



Regional Municipality of Durham
Regional Municipality of York

Durham York Energy Centre 2013 Compliance Monitoring Report

EAAB File No.: EA-08-02
Condition 5

Date: November 1, 2013

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1.0 Introduction

1.1 Purpose

The *Durham York Energy Centre 2013 Compliance Monitoring Report* has been prepared in accordance with Condition 5.3 of the Notice of Approval to Proceed with the Undertaking for the Durham and York Residual Waste Study (Ministry of Environment EAB File Number EA-08-02). Annual compliance reports are based on a reporting period ending November 3rd of each year, corresponding to the anniversary date of the Notice of Approval. This is the third annual compliance report covering the period from November 3, 2012 to November 2, 2013.

Annual compliance monitoring reports follow the reporting structure established in the *Durham York Energy Centre Compliance Monitoring Program* submitted to the EAB Director on October 14, 2011 in accordance with Condition 4.1 of the Notice of Approval. As outlined in the Compliance Monitoring Program, the Annual Report consists of the following three parts.

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| Appendix A | EA Notice of Approval Compliance Table | Documents the proponent's progress on requirements of EA Notice of Approval |
| Appendix B | EA Study Document Compliance Table | Documents the proponent's progress on commitments made in the EA study document |
| Appendix C | Advisory Committee Annual Report | Provides a report on activities of the Advisory Committee during the reporting period as required by Condition 8.2 of the Notice of Approval |

1.2 Background

The Durham York Energy Centre is an energy from waste facility that is currently under construction in the Municipality of Clarington, Ontario. Owned by the Regional Municipality of Durham and the Regional Municipality of York ("the Regions"), the facility will process up to 140,000 tonnes of solid, non-hazardous, municipal solid waste per year. Heat generated by waste combustion will be used to generate electricity and steam. Recyclable metals will also be recovered from the ash. The facility will be designed, built, and operated by Covanta Energy Limited. The facility was approved under the *Environmental Assessment Act* by the Minister of the Environment and the Lieutenant Governor in Council on November 3, 2010. A multi-media Certificate of Approval for waste, air and noise, and stormwater was issued on June 28, 2011 (#7306-8FDKNX). Facility construction commenced in January 2012 and it is anticipated that commissioning will be completed by September 2014.

Appendix A

EA Notice of Approval Compliance Table

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| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
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| 1. | Definitions | | | |
| | N/A | N/A | N/A | N/A |
| 2. | General Requirements | | | |
| 2.1 | The proponent shall comply with the provisions in the environmental assessment which are hereby incorporated in this Notice of Approval by reference except as provided in these conditions and as provided in any other approval or permit that may be issued for the site or the undertaking. | <ul style="list-style-type: none"> Ongoing | N/A | Ongoing |
| 2.2 | These conditions do not prevent more restrictive conditions being imposed under other statutes. | <ul style="list-style-type: none"> Agreed | N/A | Ongoing |
| 2.3 | A statement must accompany the submission of any documents, reporting requirements or written notices required by this Notice of Approval to be submitted to the Director or Regional Director identifying which conditions the submission is intended to address in this Notice of Approval. | <ul style="list-style-type: none"> Ongoing | N/A | Ongoing |
| 3. | Public Record | | | |
| 3.1 | Where a document, plan or report is required to be submitted to the ministry, the proponent shall provide two copies of the final document, plan or report to the Director: a copy for filing in the specific public record file maintained for the undertaking and a copy for staff use. | <ul style="list-style-type: none"> Required by Condition 16 (1) of the Certificate of Approval | N/A | Ongoing |
| 3.2 | The proponent shall provide additional copies of the documents required for the public record file to the following for access by the public: <ul style="list-style-type: none"> a) Regional Director; b) District Manager; c) Clerks of the Regional Municipality of Durham, the Regional Municipality of York, and the Municipality of Clarington; and, d) Advisory Committee (as required in Condition 8 of this Notice of Approval). | <ul style="list-style-type: none"> Ongoing | N/A | Ongoing |
| 3.3 | The EAAB file number EA-08-02 shall be quoted on all documents submitted by the proponent pursuant to this Condition. | <ul style="list-style-type: none"> Ongoing | N/A | Ongoing |
| 4. | Compliance Monitoring Program | | | |
| 4.1 | The proponent shall prepare and submit to the Director a Compliance Monitoring Program outlining how it will comply with conditions in the Notice of Approval and other commitments made in the environmental assessment | <ul style="list-style-type: none"> The Compliance Monitoring Program was submitted to the Director and Advisory Committee via letter dated October 14, 2011. | October 2011 | Yes |
| 4.2 | A statement shall accompany the submission of the Compliance Monitoring Program indicating that the submission is intended to fulfil | <ul style="list-style-type: none"> See Section 1.1 of the Compliance Monitoring Program | October 2011 | Yes |

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| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
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| | Condition 4 of this Notice of Approval. | | | |
| 4.3 | The Compliance Monitoring Program shall be submitted within one year from the date of approval, or a minimum of 60 days prior to the start of construction, whichever is earlier. | <ul style="list-style-type: none"> The Compliance Monitoring Program was submitted on October 14, 2011. This is within one year of November 3, 2010 approval date. The October 14, 2011 submission date is more than 60 days prior to the start of construction in January 2012 | October 2011 | Yes |
| 4.4 | The Compliance Monitoring Program shall describe how the proponent will monitor its fulfilment of the provisions of the environmental assessment pertaining to the mitigation measures, public consultation, and additional studies and work to be carried out; the fulfilment of all other commitments made by the proponent during the environmental assessment process; and the conditions included in this Notice of Approval. | <ul style="list-style-type: none"> Progress will be tracked on the compliance tables provided in Appendix A and Appendix B | October 2011 | Yes |
| 4.5 | The Compliance Monitoring Program shall contain an implementation schedule. | <ul style="list-style-type: none"> See next column | October 2011 | Yes |
| 4.6 | The Director may require amendments to the Compliance Monitoring Program, including the implementation schedule. If any amendments are required by the Director, the Director will notify the proponent of the required amendments in writing. | <ul style="list-style-type: none"> Agreed | N/A | Ongoing |
| 4.7 | The proponent shall implement the Compliance Monitoring Program, as it may be amended by the Director. | <ul style="list-style-type: none"> Agreed | N/A | Ongoing |
| 4.8 | The proponent shall make the documentation pertaining to the Compliance Monitoring Program available to the ministry or its designate in a timely manner when requested to do so by the ministry. | <ul style="list-style-type: none"> Required by Condition 14 (1) of the Certificate of Approval | N/A | Ongoing |
| 5. | Compliance Reporting | | | |
| 5.1 | The proponent shall prepare an annual Compliance Report which describes its compliance with the conditions of approval set out in this Notice of Approval and which describes the results of the proponent's environmental assessment Compliance Monitoring Program required by Condition 4. | <ul style="list-style-type: none"> This annual report is the third annual submission in accordance with this condition | November 3, 2011 and annually thereafter | Ongoing |
| 5.2 | The annual Compliance Report shall be submitted to the Director within one year from the date of approval, with the first report being due in 2011, and shall cover all activities of the previous 12 month period. | <ul style="list-style-type: none"> This annual report is the third annual submission in accordance with this condition | November 3, 2011 and annually thereafter | Ongoing |
| 5.3 | Subsequent compliance reports shall be submitted to the Director on or before the anniversary of the date of approval each year thereafter. Each Compliance Report shall cover all activities of the previous 12 month period. | <ul style="list-style-type: none"> This annual report is the third annual submission in accordance with this condition | November 3, 2011 and annually thereafter | Ongoing |
| 5.4 | The proponent shall submit annual Compliance Reports until all conditions | <ul style="list-style-type: none"> Agreed | Ongoing | Ongoing |

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| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
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| | in this Notice of Approval and the commitments in the environmental assessment are satisfied. | | | |
| 5.5 | Once all conditions in this Notice of Approval have been satisfied, or have been incorporated into any other ministry approval, the proponent shall indicate in its annual Compliance Report that the Compliance Report is its final Compliance Report and that all conditions in this Notice of Approval have been satisfied. | <ul style="list-style-type: none"> Agreed | Ongoing | Ongoing |
| 5.6 | The proponent shall retain either on site or in another location approved by the Director, a copy of each of the annual Compliance Reports and any associated documentation of compliance monitoring activities. | <ul style="list-style-type: none"> Reports to be retained on site. See Section 1.3 of the Compliance Monitoring Program. Required by Condition 14(2) of the Certificate of Approval | Ongoing | Ongoing |
| 5.7 | The proponent shall make the Compliance Reports and associated documentation available to the ministry or its designate in a timely manner when requested to do so by the ministry. | <ul style="list-style-type: none"> Agreed Required by Condition 14(1) of the Certificate of Approval | Ongoing | Ongoing |
| 6. | Complaint Protocol | | | |
| 6.1 | The proponent shall prepare and implement a Complaint Protocol setting out how it will deal with and respond to inquiries and complaints received during the design, construction and operation of the undertaking. | <ul style="list-style-type: none"> Protocol submitted to the Director via letter dated March 10, 2011. Director requested minor modifications to protocol in letter dated March 25, 2011 Revised protocol approved by the Director via letter dated July 13, 2011 | March 10, 2011 | Yes |
| 6.2 | The Complaint Protocol shall be provided to the advisory committee for review prior to submission to the Director. | <ul style="list-style-type: none"> Protocol was reviewed by the Advisory Committee on January 20, 2011 and revised based on comments received by January 31, 2011. | January 20, 2011 | Yes |
| 6.3 | The proponent shall submit the Complaint Protocol to the Director within one year from the date of approval or a minimum of 60 days prior to the start of construction, whichever is earlier. | <ul style="list-style-type: none"> Protocol was submitted within one year of the November 3, 2010 date of approval. March 10, 2011 submission date is more than 60 days prior to the start of construction in January 2012. | March 10, 2011 | Yes |
| 6.4 | The Director may require the proponent to amend the Complaint Protocol at any time. Should an amendment be required, the Director will notify the proponent in writing of the required amendment and date by which the amendment must be completed. | <ul style="list-style-type: none"> Agreed | Ongoing | Ongoing |
| 6.5 | The proponent shall submit the amended Complaint Protocol to the Director within the time period specified by the Director in the notice. | <ul style="list-style-type: none"> Agreed | Ongoing | Ongoing |
| 7. | Community Involvement | | | |
| 7.1 | The proponent shall prepare and implement a Community Communications Plan. The plan shall be prepared in consultation with the | <ul style="list-style-type: none"> Regions submitted a final plan via letter dated September 18, 2013. This plan has been submitted prior to receipt of waste. | September 18, 2013 | Yes |

| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|---------------|--|---|--|-----------|
| | EAAB and to the satisfaction of the Director. | <ul style="list-style-type: none"> The Community Communications Plan was approved by the Director via letter dated September 30, 2013. | | |
| 7.2 | The proponent shall finalize and submit the Community Communications Plan to the Director prior to the initial receipt of non-hazardous municipal solid waste at the site. | <ul style="list-style-type: none"> Regions submitted a final plan via letter dated September 18, 2013. This plan has been submitted prior to receipt of waste. | September 18, 2013. | Yes |
| 7.3 | <p>The Community Communications Plan shall include at a minimum details on:</p> <p>a) How the proponent plans to disseminate information to interested members of the public and any Aboriginal communities;</p> <p>b) How interested members of the public and any Aboriginal communities will be notified and kept informed about site operations; and,</p> <p>c) The procedures for keeping interested members of the public and Aboriginal communities informed about information on documents related to the undertaking, and when and how the information will be made available.</p> | <ul style="list-style-type: none"> Completed. | September 18, 2013. | Yes |
| 7.4 | <p>The proponent shall give notice of and provide information about the undertaking to interested members of the public and Aboriginal communities through an internet web site and by other means. Such information shall include:</p> <p>a) Activities that are part of the undertaking, including monitoring activities;</p> <p>b) Reports and records related to the undertaking that are required to be submitted under this Notice of Approval or under any other ministry approvals that apply to the undertaking; and,</p> <p>c) Information on the Complaint Protocol required by Condition 6 of this Notice of Approval.</p> | <ul style="list-style-type: none"> Web site is currently operational http://www.durhamyorkwaste.ca Documents posted on the website currently include, but are not limited to, the Complaint Protocol, Certificate of Approval, Archived EA documentation, Groundwater and Surface Water Monitoring Plan, Soil Monitoring Plan, Ambient Air Monitoring Plan, Emissions Monitoring Plan, Noise Monitoring Plan, Odour Management and Mitigation Plan, Compliance Monitoring Plan, Community Communications Plan, Waste Diversion Program Monitoring Plan, Third Party Audit Plan, Draft Spill Contingency and Emergency Response Plan, Advisory Committee advertisements, agendas, and minutes, and annual monitoring reports prepared in accordance with the approved monitoring plans. Additional information will be posted as it becomes available | Ongoing | Ongoing |
| 7.5 | <p>The proponent shall hold public meetings to discuss the design, construction and operation of the undertaking, including, but not limited to:</p> <p>a) At least one meeting prior to the start of construction;</p> <p>b) At least one meeting prior to the receipt of non-hazardous municipal solid waste on site; and,</p> <p>c) At least one meeting a minimum of six months but not later than 12 months after the initial receipt of non-hazardous municipal solid waste on the site.</p> | <ul style="list-style-type: none"> Pre-construction public meeting was held at the Durham Regional Offices on December 7, 2011 from 5:00 pm to 6:30 pm. Anticipated timing of public meeting prior to receipt of waste is spring 2014. Anticipated timing of public meeting after receipt of waste is January 2015. Proposed timing assumes that "initial receipt of non-hazardous municipal solid waste on site" includes waste received for commissioning and testing purposes but prior to full scale operation. | December 2011, April 2014 January 2015 | Ongoing |

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| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|---------------|---|---|--|-----------|
| 7.6 | The proponent shall provide notice of the public meetings a minimum of 15 days prior to the meeting. | <ul style="list-style-type: none"> Meeting notices for the December 2011 pre-construction meeting were advertised in local newspapers during the week of November 14, 2011 and also posted on the project website. Meeting notices will be posted in local newspapers and on the project website at least 15 days prior to future meeting dates | November 2011 March 2014 December 2014 | Ongoing |
| 7.7 | The proponent shall give the Director written notice of the time, date and location of each of the required community meetings a minimum of 15 days prior to the meeting. | <ul style="list-style-type: none"> The MOE Environmental Approvals Branch and District Office received an invitation to the December 7, 2011 pre-construction meeting on November 18, The MOE will receive an invitation at least 15 days prior to future meetings. | November 2011 March 2014 December 2014 | Ongoing |
| 8. | Advisory Committee | | | |
| 8.1 | The proponent shall establish an advisory committee to ensure that concerns about the design, construction and operation of the undertaking are considered and mitigation measures are implemented where appropriate. | <ul style="list-style-type: none"> Complete | January 20, 2011 | Yes |
| 8.2 | The proponent shall provide administrative support for the advisory committee including, at a minimum: a) Providing a meeting space for advisory committee meetings; b) Recording and distributing minutes of each meeting; c) Preparing and distributing meeting notices; and, d) Preparing an annual report about the advisory committee's activities to be submitted as part of the Compliance Reports required by Condition 5 of this Notice of Approval. | <ul style="list-style-type: none"> Agreed Meeting minutes and related correspondence are posted on the project website. Annual report on advisory committee activities is included as Appendix C of this report. | Ongoing | Ongoing |
| 8.3 | The proponent shall invite one representative from each of the following to participate on the advisory committee: a) Each of the lower tier municipalities in the Regional Municipality of Durham; and, b) Each of the lower tier municipalities in the Regional Municipality of York. | <ul style="list-style-type: none"> Letters of invitation dated December 15, 2010 were sent to all listed municipalities | December 15, 2010 | Yes |
| 8.4 | The proponent shall invite one representative from Central Lake Ontario Conservation Authority, and any other local conservation authorities that may have an interest in the undertaking to participate on the advisory committee. | <ul style="list-style-type: none"> Letter of invitation dated December 15, 2010 was sent to Central Lake Ontario Conservation Authority | December 15, 2010 | Yes |
| 8.5 | The proponent shall invite one representative from each of the following local community groups to participate on the advisory committee: a) DurhamCLEAR; b) Durham Environmental Watch | <ul style="list-style-type: none"> Letters of invitation dated December 15, 2010 were sent to all listed local community groups. | December 15, 2010 | Yes |

| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
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| | c) Zero Waste 4 Zero Burning | | | |
| 8.6 | The proponent may also invite other stakeholders to participate in the advisory committee, including but not limited to, interested members of the public, Aboriginal communities, and other federal or provincial agencies. | <ul style="list-style-type: none"> Letters of invitation dated December 15, 2010 were sent to Durham Region Health Department and York Region Public Health Services. Aboriginal communities received separate invitation to participate in other consultation activities. See Condition 9.1 | December 15, 2010 | Yes |
| 8.7 | A representative from the ministry shall be invited to attend meetings as an observer. | <ul style="list-style-type: none"> Letters of invitation dated December 15, 2010 were sent to MOE District Manager. | December 15, 2010 | Yes |
| 8.8 | <p>The advisory committee shall be provided with a copy of the documents listed below for information and may review the documents as appropriate and provide comments to the proponent about the documents, including the:</p> <ul style="list-style-type: none"> 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 and the results of the ambient air monitoring program 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 as required by Condition 19; l) Groundwater and Surface Water Monitoring Plan, the results of the groundwater and surface water monitoring program, and the annual report on the results of the groundwater and surface water monitoring program required by Condition 20; and, m) Notice in writing of the date that municipal solid waste is first received as required by Condition 23. | <p>Advisory Committee has reviewed and provided comments where applicable to the following documents:</p> <ul style="list-style-type: none"> Advisory Committee Terms of Reference Compliance Monitoring Plan 2011, 2012, 2013 Annual Compliance Reports Complaint Protocol Community Communications Plan 2011, 2012, 2013 Annual Waste Diversion Reports Ambient Air Quality Monitoring Plan Air Emissions Monitoring and Reporting Plan Odour Management and Mitigation Plan Noise Monitoring and Reporting Plan Groundwater and Surface water Monitoring Plan Soil Testing Plan Third Party Auditor's Reports prepared by a qualified professional as required by Condition 16.5 Spill Contingency and Emergency Response Plan <p>The following documents are to be provided as they are prepared:</p> <ul style="list-style-type: none"> Notice in writing of the date that municipal solid waste is first received as required by Condition 23. Future third party auditor's reports, waste diversion reports, environmental monitoring reports, compliance monitoring reports, and the annual facility operations report as required by Condition 15(1) of the Certificate of Approval. | Ongoing | Ongoing |
| 8.9 | The proponent shall hold the first advisory committee meeting within three months of the date of approval. At the first meeting, the advisory committee shall develop a Terms of Reference outlining the governance and function of the advisory committee. | <ul style="list-style-type: none"> First meeting held January 20, 2011 was within three months of November 3, 2010 date of approval Draft Terms of Reference were reviewed by the Committee and | January 20, 2011 | Yes |

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| | | revised based on comments received both at the meeting or submitted in writing by February 14, 2011. | | |
| 8.10 | The Terms of Reference shall, at minimum, include: a) Roles and responsibilities of the advisory committee members; b) Frequency of meetings; c) Member code of conduct; d) Protocol for dissemination and review of information including timing; and, e) Protocol for dissolution of the advisory committee. | <ul style="list-style-type: none"> Terms of Reference submitted to MOE via letter dated February 18, 2011. Terms of Reference approved via letter from the Director dated March 3, 2011. | February 18, 2011 | Yes |
| 8.11 | The proponent shall submit the advisory committee's Terms of Reference to the Director and Regional Director. | <ul style="list-style-type: none"> Terms of Reference submitted to MOE via letter dated February 18, 2011. Terms of Reference approved via letter from the Director dated March 4, 2011. | February 18, 2011 | Yes |
| 9. | Consultation With Aboriginal Communities | | | |
| 9.1 | The proponent shall continue to consult with any interested Aboriginal communities during the detailed design and implementation of the undertaking. | <ul style="list-style-type: none"> Letters dated March 14, 2011 were sent to 22 Aboriginal communities inviting them to meet with the project team to discuss future consultation efforts. Letters dated October 26, 2012 to Aboriginal Communities identified in the EA to advise of project updates and the project website as a resource for continuous updates. The MOE EAB Director, Regional Director, and Approvals Program Director were copied on all correspondence to Aboriginal Communities. | Ongoing | Ongoing |
| 10. | Waste Diversion | | | |
| 10.1 | The proponent shall make a reasonable effort to work cooperatively with all lower tier municipalities to ensure that waste diversion programs, policies and targets set by the Regional Municipalities are being met. | <ul style="list-style-type: none"> Both Regions continue to work with local municipalities to improve waste diversion and report waste diversion statistics to Waste Diversion Ontario annually. | Ongoing | Ongoing |
| 10.2 | The proponent shall prepare and implement a Waste Diversion Program Monitoring Plan. | <ul style="list-style-type: none"> Waste Diversion Program Monitoring Plans for Durham Region and York Region were submitted to the EAB Director and Regional Director on October 21, 2011. The EAB Director approved the Waste Diversion Program Monitoring Plans via letter dated November 25, 2011. | October 21, 2011 | Yes |
| 10.3 | The Waste Diversion Program Monitoring Plan shall provide a description of monitoring and reporting which shall at minimum include: a) Results of at source diversion programs and policies to determine the | <ul style="list-style-type: none"> Completed | October 21, 2011 | Yes |

