall notify the Director and the District Manager, in writing, that the Site is closed and that the approved Closure Plan has been implemented.
4. "Covanta Durham York Renewable Energy Limited Partnership" is replaced with "TransRiver Canada Incorporated, as general partner for and on behalf of Covanta Durham York Renewable Energy Limited Partnership, the partnership under the laws of Nova Scotia more particularly described in the October 6, 2014 letter from Joanna Rosengarten to the Ministry of Environment and Climate Change and includes its successors and assignees", in the Environmental Compliance Approval dated June 28, 2011 and in the Notice of Amendment dated August 12, 2014.
5. The following documents are added to Schedule "A":
- 8. Application for Environmental Compliance Approval Application dated May 23, 2014, signed by Matthew R. Mulcahy, Covanta Durham York Renewable Energy Limited Partnership, Application for Environmental Compliance Approval Application dated May

23, 2014, signed by Cliff Curtis, The Regional Municipality of Durham and Application for Environmental Compliance Approval Application dated May 23, 2014, signed by Laura McDowell, The Regional Municipality of York, including the following attached supporting documentation:

- (a) revised Section 8.0 "Ash Handling and Associated System" and revised Section 10.0 "Potable Process and Wastewater" dated May 2014, of the document entitled "Design and Operations Report", dated March 2011, prepared by Golder Associates Ltd.
 - (b) Drawing No. M-2530, entitled "Piping & Instrumentation Diagram Bottom Ash Lime Slurry System"
 - (c) Drawing No. 70258-1-ME-GA-SK-001, entitled "Covanta Durham York Hydrated Lime System for Boiler Bottom Ash"
9. E-mail dated September 10, 2014 (2:26 p.m.) from Leon Brasowski, Covanta Durham York Renewable Energy Limited Partnership, to Margaret Wojcik, Ontario Ministry of the Environment and Climate Change, providing additional supporting documentation on the proposal, including an attachment entitled "M-1500^0360 Highlighted for MOE.pdf".
 10. E-mail dated October 13, 2014 (3:23 p.m.) from Leon Brasowski, Covanta Durham York Renewable Energy Limited Partnership, to Ricki Allum, Ontario Ministry of the Environment and Climate Change, providing additional supporting documentation on the legal name of the applicant, including an attachment entitled "Partnership Legal Clarification.pdf".

The reasons for this amendment to the Approval are as follows:

to approve the proposed Bottom Ash Lime Conditioning System, to correct the typographical errors in the Notice of Amendment dated August 12, 2014, to clarify the intent of the Residual Waste equipment cleaning condition and to allow different bottom ash storage conditions during testing.

This Notice shall constitute part of the approval issued under Approval No. 7306-8FDKNX dated June 28, 2011, as amended.

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

1. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

Pursuant to subsection 139(3) of the Environmental Protection Act, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and

conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The environmental compliance approval number;
6. The date of the environmental compliance approval;
7. The name of the Director, and;
8. The municipality or municipalities within which the project is to be engaged in.

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

AND

The Director appointed for the purposes of
Part II.1 of the Environmental Protection Act
Ministry of the Environment
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 314-3717 or www.ert.gov.on.ca**

The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.

DATED AT TORONTO this 24th day of October, 2014



Tesfaye Gebrezghi, P.Eng.

Director

appointed for the purposes of Part II.1 of the *Environmental*

MW/

c: District Manager, MOE York-Durham
Leon Brasowski, Covanta Energy Corporation