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| | waste diversion rates and practices at both the regional and lower tier municipal level within the Regional Municipalities of Durham and York. b) Progress in the diversion programs, policies, practices and targets described in the environmental assessment, at both the regional and lower tier municipal level within the Regional Municipalities of Durham and York. c) Monitoring results for any additional diversion programs, policies, practices and targets carried out within the Regional Municipalities of Durham and York, which are not described in the environmental assessment. | | | |
| 10.4 | The proponent shall prepare and submit to the Director and Regional Director, commencing one year after the approval of the undertaking, annual reports detailing the results of the Waste Diversion Program Monitoring Plan. | <ul style="list-style-type: none"> Third annual monitoring reports have been submitted to the Director and Regional Director. Future monitoring reports to be submitted by November 3rd of each successive year. | Ongoing | Ongoing |
| 10.5 | The proponent shall post the Waste Diversion Program Monitoring Plan and the annual reports required on the proponent's web site for the undertaking. | <ul style="list-style-type: none"> The Waste Diversion Monitoring Plan and annual reports for Durham and York Regions are posted on the project website at: http://www.durhamyorkwaste.ca/project/project_doc.htm#a19 | Ongoing | Ongoing |
| 11. | Ambient Air Monitoring and Reporting | | | |
| 11.1 | The proponent shall prepare, in consultation with the ministry's Central Region Office and to the satisfaction of the Regional Director, an Ambient Air Monitoring and Reporting Plan for the undertaking. | <ul style="list-style-type: none"> Final Plan submitted to the Regional Director August 31, 2011 Consultation activities described under Condition 11.3 MOE Approval via letter dated May 30, 2012 MOE Approval of monitoring locations via letter dated June 5, 2012. | August 31, 2011 | Yes |
| 11.2 | The proponent shall submit the Ambient Air Monitoring and Reporting Plan to the Director and Regional Director a minimum of nine months prior to the start of construction or by such other date as agreed to in writing by the Regional Director. | <ul style="list-style-type: none"> Submission deadline revised to August 31, 2011 via letter from the Director dated June 30, 2011. Submitted August 31, 2011 | August 31, 2011 | Yes |
| 11.3 | The proponent shall establish a working group that will provide advice on the development of the Ambient Air Monitoring and Reporting Plan. The Regions will, at a minimum, extend an invitation to Health Canada, the Durham Region Health Department, York Region Public Health Services, one participant from the advisory committee, and any other relevant federal or provincial government agencies including the ministry. | <ul style="list-style-type: none"> Letters of invitation dated March 16, 2011 were sent to all listed working group participants with copies to the Director and Regional Director. Two participants were appointed by the Advisory Committee. Health Canada declined to participate. At Health Canada's suggestion, a representative from the Ontario Ministry of Health participated instead. First working group meeting occurred on April 28, 2011. Monitoring plan was revised based on comments received from the working group and circulated for comments to the MOE Central | March 16, 2011 | Yes |

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|---------------|---|---|--|-----------|
| | | Region Office, the Ambient Air Monitoring Working Group, and the Advisory Committee on July 7, 2011. The monitoring plan was revised based on comments received by August 15, 2011. <ul style="list-style-type: none"> The Final Monitoring Plan was submitted to the Regional Director on August 31, 2011. | | |
| 11.4 | The Ambient Air Monitoring and Reporting Plan shall include at minimum: a) An ambient air monitoring program which includes an appropriate number of sampling locations. Siting of the sampling locations shall be done in accordance with the Ministry of the Environment's Operations Manual for Air Quality Monitoring in Ontario, March 2008, as amended from time to time; b) The proposed start date for and frequency of the ambient air monitoring and reporting to be carried out; c) The contaminants that shall be monitored as part of the Ambient Air Monitoring and Reporting Plan; and, d) At least one meeting on an annual basis between the proponent and the Regional Director to discuss the plan, the results of the ambient air monitoring program and any changes that are required to be made to the plan by the Regional Director. | <ul style="list-style-type: none"> The submitted document meets these requirements. | May 30, 2012 | Yes |
| 11.5 | The proponent shall implement the ambient air monitoring program prior to the receipt of non-hazardous municipal solid waste on the site or at such other time that may be determined by the Regional Director and communicated to the proponent in writing and shall continue the monitoring until such time as the Regional Director notifies the proponent in writing that the Ambient Air Monitoring Program is no longer required. | <ul style="list-style-type: none"> Agreed Submitted plan includes monitoring of ambient air for one year prior to facility commissioning to establish background concentrations. Ambient Air monitoring commenced in April 2013. | Ongoing | Yes |
| 11.6 | The Regional Director may require changes to be made to the Ambient Air Monitoring and Report Plan and the proponents shall implement the plan in accordance with the required changes. | <ul style="list-style-type: none"> Agreed | Ongoing | Ongoing |
| 11.7 | The proponent shall report the results of the ambient air monitoring program to the Regional Director in accordance with the Ambient Air Monitoring and Reporting Plan. | <ul style="list-style-type: none"> Agreed In accordance with C of A Condition 7(4)(c) ambient air results will be posted to the website upon submission to the MOE Regional Director. | Ongoing | Ongoing |
| 11.8 | Audits will be conducted by the ministry, as outlined in the Ministry of the Environment's Audit Manual for Air Quality Monitoring in Ontario, March 2008 to confirm that siting and performance criteria outlined in the Operations Manual are met. The proponent shall implement any recommendations set out in the audit report regarding siting of the sampling locations and performance criteria. The proponent shall | <ul style="list-style-type: none"> The monitoring program was written with reference to the MOE Audit Manual On July 31, 2013 the Ministry of the Environment, Central Region, Technical Support Section conducted performance and site audits of the ambient air monitoring stations. All continuous ambient air monitors passed the performance and site | Ongoing | Yes |

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|---------------|---|---|--|-----------|
| | implement the recommendations in the audit report within three months of the receipt of an audit report from the ministry. | audits and calibrations met all current Ministry criteria. | | |
| 11.9 | The proponent shall post the Ambient Air Monitoring and Reporting Plan and the results of the ambient air monitoring program on the proponent's web site for the undertaking upon submission of the plan or results of the program to the ministry. | <ul style="list-style-type: none"> The Ambient Air Monitoring and Reporting Plan has been posted on the website. Ambient Air Monitoring Reports will be posted to the website as they are completed. | Ongoing | Ongoing |
| 12. | Emissions Monitoring | | | |
| 12.1 | The proponent shall install, operate and maintain air emissions monitoring systems that will record the concentrations of the contaminants arising from the incineration of waste. | <ul style="list-style-type: none"> Requirement of Certificate of Approval Condition 7(2) | Ongoing | Ongoing |
| 12.2 | The air emissions monitoring systems shall be installed and operational prior to the receipt of non-hazardous municipal solid waste at the site. | <ul style="list-style-type: none"> Requirement of Certificate of Approval Condition 7(2) Contract requires Covanta to submit a start up procedure and schedule at least 90 days prior to start-up operations. The schedule should outline major equipment original operation dates and the contractor's best estimate as to the amount of waste required to support start-up operations activities. Following the start-up and phasing-in of all the process operating equipment of the facility, and before acceptance testing, all key processes and temporary instrumentation and controls required for testing and documentation will be calibrated by technicians provided by the DBO contractor, sub-contractors or suppliers. The testing of all emission and operating parameters will be in accordance with requirements established by the CofA and MOE anytime during the 30 day reliability test. The CEMS shall be certified and used to demonstrate continuous compliance during the test period with all CEMS emission parameters. (Appendix 10, Table A10-1 of the PA) | Prior to start of commissioning (~May 2014) | No |
| 12.3 | The proponent shall prepare and implement an Air Emissions Monitoring Plan. The Plan shall be prepared, in consultation with the ministry and to the satisfaction of the Director. | <ul style="list-style-type: none"> Air Emissions Monitoring Plan submitted for comments to the MOE and to the Advisory Committee via letter dated July 23, 2011. Final plan incorporating comments from MOE and Advisory Committee submitted via letter dated August 31, 2011 MOE provided comments via letter dated August 21, 2012. Regions and Covanta revised the Air Emissions Monitoring Plan on October 5, 2012, November 8, 2012, and February 11, 2013 to address comments from the MOE. The Air Emissions Monitoring Plan was approved by the MOE Director via letter dated April 9, 2013. | August 31, 2011 | Yes |

| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|---------------|--|---|--|-----------|
| 12.4 | The Air Emissions Monitoring Plan shall include, at a minimum: a) Identification of all sources of air emissions at the site to be monitored; b) Identification of which contaminants will be monitored by continuous emissions monitoring and which by stack testing; c) The proposed start date for and frequency of air emissions monitoring; d) The frequency of and format for reporting the results of air emissions monitoring; e) The contaminants that shall be monitored, which shall include at a minimum those contaminants set out in Schedule 1 to this Notice of Approval; and, f) A notification, investigation and reporting protocol to be used in the event that the concentration(s) of one or more of the contaminants released from an emission source that requires approval under Section 9 of the <i>Environmental Protection Act</i> exceeded the relevant limits. | <ul style="list-style-type: none"> Completed. | August 31, 2011 | Yes |
| 12.5 | The proponent shall submit the Air Emissions Monitoring Plan to the Director, a minimum of six months prior to the start of construction or by such other date as agreed to in writing by the Director. | <ul style="list-style-type: none"> Director revised submission deadline to August 31, 2011 via letter dated June 30, 2011. Plan submitted August 31, 2011 | August 31, 2011 | Yes |
| 12.6 | The proponent shall implement the Air Emissions Monitoring Plan such that the monitoring commences when the first discharges are emitted from the facility to the air or at such other time as the Director may agree to in writing and shall continue until such time as the Director notifies the proponent in writing that the Air Emissions Monitoring Plan is no longer required. | <ul style="list-style-type: none"> Agreed | Commissioning and Operating Periods | No |
| 12.7 | The proponent shall post the reports of the air emissions monitoring systems on the proponent's web site for the undertaking. | <ul style="list-style-type: none"> Required by Condition 16 (1) (a) of the Certificate of Approval Web site is operational www.durhamyorkwaste.ca No emissions to report until commissioning | Commissioning and Operating Periods | No |
| 12.8 | For those contaminants that are monitored on a continuous basis, the proponent shall post on the proponent's website for the undertaking the results of the monitoring for each of those contaminants in real time. | <ul style="list-style-type: none"> No emissions to report until commissioning Required by Condition 16 (2) | Commissioning and Operating Periods | No |
| 13. | Air Emissions Operational Requirements | | | |
| 13.1 | The proponent is expected to operate the undertaking in accordance with Schedule 1 of the Notice of Approval. If the facility is not operating in accordance with Schedule 1, the operator is required to take steps to bring | <ul style="list-style-type: none"> Agreed | Commissioning and Operating Periods | No |

| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|---------------|--|---|--|-----------|
| | the facility back within these operational requirements. | | | |
| 13.2 | Schedule 1 sets out the operational requirements the ministry expects the facility to meet during the normal operating conditions of the facility when operating under a steady state but does not include start up, shut down, or malfunction. | <ul style="list-style-type: none"> Agreed | Commissioning and Operating Periods | No |
| 13.3 | The timing and frequency of monitoring for a contaminant in Schedule 1 shall be as required by the approval granted to the facility under the <i>Environmental Protection Act</i> , should approval be granted. | <ul style="list-style-type: none"> Timing and frequency will be in accordance with Schedule C of the Certificate of Approval. | Commissioning and Operating Periods | No |
| 14. | Daily Site Inspection | | | |
| 14.1 | <p>The proponent shall conduct a daily site inspection of the site including the non-hazardous municipal solid waste received at the site, each day the undertaking is in operation to confirm that:</p> <ul style="list-style-type: none"> a) The site is secure; b) The operation of the undertaking is not causing any nuisance impacts; c) The operation of the undertaking is not causing any adverse effects on the environment; d) The undertaking is being operated in compliance with the conditions in this Notice of Approval and any other ministry approvals issued for the undertaking; and, e) Only non-hazardous waste is being received at the site. | <ul style="list-style-type: none"> Agreed See Certificate of Approval Conditions 3 (6), 3 (7), 3 (8), 5 (5), 14 (3), and 14 (5) | Commissioning and Operating Periods | No |
| 14.2 | If, as a result of the daily inspection, any deficiencies are noted by the employee in regard to the factors set out in Condition 14.1 above, the deficiency shall be remedied immediately by the proponent. If necessary to remedy the deficiency, the proponent shall cease operations at the site until the deficiency has been remedied. | <ul style="list-style-type: none"> Agreed See Certificate of Approval Conditions 5 (5), 14 (3), and 14 (5) | Commissioning and Operating Periods | No |
| 14.3 | <p>A record of the daily inspections shall be kept in the daily log book required in Condition 15. The information below must be recorded in the daily log book by the person completing the inspection and includes the following information:</p> <ul style="list-style-type: none"> a) The name and signature of the person that conducted the daily inspection; b) The date and time of the daily inspection; c) A list of any deficiencies discovered during the daily inspection; d) Any recommendations for action; and, e) The date, time, and description of actions taken. | <ul style="list-style-type: none"> Agreed See Certificate of Approval Conditions 5 (5), 14 (3), and 14 (5) | Commissioning and Operating Periods | No |
| 14.4 | The proponent shall retain either on site or in another location approved by the District Manager, a copy of the daily log book and any associated | <ul style="list-style-type: none"> Agreed See Certificate of Approval Conditions 5 (5), 14 (3), and 14 (5) | Commissioning and Operating Periods | No |

| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
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| | documentation regarding the daily site inspections. | <ul style="list-style-type: none"> Required by Condition 14 (2) of the Certificate of Approval | | |
| 15. | Daily Record Keeping | | | |
| 15.1 | <p>The proponent shall maintain a written daily log which shall include the following information:</p> <ul style="list-style-type: none"> a) Date; b) Types, quantities, and source of non-hazardous municipal solid waste received; c) Quantity of unprocessed, processed and residual non-hazardous municipal solid waste on the site; d) Quantities and destination of each type of residual material shipped from the site; e) The record of daily site inspections required to be maintained by Condition 14.3; f) A record of any spills or process upsets at the site, the nature of the spill or process upset and the action taken for the clean up or correction of the spill or process upset, the time and date of the spill or process upset, and for spills, the time that the ministry and other persons were notified of the spill pursuant to the reporting requirements of the <i>Environmental Protection Act</i>; g) A record of any waste that was refused at the site, including: amounts, reasons for refusal and actions taken; and, h) The name and signature of the person completing the report. | <ul style="list-style-type: none"> Agreed See Certificate of Approval Conditions 5 (5), 14 (3), and 14 (5) | Commissioning and Operating Periods | No |
| 15.2 | The proponent shall retain, either on site or in another location approved by the District manager, a copy of the daily log book and any associated documentation. | <ul style="list-style-type: none"> Agreed See Certificate of Approval Conditions 5 (5), 14 (3), and 14 (5) | Commissioning and Operating Periods | No |
| 15.3 | The proponent shall make the daily log book and any associated documentation available to the ministry or its designate in a timely manner when requested to do so by the ministry. | <ul style="list-style-type: none"> Agreed Required by Condition 14(1) of the Certificate of Approval | Commissioning and Operating Periods | No |
| 16. | Third Party Audits | | | |
| 16.1 | The proponent shall retain the services of a Qualified, Independent Professional Engineer to carry out an independent audit of the undertaking. | <ul style="list-style-type: none"> Selection of auditor during the construction phase of the project was approved by the Director and Regional Director via letter dated December 8, 2011. | December 8, , 2011 | Yes |
| 16.2 | Within six months from the date of approval or other such date as agreed to in writing by the Regional Director, the proponent shall submit to the Director and the Regional Director, the name of the Qualified, Independent Professional Engineer and the name of the company where he/she is employed. | <ul style="list-style-type: none"> Deadline to submit name of auditor revised to September 30, 2011 via letter from the Director and Regional Director dated June 30, 2011. Deadline to submit name of external auditor extended to 30 days prior to the commencement of construction to allow for the ministry's | November 16, 2011 | Yes |

| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|---------------|--|---|--|-----------|
| | | <p>comment on the draft audit plan via letter from the MOE Director and Regional Director dated September 30, 2011.</p> <ul style="list-style-type: none"> Regions submitted name of construction-phase auditor on November 16, 2011, more than 30 days prior to commencement of construction in January 2012. Regions to submit name of auditor for acceptance testing phase at least six months prior to commencement of acceptance testing in accordance with approved audit plan. Regions have submitted name of acceptance testing phase auditor via letter dated September 18, 2013. Regions to submit name of auditor for operations phase at least six months prior to receipt of waste in accordance with approved audit plan. | | |
| 16.3 | The proponent shall submit an audit plan to the satisfaction of the Regional Director that sets out the timing of and frequency for the audits, as well as the manner in which the audits are to be carried out. | <ul style="list-style-type: none"> Construction Phase Audit Plan approved by the Regional Director and Regional Director via letter dated December 8, 2011. Regions to submit audit plan for acceptance testing phase at least 6 months prior to commencement of acceptance testing in accordance with approved audit plan. Regions have submitted audit plan for acceptance testing phase via letter dated September 18, 2013. Regions to submit operations phase audit plan at least 6 months prior to commencement of operations in accordance with approved audit plan. Regions have submitted operations phase audit plan via letter dated October 1, 2013. | December 8, 2011 | Ongoing |
| 16.4 | <p>The audit shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> A detailed walkthrough of the entire site; A review of all operations used in connection with the undertaking; and, A detailed review of all records required to be kept by this Notice of Approval or under any other ministry approvals for the undertaking. The proponent shall obtain from the Qualified, Independent Professional Engineer, a written report of the audit prepared and signed by the Qualified, Independent Professional Engineer that summarizes the results of the audit. | <ul style="list-style-type: none"> Construction phase audit plan complies with these requirements. Audit plans for future phases are also compliant with this condition. | Construction, Commissioning, and Operating Periods | Ongoing |
| 16.5 | The proponent shall submit the written report summarizing the result of the audit to the Regional Director no later than 10 business days following the completion of the audit. | <ul style="list-style-type: none"> The first Construction Phase Audit was undertaken on June 1, 2012 The audit report was submitted to the MOE on June 15, 2012, within 10 business days following the audit. | Construction, Commissioning, and Operating Periods | Ongoing |

| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|---------------|---|---|--|-----------|
| | | <ul style="list-style-type: none"> The second Construction Phase audit was undertaken on April 5, 2013 and the audit report was submitted to the MOE on April 15, 2013. The third Construction Phase Audit was undertaken on September 6, 2013 and the audit report was submitted to the MOE on September 20, 2013. | | |
| 16.6 | The proponent shall retain either on site or in another location approved by the Regional Director, a copy of the written audit report and any associated documentation. | <ul style="list-style-type: none"> Copies of the first three audit reports are retained on site. Copies of future audit reports will be retained on site as required by Condition 14 (9)(d) of the Certificate of Approval | Construction, Commissioning, and Operating Periods | Ongoing |
| 16.7 | The proponent shall make the written audit report and any associated documentation available to the ministry or its designate in a timely manner when requested to do so by the ministry. | <ul style="list-style-type: none"> Agreed Required by Condition 14 (1) of the Certificate of Approval | Construction, Commissioning, and Operating Periods | Ongoing |
| 16.8 | The proponent shall post the written audit report on the proponent's web site for the undertaking following submission of the report to the ministry. | <ul style="list-style-type: none"> The first three audit reports have been posted to the project website. Future reports will be posted to the website as required by Condition 16(1)(d) of the Certificate of Approval | Construction, Commissioning, and Operating Periods | Ongoing |
| 17. | Spill Contingency and Emergency Response Plan | | | |
| 17.1 | The proponent shall prepare and implement a Spill Contingency and Emergency Response Plan. | <ul style="list-style-type: none"> Required by Condition 11 of the Certificate of Approval Draft Spill Contingency and Emergency Response Plan was submitted to the MOE via letter dated September 24, 2013. | September 24, 2013 | Yes |
| 17.2 | The proponent shall submit to the Director, the Spill Contingency and Emergency Response Plan a minimum of 60 days prior to the receipt of non-hazardous municipal solid waste at the site or such other date as agreed to in writing by the Director. | <ul style="list-style-type: none"> Deadline to submit plan revised to 120 days prior to the commencement date of operation by Certificate of Approval Condition 11 (3). The draft Spill Contingency and Emergency Response Plan was submitted via letter dated September 24, 2013 to the MOE. | September 24, 2013 | Yes |
| 17.3 | <p>The Spill Contingency and Emergency Response Plan shall include, but is not limited to:</p> <ul style="list-style-type: none"> a) Emergency response procedures, including notification procedures in case of a spill, fires, explosions or other disruptions to the operations of the facility; b) Cell and business phone numbers and work location for all person(s) responsible for the management of the site; c) Emergency phone numbers for the local ministry office, the ministry 's Spills Action Centre, and the local Fire Department; d) Measures to prevent spill, fires and explosions; e) Procedures for use in the event of a fire; f) Details regarding equipment for spill clean-up and all control and safety devices; | <ul style="list-style-type: none"> Additional requirements included in Certificate of Approval Condition 11 (2). Completed. | September 24, 2013 | Yes |

| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|---------------|---|---|--|-----------|
| | g) Shut down procedures for all operations associated with the undertaking including alternative waste disposal site locations; h) Maintenance and testing program for spill clean-up equipment and fire fighting equipment; i) Training for site operators and emergency response personnel; and, j) A plan, identifying the location and nature of wastes on site. | | | |
| 17.4 | The proponent shall provide the Spill Contingency and Emergency Response Plan to the District Manager, the local Municipality of Clarington and the local Municipality of Clarington Fire Department a minimum of 30 days prior to the initial receipt of non-hazardous municipal solid waste at the site or such other date as agreed to in writing by the Director. | <ul style="list-style-type: none"> Deadline to submit finalized plan to the Director revised to 120 days prior to the commencement date of operation by Certificate of Approval Condition 11 (3). Document to be submitted to the District Manager, local municipality, and fire department for comments prior to final submission. Draft Spill Contingency and Emergency Response Plan was submitted to the MOE via letter dated September 24, 2013. Draft Spill Contingency and Emergency Response Plan was also developed in consultation with the local municipality and local fire department in advance of the final submission to the MOE.. Municipal building code and fire code requirements for construction are reviewed with each building permit submission. | September 24, 2013 | Yes |
| 17.5 | The proponent shall take all necessary steps to contain and clean up a spill on the site. A spill or upset shall be reported immediately to the ministry's Spills Action Centre at (416) 325-3000 or 1-800-268-6060. | <ul style="list-style-type: none"> Agreed. Required by Condition 12 of the Certificate of Approval Required by Condition 13(3) of the Certificate of Approval | Construction, Commissioning and Operations Periods | Ongoing |
| 18. | Odour Management and Mitigation | | | |
| 18.1 | The proponent shall prepare, in consultation with the ministry's Central Region Office and to the satisfaction of the Regional Director, and implement an Odour Management and Mitigation Plan for the undertaking. | <ul style="list-style-type: none"> Odour Management and Mitigation Plan submitted to MOE on August 31, 2011. Revised Odour Management and Mitigation Plan submitted May 4, 2012. Odour Management and Mitigation Plan approved by Regional Director via letter dated August 21, 2012. | August 21, 2012 | Yes |
| 18.2 | The proponent shall submit the Odour Management and Mitigation Plan to the Regional Director a minimum of six months prior to the start of construction or at such other time as agreed to in writing by the Regional Director. | <ul style="list-style-type: none"> Deadline to submit plan revised to August 31, 2011 via letter from the Director and Regional Director dated June 30, 2011. Plan submitted in draft form to MOE and Advisory Committee for comments via email dated July 25, 2010 Plan incorporating MOE and Advisory Committee comments submitted August 31, 2011 | August 31, 2011 | Yes |
| 18.3 | The Odour Management and Mitigation Plan shall include at a minimum: a) Standard operating and shut down procedures; b) Maintenance schedules; | <ul style="list-style-type: none"> Addressed in the approved odour management and mitigation plan Additional requirements listed in Certificate of Approval Condition 8 (9). | August 31, 2011 | Yes |

| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|---------------|--|--|--|-----------|
| | c) Ongoing monitoring for and reporting of odour; d) Corrective action measures and other best management practices for ongoing odour control and for potential operational malfunctions; e) A schedule for odour testing at sensitive receptors; and, f) A section that specifically addresses odour control measures should operation of the undertaking be disrupted or cease. | | | |
| 18.4 | The proponent shall prepare and submit the Odour Management and Mitigation Monitoring Reports annually to the Regional Director with the first report submitted beginning six months following the initial receipt of non-hazardous municipal solid waste at the site or such other date as agreed to in writing by the Regional Director. | <ul style="list-style-type: none"> Final Odour Monitoring and Mitigation Plan is compliant with these requirements. Estimated date of first report November 2014 | Commissioning and Operations Period | Ongoing |
| 18.5 | The Odour Management and Mitigation Monitoring Reports shall be submitted every 12 months from the date of the submission of the first report or until such time as the Regional Director notifies the proponent in writing that the Odour Management and Mitigation Monitoring Reports are no longer required. | <ul style="list-style-type: none"> Agreed | Commissioning and Operations Period | Ongoing |
| 18.6 | The proponent shall post the Odour Management and Mitigation Monitoring Reports on the proponent's web site for the undertaking following submission of the reports to the Regional Director. | <ul style="list-style-type: none"> Odour Management and Mitigation Plan posted to the website. Required by Condition 16(1)(e) of Certificate of Approval. | Commissioning and Operations Period | Ongoing |
| 19. | Noise Monitoring and Reporting | | | |
| 19.1 | The proponent shall prepare and implement a Noise Monitoring and Reporting Plan for the undertaking. | <ul style="list-style-type: none"> Noise Monitoring and Reporting Plan was submitted to the Director via letter dated September 15, 2011 | September 15, 2011 | Yes |
| 19.2 | The proponent shall submit the Noise Monitoring and Reporting Plan to the Director a minimum of 90 days prior to the start of construction or such other date as agreed to in writing by the Director. | <ul style="list-style-type: none"> Final plan submitted via letter dated September 15, 2011. Final submission date is more than 90 days prior to start of construction in January 2012 | September 15, 2011 | Yes |
| 19.3 | The Noise Monitoring and Reporting Plan shall include a protocol to ensure that the noise emissions from the facility comply with the limits set out in the Ministry of the environment's Publication NPC-205 "Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)", October 1995, as amended from time to time. | <ul style="list-style-type: none"> Plan includes annual acoustic audits to confirm compliance. Required by Condition 7(5) of Certificate of Approval. | September 15, 2011 | Yes |
| 19.4 | The proponent shall post the Noise Monitoring and Reporting Plan on the proponent's web site for the undertaking following submission of the plan to the Director. | <ul style="list-style-type: none"> Noise Monitoring and Reporting Plan posted to the website. Required by Condition 16(1)(f) of the Certificate of Approval | September 15, 2011 | Yes |
| 20. | Groundwater and Surface Water Monitoring and Reporting | | | |
| 20.1 | Prior to the start of construction, the proponent shall identify any areas where the undertaking may affect groundwater or surface water. For those areas, the proponent shall prepare and implement, in consultation with the | <ul style="list-style-type: none"> Groundwater and Surface Water Monitoring and Reporting Plan submitted to the Regional Director via letter dated September 15, 2011. | September 15, 2011 | Yes |

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| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|---------------|---|---|--|-----------|
| | ministry's Central Region Office and to the satisfaction of the Regional Director, a Groundwater and Surface Water Monitoring Plan. | <ul style="list-style-type: none"> Groundwater and Surface Water Monitoring Plan was approved by the Regional Director via letter dated October 14, 2011. | | |
| 20.2 | The proponent shall provide the Groundwater and Surface Water Monitoring Plan to any other government agencies for review and comment, as may be appropriate. | <ul style="list-style-type: none"> Groundwater and Surface Water Monitoring Plan was provided to the Central Lake Ontario Conservation Authority and the Advisory Committee for comments in August 2011. | August, 2011 | Yes |
| 20.3 | The Groundwater and Surface Water Monitoring Plan shall include at a minimum: <ul style="list-style-type: none"> a) A groundwater and surface water monitoring program; b) The proposed start date and frequency of groundwater and surface water monitoring; c) The contaminants that shall be monitored as part of the groundwater and surface water monitoring program; and, d) At least one meeting each year between the proponent and the Regional Director to discuss the plan, the results of the monitoring program and any changes that are required to be made to the plan by the Regional Director. | <ul style="list-style-type: none"> Included in the approved plan | September 15, 2011 | Yes |
| 20.4 | The proponent shall submit the Groundwater and Surface Water Monitoring Plan to the Regional Director a minimum of 90 days prior to the start of construction or such other date as agreed to in writing by the Regional Director. | <ul style="list-style-type: none"> September 15, 2011 submission date is more than 90 days prior to the start of construction in January 2012. Groundwater Surface Water Monitoring Plan approved by the Regional Director via letter dated October 14, 2011. | September 15, 2011 | Yes |
| 20.5 | The Regional Director may require changes to be made to the Groundwater and Surface Water Monitoring Plan and the proponent shall implement the plan in accordance with the required changes. | <ul style="list-style-type: none"> Agreed | Ongoing | Ongoing |
| 20.6 | The groundwater and surface water monitoring program shall commence prior to the receipt of non-hazardous municipal solid waste at the site or such other time as agreed to in writing by the Regional Director, and shall continue until such time as the Regional Director notifies the proponent in writing that the groundwater and surface water monitoring program is no longer required. | <ul style="list-style-type: none"> Proposed Groundwater and Surface Water Monitoring Plan commenced prior to start of construction and will continue until the Regional Director notifies the Regions in writing that the monitoring program is no longer required. Baseline groundwater sampling commenced in January 2012, prior to receipt of waste. | Construction, Commissioning and Operations Periods | Ongoing |
| 20.7 | Thirty days after waste is first received on site, the proponent shall prepare and submit to the Director and Regional Director, a report containing all of the results of the groundwater and surface water monitoring program. | <ul style="list-style-type: none"> Included in the approved Groundwater and Surface Water Monitoring Plan Baseline groundwater analytical data (prior to facility operations) is being collected in preparation for the 1st report 30 days after waste is first received. | June 2014 | No |
| 20.8 | The proponent shall prepare and submit to the Director and Regional Director, an annual report containing the results of the groundwater and surface water monitoring program. The first report shall be submitted 12 | <ul style="list-style-type: none"> Groundwater well development submission letter sent to MOE via letter dated January 28, 2013 and advised of an annual report submission date for April which would allow one full year of | Ongoing | Ongoing |

| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|---------------|---|--|--|-----------|
| | months from the start of the monitoring program and every year thereafter. | groundwater and surface water results. • First annual Groundwater and Surface Water Monitoring Report was submitted to the MOE via letter dated April 30, 2013. | | |
| 20.9 | The proponent shall prepare and submit to the Director and Regional Director, a report containing the results of the groundwater and surface water monitoring program with 30 days of any of the following events: a) A spill occurs on site; b) A fire or explosion occurs on site; c) A process upset; or, d) Any disruption to normal operations that may directly or indirectly have an impact on groundwater or surface water. | • Included in the approved Groundwater and Surface Water Monitoring Plan • Required by Condition 7(14)(b) of the Certificate of Approval | Commissioning and Operations Periods | No |
| 20.10 | The proponent shall post the Groundwater and Surface Water Monitoring Plan and all reports required by this condition on the proponent's web site for the undertaking following submission of the plan and reports to the ministry. | • Groundwater and Surface Water Monitoring Plan and first annual Groundwater and Surface Water Monitoring Report is posted to the website. • Future reports will be posted to the website as they are prepared. • Required by Condition 7(14)(c) of the Certificate of Approval • Required by Condition 16 (1) (g) of the Certificate of Approval | Ongoing | Ongoing |
| 21. | Types of Waste and Service Area | | | |
| 21.1 | Only non-hazardous municipal solid waste from municipal collection within the jurisdictional boundaries of the Regional Municipality of Durham and the Regional Municipality of York may be accepted at the site. | • Agreed • Required by Conditions 2 (1), 2 (2), and 2 (3) of the Certificate of Approval | Commissioning and Operations Periods | Ongoing |
| 21.2 | Materials which have been source separated for the purposes of diversion shall not be accepted at this site. This prohibition does not apply to the non-recyclable residual waste remaining after the separation of the recyclable materials from the non-recyclable materials at a materials recycling facility or other processing facility. | • Agreed • See Condition 2 (3) (b) of the Certificate of Approval | Commissioning and Operations Periods | Ongoing |
| 21.3 | The proponent shall ensure that all incoming waste is inspected prior to being accepted at the site to ensure that only non-hazardous municipal solid waste is being accepted. | • Agreed • See Condition 4 (2) and 4 (3) of the Certificate of Approval | Commissioning and Operations Periods | Ongoing |
| 21.4 | If any materials other than non-hazardous municipal solid waste are found during inspection or operation, the proponent shall ensure that management and disposal of the material is consistent with ministry guidelines and legislation. | • Agreed • See Condition 4 (3) of the Certificate of Approval | Commissioning and Operations Periods | Ongoing |
| 22. | Amount of Waste | | | |
| 22.1 | The maximum amount of non-hazardous municipal solid waste that may be processed at the site is 140,000 tonnes per year. | • 140,000 tonnes per year is the maximum annual tonnage recognized on page 1 of the Certificate of Approval | Commissioning and Operations Periods | Ongoing |

| Condition No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|---------------|---|--|--|-----------|
| 23. | Notice of the Date Waste First Received | | | |
| 23.1 | Within 15 days of the receipt of the first shipment of waste on site, the proponent shall give the Director and Regional Director written notice that the waste has been received. | <ul style="list-style-type: none"> Agreed | May 2014 | No |
| 24. | Construction and Operation Contracts | | | |
| 24.1 | <p>In carrying out the undertaking, the proponent shall require that its contractors, subcontractors and employees:</p> <ul style="list-style-type: none"> a) fulfill the commitments made by the proponent in the environmental assessment process, including those made in the environmental assessment and in the proponent's responses to comments received during the environmental assessment comment periods; b) meet applicable regulatory standards, regarding the construction and operation of the undertaking; c) obtain any necessary approvals, permits or licenses; and, d) have the appropriate training to perform the requirements of their position. | <ul style="list-style-type: none"> Project Agreement requires Contractor to comply with all authorizations including the Environmental Assessment and Notice of Approval (incorporated by reference) the Certificates of Approval, and all applicable regulations. Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions. Certificate of Approval Condition 9(1) requires Covanta to document staff training on the EA and C of A conditions and applicable laws and regulations. Complaint Protocol will remain in effect throughout the construction, commissioning, and operations periods in accordance with Condition 6 of the Notice to Proceed. | Construction, Commissioning, and Operations Periods | Ongoing |
| 25. | Amending Procedures | | | |
| 25.1 | Prior to implementing of any proposed changes to the undertaking, the proponent shall determine what <i>Environmental Assessment Act</i> requirements are applicable to the proposed changes and shall fulfill those <i>Environmental Assessment Act</i> requirements. | <ul style="list-style-type: none"> Agreed | No changes contemplated at the present time | N/A |

1. Future completion dates are estimates based on best available information. Completion dates occurring in the past are dates of actual completion
2. Anticipated construction period from January 2012 – May 2014
3. Anticipated commissioning period from May 2014 – August 2014.
4. Anticipated operations period from August 2014 – facility closure.

Appendix B

EA Study Document Compliance Table

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| Relevant EA Section No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|-------------------------------|---|---|---|-----------|
| | General Requirements | | | |
| 2 | <ul style="list-style-type: none"> The Proponents commit that if approval to proceed with the Undertaking is given, it will be the Proponents who are legally responsible for carrying out the Undertaking as approved. | <ul style="list-style-type: none"> The Regions are 100% owners under the Project Agreement Both Regions and the Contractor are named on the Certificate of Approval Application at the MOE's request. As owners, the Regions remain legally responsible for ensuring that the contractor fulfills its duties under the contract. | Ongoing | Yes |
| 11 | <ul style="list-style-type: none"> The Regions will undertake an evaluation of post-closure uses for the property associated with the Project, at the appropriate time when the Project is nearing the end of its life expectancy. | <ul style="list-style-type: none"> Required by Condition 18 of the Certificate of Approval Commitment reaffirmed in Section 16 of the Design and Operations Report submitted with the Waste C of A Application Certificate of Approval Condition 18 requires the Regions to submit a Closure Plan for approval by the MOE at least 9 months prior to facility closure. | Prior to decommissioning | No |
| 11 | <ul style="list-style-type: none"> Decommissioning of the Facility will be conducted in compliance with applicable regulatory requirements at the time of decommissioning. | <ul style="list-style-type: none"> Regulatory requirement | During decommissioning | No |
| 11.2 | <ul style="list-style-type: none"> Environmental protection awareness, spill prevention planning and contingency training will be implemented for all employees as necessary and appropriate. | <ul style="list-style-type: none"> Spill Contingency and Emergency Response Plan to be submitted at least 120 days prior to commencement of operation as required by Condition 11 (3) of the Certificate of Approval Staff training requirements including regulatory compliance and emergency response provided in Certificate of Approval Condition 9 (1). | Ongoing | Ongoing |
| 15 | <ul style="list-style-type: none"> The Regions will prepare and submit to the Director of the EAB of the Ontario MOE an EA Compliance Monitoring Program. | <ul style="list-style-type: none"> Compliance Monitoring Program submitted to the Director via letter dated October 14, 2011 in accordance with Condition 4.1 of the EA Notice of Approval | October 14, 2011 | Yes |
| | Air Quality | | | |
| 11.1 | <p>Air quality related mitigation/management during construction will include:</p> <ul style="list-style-type: none"> Mitigation and environmental management / monitoring measures will include: Employment of controlled entrances and exits at the construction site to minimize the offsite tracking of mud. Temporary and permanent grassing in disturbed areas. Dust control during dry periods. Possible implementation of an idling protocol as required. Adherence to an equipment maintenance program. Ambient air quality monitoring for particulate matter will be undertaken to monitor the effectiveness of the mitigation measures. | <ul style="list-style-type: none"> Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations. Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions. Complaint protocol submitted to MOE as per EA Notice to Proceed Condition 6 will be in effect throughout the construction period. Air Quality during construction is addressed by the contractor in their site Quality Management and/or Site Specific Health and Safety Plans | Construction Period | Ongoing |
| 11.1 | <ul style="list-style-type: none"> Very low NO_x (VLN) system in the Facility's stoker | <ul style="list-style-type: none"> Commitment reaffirmed in Section 7.1.1 of the Design and Operations Report submitted with the Waste C of A Application Construction of a fully compliant system is underway. | Commissioning and Operations Period | No |

| Relevant EA Section No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|-------------------------------|--|--|---|-----------|
| 11.1 | <ul style="list-style-type: none"> SNCR for additional NO_x control | <ul style="list-style-type: none"> Commitment reaffirmed in Section 7.1.2 of the Design and Operations Report submitted with the Waste C of A Application Construction of a fully compliant system is underway. | Commissioning and Operations Period | No |
| 11.1 | <ul style="list-style-type: none"> Activated carbon injection after the economizer for mercury and dioxin/furan control | <ul style="list-style-type: none"> Commitment reaffirmed in Section 7.2 of the Design and Operations Report submitted with the Waste C of A Application Construction of a fully compliant system is underway. | Commissioning and Operations Period | No |
| 11.1 | <ul style="list-style-type: none"> Acid gas scrubber the removal of gases such as SO_x and HCl | <ul style="list-style-type: none"> Commitment reaffirmed in Section 7.3 of the Design and Operations Report submitted with the Waste C of A Application Construction of a fully compliant system is underway. | Commissioning and Operations Period | No |
| 11.1 | <ul style="list-style-type: none"> A fabric filter baghouse to remove solid particulate matter | <ul style="list-style-type: none"> Commitment reaffirmed in Section 7.4 of the Design and Operations Report submitted with the Waste C of A Application Construction of a fully compliant system is underway. | Commissioning and Operations Period | No |
| 11.1 | <ul style="list-style-type: none"> The application of design and operations pre-processing odour control measures such as enclosed loading, negative air pressure inside the Facility and fully-enclosed feedstock delivery trucks. | <ul style="list-style-type: none"> Commitment reaffirmed in Section 13.3 of the Design and Operations Report submitted with the Waste C of A Application. Construction of a fully compliant system is underway. | Commissioning and Operations Period | No |
| 11.1 | <ul style="list-style-type: none"> Provision of a Continuous Emissions Monitoring System (CEMS) at the baghouse outlet to monitor and record opacity, moisture, CO, O₂, NO_x, SO₂, HCL and HF. Opacity measurements will be used as the filter bag leak detection system. | <ul style="list-style-type: none"> Section 7.7 of the Design and Operations Report submitted with the Waste C of A Application includes all listed parameters except carbon monoxide, which is now to be monitored at the economizer outlet only (see following item). Purpose of two carbon monoxide monitors was to calculate percentage reduction achieved by air pollution control system. No longer necessary since MOE has imposed an absolute standard for CO emissions instead of a percentage reduction. Change approved through Certificate of Approval Condition 7(2)(b) and 7(2)(c) A continuous ammonia monitor has been added Construction of a fully compliant system is underway. | Commissioning and Operations Period | No |
| 11.1 | <ul style="list-style-type: none"> Provision of a Continuous Emissions Monitoring System (CEMS) at the economizer outlet to monitor and record O₂, SO₂ and CO. | <ul style="list-style-type: none"> O₂ and CO monitors will be provided at the economizer outlet in accordance with Certificate of Approval Condition 7(2)(c). Although not reflected in Certificate of Approval Condition 7(2)(c), an SO₂ analyzer will also be provided at the economizer outlet for process control. Not needed to evaluate compliance since final SO₂ standard is an absolute standard rather than a percentage reduction. Construction of a fully compliant system is underway. | Commissioning and Operations Period | No |
| 11.1 | <ul style="list-style-type: none"> Provision of a Continuous Emissions Monitoring System (CEMS) to monitor and record <ul style="list-style-type: none"> Flue gas temperatures at the inlet of the boiler convection section and at the baghouse inlet. The temperature and pressure of the feedwater and steam for each boiler. | <ul style="list-style-type: none"> Flue gas temperature measurements required as per Certificate of Approval Conditions 7(2)(a) and 7(2)(b). Construction of a fully compliant system is underway. | Commissioning and Operations Period | No |

| Relevant EA Section No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|--------------------------------------|--|--|---|-----------|
| | <ul style="list-style-type: none"> The mass flow rate of steam at each boiler. | | | |
| 11.1 | <ul style="list-style-type: none"> A long-term continuous dioxins sampling device will be installed to monitor the adsorption of dioxins onto the exchangeable adsorption-resin-filled cartridge. | <ul style="list-style-type: none"> Required as per Condition 7(3) of the Certificate of Approval Construction of a fully compliant system is underway. | Commissioning and Operations Period | No |
| 11.1 | <ul style="list-style-type: none"> Emissions (stack) testing and monitoring protocol as required for the C of A under the EPA. | <ul style="list-style-type: none"> As per Condition 7(1) and Schedule D of the Certificate of Approval | Commissioning and Operations Period | No |
| 11.1 | <ul style="list-style-type: none"> NPRI emissions reporting that will entail a combination of monitoring or direct measurement, mass balance, process-specific emissions factors and engineering estimates. | <ul style="list-style-type: none"> National Pollutant Release Inventory (NPRI) annual reporting is a requirement under the Canadian Environmental Protection Act (Federal) | Commissioning and Operations Period | No |
| 11.1 | <ul style="list-style-type: none"> Proposed ambient air quality monitoring in the immediate vicinity of the Facility for a 3-year period. | <ul style="list-style-type: none"> Ambient Air Monitoring Plan was approved by the MOE in a letter dated May 30, 2012. Ambient Air Monitoring Locations were approved by the MOE in a letter dated June 5, 2012 Ambient air monitoring in accordance with the approved monitoring plan commenced in April 2013. | Commissioning and Operations Period | No |
| Surface Water and Groundwater | | | | |
| 11.2 | <p>Surface water and groundwater related mitigation and environmental management / monitoring measures during construction will include:</p> <ul style="list-style-type: none"> Construction phase drainage will route stormwater from throughout the Site to a stormwater sedimentation pond and to the extent feasible, maintain existing drainage routes. Permanent SWM ponds may be constructed early to reduce need for sedimentation ponds. Use of perimeter ditching and site grading as well as silt fencing around forested areas to isolate runoff. Use of setback transition use areas and erosion control fencing along watercourses. ESC will be implemented during the construction phase to reduce potential soil loss and runoff velocities. During the construction phase, stormwater will be routed via conveyance swales and/or storm sewers draining catchbasins to a SWM pond in the southwest corner of the Site. The pond will discharge to the CN Rail swale and stormwater will subsequently be conveyed to Tooley Creek. In addition to the pond, lot level, and conveyance controls such as surface stabilization measures, sediment traps, and swales enhanced with rock check dams will also be employed. Grading plans will be designed to maintain existing drainage patterns which will ensure all captured stormwater will be routed through SWM features. Dewatering and excavation pumping is expected in order to establish a sufficiently dry environment to construct the Facility foundations. | <ul style="list-style-type: none"> Required by Condition 4(6) of the Certificate of Approval Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations. Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions. Groundwater and Surface Water Monitoring and Reporting Plan submitted via email September 15, 2011 in accordance with EA Condition 20 includes monitoring of water quality in Tooley Creek using continuous data loggers, and documentation of regular inspection and maintenance of check dams and other sediment controls. A sediment and erosion control plan has been developed by the contractor and is in effect during the construction phase which monitors surface water. Golder has been contracted by Covanta to monitor surface water and erosion and sediment control. Site stormwater management plan has been developed and approved by CLOCA and Clarington (Clarington Master Drainage Plan) | Construction Period | Ongoing |

| Relevant EA Section No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
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| 11.2 | <ul style="list-style-type: none"> A series of groundwater monitoring wells may be installed within the Site to assess the Facility's effects on both groundwater quantity and quality during construction to be determined at subsequent approvals stage. | <ul style="list-style-type: none"> Groundwater and Surface Water Monitoring Plan approved by MOE Central Region Director on October 14, 2011 includes groundwater monitoring wells to be installed prior to facility construction and 1 well to be installed after construction. Groundwater wells installed in December 2011. Baseline monitoring commenced January 2012. | December 2011 | Yes |
| 11.2 | <ul style="list-style-type: none"> Storm water pond design criteria will meet enhanced design guidance criteria found in the MOE SWM Planning and Design Manual; | <ul style="list-style-type: none"> The stormwater management pond design is compliant with this requirement and is provided in Section 6.2.4 of the Design Report Stormwater ponds have been designed and constructed on site in the southeast and southwest corners of the EFW property | Construction Period | Yes |
| 11.2 | <ul style="list-style-type: none"> Increase in runoff potential will be mitigated with peak flow attenuation, baseflow augmentation and SWM design that provides an enhanced level of receiving water protection; | <ul style="list-style-type: none"> Pond has been designed with an active storage volume greater than the entire runoff volume from the 100 year storm. Stormwater pond design has been approved and constructed on site. | Construction Period | Yes |
| 11.2 | <ul style="list-style-type: none"> Accidents and malfunctions planning and spill management redundancy and stormwater control from source to discharge will ensure the protection of surface water and groundwater resources. | <ul style="list-style-type: none"> Covanta submitted a Spill Contingency and Emergency Response Plan on September 24, 2013 as required by Condition 17.1 of the Notice of Approval and Condition 11(2) of the Certificate of Approval Storage of waste and ash will be indoors on impervious surfaces with no drainage to outside the facility. Storage of all chemical reagents will be in accordance with applicable regulations. Storage of aqueous ammonia to include secondary containment. Outdoor surface drainage will discharge to the stormwater management ponds with gate valves on the outlets, providing an opportunity to contain and remediate any spills occurring outside the process buildings. | Commissioning and Operations Period | No |
| 11.2 | <ul style="list-style-type: none"> Monitoring of stormwater end-of-pipe Facility discharge quality (as required as part of C of A); | <ul style="list-style-type: none"> Groundwater and Surface Water Monitoring and Reporting Plan was developed in consultation with MOE Central Region Office and approved by the Central Region Director on October 14, 2011. Monitoring commenced in January 2012 | Commissioning and Operations Period | No |
| Soils | | | | |
| 11.2 & 11.3 | <p>Soils related mitigation and environmental management / monitoring measures during construction will include:</p> <ul style="list-style-type: none"> Topsoil and subsoil salvage and storage. Apply erosion and sedimentation control measures (also described in surface water). | <ul style="list-style-type: none"> Regions submitted a Soil Testing plan on September 23, 2011. Revised Soil Testing Plan submitted to the MOE via letter dated October 5, 2012 Soil Testing Plan Approved by the MOE via letter dated March 15, 2013. Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations. Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions | Construction, Commissioning, and Operations Period | No |

| Relevant EA Section No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
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| | | <p>of the contract, including compliance with EA conditions.</p> <ul style="list-style-type: none"> Erosion and sediment control monitoring is undertaken continuously in accordance with plan approved by the Ministry of Environment, Central Lake Ontario Conservation authority and the Municipality of Clarington | | |
| | Acoustic | | | |
| 11.4 | <p>Acoustic related mitigation and environmental management / monitoring measures during construction will include:</p> <ul style="list-style-type: none"> Pile driving effects will be reduced through alternative technologies (e.g., vibratory pile driving), controls, and scheduling. Construction vehicle traffic is predicted to be acceptable against applicable criteria, but short-term (i.e., 1-hour) effects during peak demand are possible. These peaking issues will be reduced through scheduling and planning of vehicle trips. A monitoring program and contingency plan will be implemented to address any issues that may arise during the construction and post-closure periods of the Facility. | <ul style="list-style-type: none"> The Regions submitted a Noise Monitoring and Reporting Plan to the Director in accordance with Condition 19 of the Notice of Approval on September 15, 2011 Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations, including Clarington Noise by-law. Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions. | Construction Period | Ongoing |
| 11.4 | <p>Noise-related mitigation and environmental management/monitoring measures during operation will include:</p> <ul style="list-style-type: none"> The Facility will be designed to current standards incorporating efficiencies and design enhancements that reduce sound emissions. Where necessary, mitigation measures will be included to ensure applicable noise criteria are met at PORs as predicted. Mitigation measures may include the use of equipment control options such as enclosures, local or property-line barriers, mufflers and silencers, and acoustic baffles or insulation. | <ul style="list-style-type: none"> The Regions submitted a Noise Monitoring and Reporting Plan in accordance with Condition 19 of the Notice of Approval on September 15, 2011 Condition 19.3 of the Notice of Approval requires noise emissions from the facility comply with the limits set out in the Ministry of the environment's Publication NPC-205 "Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)", October 1995, as amended from time to time. Acoustic modeling submitted with the Certificate of Approval Application for Air and Noise predicts that the facility will comply with NPC-205. Compliance to be verified through an acoustic audit to completed within three months of the commencement of operations in accordance with Certificate of Approval Condition 7 (5). | Commissioning and Operations Periods | No |
| | Visual | | | |
| 11.5 | <p>Visual-related mitigation and environmental management / monitoring measures during construction will include:</p> <ul style="list-style-type: none"> Staging of construction activities. Timely removal of construction debris. A monitoring program and contingency plan will be implemented to address any issues that may arise during the construction of the Facility. Investment in architectural enhancements to the Facility. | <ul style="list-style-type: none"> An architectural concept for the facility has been developed in consultation with the Municipality of Clarington. The project agreement requires the contractor to update the construction schedules weekly with detailed staging that will be reviewed at regularly scheduled construction meetings. Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions. Visual Screening addressed in Condition 8 (15) of the Certificate of Approval. | Construction Period | Ongoing |

| Relevant EA Section No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|-------------------------------|---|--|---|-----------|
| 11.5 | Visual-related mitigation and environmental management / monitoring measures during operation will include: <ul style="list-style-type: none"> The use of neutral external colours and effective landscaping. If concerns regarding Facility visibility are raised by members of the community in the vicinity of the Facility, mitigation measures will be considered such as planting trees or other suitable vegetation at the particular location to provide a screen within the line of the sight of the Facility. | <ul style="list-style-type: none"> An architectural concept for the facility has been developed in consultation with the Municipality of Clarington. Need for supplementary, off-site visual remediation will be assessed on a case-by-case basis after the facility is constructed. | Operating Period | No |
| Natural Environment | | | | |
| 11.6 | Natural environment related mitigation and environmental management / monitoring during construction will include: <ul style="list-style-type: none"> Protective protocols to avoid killing or harming wildlife during Project activities. Wildlife corridor along the entire east-west length of the Facility's southern property line may be established to enhance wildlife movement. Native tree and shrub species will be planted and existing species allowed to grow without disturbance providing additional habitat. Undertake a pre-construction survey to assess bird nesting activity prior to clearing and grubbing. Habitat enhancement for Chimney Swifts, if present onsite, and once construction has been completed, compensation for the loss of hedgerow by incorporating native shrubs and trees into landscaping for the Facility. | <ul style="list-style-type: none"> Landscape plan as approved by the Municipality of Clarington gives consideration to wildlife habitat. Construction Site Fencing allows for a wildlife corridor to the North and South of the Site. Reconnaissance report prepared by Golder Associates dated November 11, 2011 to address pre-construction bird nesting activities prior to start of construction | Construction Period | Yes |
| Social / Cultural | | | | |
| 11.7, 8, 9 | Social / cultural related mitigation and environmental management / monitoring measures during construction will include: <ul style="list-style-type: none"> See Noise above for related mitigation / management measures. See Visual above for related mitigation / management measures Dust control during construction will be accomplished through a number of physical and operational methods such as construction exits, timely revegetation, watering, and staging of work. Deeply buried archaeological resources could still exist and standard conditions regarding discovery of human remains and/or other cultural heritage values will apply. | <ul style="list-style-type: none"> Contract requires Covanta to document any findings of archaeological significance and to deal with these findings as directed in writing by the owner and in accordance with applicable laws. Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations. Regions will provide a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions. To date no findings of archaeological significance have been found on site. | Construction Period | Ongoing |
| | <ul style="list-style-type: none"> Road/pavement improvements to the South Service Road and Osborne Road to accommodate construction vehicles. | <ul style="list-style-type: none"> Construction of improvements to South Service Road and Osborne Road will be undertaken as required | Ongoing | Ongoing |
| | <ul style="list-style-type: none"> Formation of a Thermal Treatment Facility Site Liaison Committee (SLC) for the construction period. | <ul style="list-style-type: none"> In addition to the Advisory Committee described in Notice of Approval Condition 8, the Regions have formed an Integrated Waste Management Committee (Energy from Waste-Waste | Construction, Commissioning and Operations Periods | Yes |

| Relevant EA Section No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|-------------------------------|---|--|---|-----------|
| | | Management Advisory Committee) intended to address issues of concern to the local community. | | |
| | <ul style="list-style-type: none"> Development and implementation of a Community Relations Plan (CRP) through which Durham, York, and Covanta staff will relate to the local community, including advance notification to local authorities and residents near the Facility of any planned unusual noises or activities (e.g., pile driving, steam blows) or other events that may be of concern to the local community during the construction phase. The plan will also establish contacts and procedures for providing accurate and timely information to the community in the event of an unforeseen incident that may cause concern or impact upon the community. | <ul style="list-style-type: none"> A requirement of the EA Notice of Approval [See Appendix A, Section 7 (Community Communications Plan)] Community Communications Plan was submitted to the MOE on September 18, 2013. MOE approval via letter dated September 30, 2013. | Prior to receipt of non-hazardous municipal solid waste | Yes |
| | <ul style="list-style-type: none"> Development and implementation of a community complaints system for construction. | <ul style="list-style-type: none"> Complaint protocol approved by the MOE July 13, 2011 as per Condition 6 of the EA Notice of Approval. Requirement of Condition 10 of the Certificate of Approval Monthly reports are sent to the EFWAC and the MOE. | Construction, Commissioning, and Operations Periods | Yes |
| | <ul style="list-style-type: none"> Management of residual waste in enclosed vehicles and on enclosed tipping floor | <ul style="list-style-type: none"> Noted in Sections 5.3 and 5.8 of the Design and Operations Report and required by Certificate of Approval Condition 4(2) and 4(5) Construction of an enclosed tipping floor is underway. Waste will be delivered to the facility in enclosed vehicles upon commencement of operations. | Commissioning and Operations Periods | No |
| | <ul style="list-style-type: none"> Air from tipping floor is used as combustion air, destroying odours and maintaining negative pressure within receiving area. | <ul style="list-style-type: none"> Required by Condition 8 (1) of the Certificate of Approval Noted in Section 5.8 of the Design and Operations Report Construction of a compliant system is currently underway. | Commissioning and Operations Periods | No |
| | <ul style="list-style-type: none"> Management of ash and residues using various measures to reduce ash emissions. | <ul style="list-style-type: none"> Requirement of Condition 4 of the Certificate of Approval See Section 8.0 of the Design and Operation Report for additional details. Storage of ash, and will be indoors on impervious surfaces with no drainage to outside the facility. Ash is transported to the ash storage building in enclosed conveyors Bottom ash and fly ash handled separately. Building maintained under negative pressure and fully ventilated to a dust collection system Loading of trucks occurs indoors with the doors closed Fly ash is mixed with water, cement and pozzolan to render it non-hazardous and reduce dust. Bottom ash is immersed in quench water and retains 15-25% moisture content, reducing dust potential | Commissioning and Operations Periods | No |
| | <ul style="list-style-type: none"> Mitigation of vectors/vermin through pest/vector control. | <ul style="list-style-type: none"> Requirement of Condition 8 (14) of the Certificate of Approval | Commissioning and | No |

| Relevant EA Section No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|-------------------------------|--|--|---|-----------|
| | | <ul style="list-style-type: none"> Noted in Section 13.5 of the Design and Operations Report and Condition 8(14) Pest/Vector control will be subcontracted to a qualified pest control company and monitored for effectiveness. | Operations Periods | |
| | <ul style="list-style-type: none"> Mitigation of litter through implementation of litter control program throughout the Site. | <ul style="list-style-type: none"> Requirement of Condition 8(12) of the Certificate of Approval Site-wide litter collection on a daily basis as per Section 13.4 of the Design and Operations Report and Certificate of Approval Condition 8(12) | Commissioning and Operations Periods | No |
| | <ul style="list-style-type: none"> Some traffic control measures (traffic signals, loop ramps, etc.) may be required to the adjacent road network to address future traffic conditions in the CEBP. | <ul style="list-style-type: none"> Requirement of Condition 8(10) of the Certificate of Approval Will be addressed during design and approvals stage of Energy Park development. | N/A | N/A |
| | <ul style="list-style-type: none"> The Host Community Agreement between Durham and the Municipality of Clarington includes the Region assuming the cost of construction of Energy Drive from Courtice Road to Osborne Road to serve the CEBP. | <ul style="list-style-type: none"> Host Community Agreement executed on February 18, 2010 includes this provision The expropriation of the lands associated with the host community agreement requirements for the York Durham Energy Centre is currently before the Ontario Municipal Board. As per the most recent revised procedural order in this matter, dated October 15, 2013, the hearing date has been set for Monday, September 15, 2014. Discoveries are commencing in this matter on October 31, 2013. Anticipated completion by commencement of operations; however, operations are not affected since site access will ultimately be provided via a private truck laneway from Courtice Road to the south edge of the property, or temporarily via South Service Road and Osborne Road. Construction on the facility access road commenced in late September 2013. | May 2015 | No |
| | <ul style="list-style-type: none"> Soil testing for contaminants for a minimum of three years at which time its effectiveness will be evaluated (recommendation by Durham Region Medical Officer of Health, endorsed by both Regional Councils) | <ul style="list-style-type: none"> Requirement of Condition 13 (4) of the Certificate of Approval Soil Testing plan submitted September 23, 2011 Revised Soil Testing Plan submitted to the MOE via letter dated October 5, 2012 MOE approval via letter dated March 15, 2013. Soils testing commenced in accordance with the approved plan and a report is currently pending. | Commissioning and Operations Periods | Ongoing |
| | <ul style="list-style-type: none"> Formation of a Thermal Treatment Facility Site Liaison Committee SLC for the operations period. | <ul style="list-style-type: none"> In addition to the Advisory Committee described in Notice of Approval Condition 8, the Regions have formed an Integrated Waste Management Committee (Energy from Waste-Waste Management Advisory Committee) intended to address issues of concern to the local community. | Construction, Commissioning and Operations Periods | Yes |
| | <ul style="list-style-type: none"> See construction above regarding development and implementation of a Community Relations Plan | <ul style="list-style-type: none"> A requirement of the EA Notice of Approval [See Appendix A, Section 7 (Community Communications Plan)] | Prior to receipt of non-hazardous | Yes |

| Relevant EA Section No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|-------------------------------|---|--|---|-----------|
| | | <ul style="list-style-type: none"> Community Communications Plan was submitted to the MOE on September 18, 2013. MOE approval via letter dated September 30, 2013. | municipal solid waste | |
| | <ul style="list-style-type: none"> See construction above regarding development and implementation of a community complaints system for operations | <ul style="list-style-type: none"> Appendix A, Complaint Protocol (Notice of Approval Condition 6 applies to construction, commissioning, and operations periods) | Construction, Commissioning and Operations Periods | Yes |
| | Economic | | | |
| 11.10 | <ul style="list-style-type: none"> Establishment of a hazardous waste depot to serve Clarington residents. | <ul style="list-style-type: none"> Will commence when land expropriation for other Host Community Agreement commitments is complete and the Certificates of Approval and Building Permit for the Durham York Energy Centre are issued. Anticipated completion by commencement of operations; however, operations are not affected. | May 2015 | No |
| 11.10 | <ul style="list-style-type: none"> Construction of Energy Drive from Courtice Road to Osborne Road to serve the Energy Park. | <ul style="list-style-type: none"> The expropriation of the lands associated with the host community agreement requirements for the York Durham Energy Centre is currently before the Ontario Municipal Board. As per the most recent revised procedural order in this matter, dated October 15, 2013, the hearing date has been set for Monday, September 15, 2014. Discoveries are commencing in this matter on October 31, 2013. Anticipated completion by commencement of operations; however, operations are not affected since site access will ultimately be provided via a private truck laneway from Courtice Road to the south edge of the property, or temporarily via South Service Road and Osborne Road. Construction on the facility access road commenced in late September 2013. | May 2015 | Ongoing |
| 11.10 | <ul style="list-style-type: none"> Construction of a SWM Facility to serve the Energy Park. | <ul style="list-style-type: none"> Tied to Host Community Agreement for Energy Park Drive Construction, see previous item. Two on site stormwater ponds have been constructed. | May 2015 | No |
| 11.10 | <ul style="list-style-type: none"> Construction of a waterfront trail from Courtice Road to the eastern limit of the Durham property. | <ul style="list-style-type: none"> Will commence when land expropriation for other Host Community Agreement commitments is complete and the Certificates of Approval and Building Permit for the Durham York Energy Centre are issued. Anticipated completion by commencement of operations; however, operations are not affected | May 2015 | No |
| 11.10 | <ul style="list-style-type: none"> Transfer of 22 acres of surplus land adjacent to the Courtice WPCP to Clarington. | <ul style="list-style-type: none"> Transfer will occur when land expropriation for other Host Community Agreement commitments is complete and the Certificates of Approval and Building Permit for the Durham York Energy Centre are issued. | January 2014 | No |

| Relevant EA Section No. | Requirement | Status Remarks | Actual or Estimated Completion Date ^{1,2,3,4} | Complete? |
|-------------------------------|---|---|---|-----------|
| 11.10 | <ul style="list-style-type: none"> Commencement of the EA for servicing the Clarington Science Park. | <ul style="list-style-type: none"> EA will commence when land expropriation for other Host Community Agreement commitments is complete and the Certificates of Approval and Building Permit for the Durham York Energy Centre are issued | January 2014 | No |
| | Human Health and Ecological Risk | | | |
| | <ul style="list-style-type: none"> Refer to "Air Quality" above. | <ul style="list-style-type: none"> Refer to "Air Quality" above. | | |

1. Future completion dates are estimates based on best available information. Completion dates occurring in the past are dates of actual completion
2. Anticipated construction period from January 2012 – May 2014
3. Anticipated commissioning period from May 2014 – August 2014.
4. Anticipated operations period from August 2014 – facility closure.

Appendix C

Advisory Committee Annual Report 2013

Durham York Energy Centre 2013 Compliance Monitoring Report – Appendix C
Energy From Waste Advisory Committee Summary Table

| Meeting # | Date | Time | Agenda Topics |
|-----------|---------------|------------------|---|
| 6 | Oct. 24, 2012 | 2:00 – 4:30 p.m. | <ul style="list-style-type: none"> • EFW Project Update presentation • Community Communications Plan presentation • Soil Testing Plan presentation |
| 7 | Feb. 12, 2013 | 2:00 – 4:00 p.m. | <ul style="list-style-type: none"> • EFW Project Update presentation • Communications Plan update • Annual Compliance Report presentation |
| 8 | Jun. 10, 2013 | 2:00 – 4:00 p.m. | <ul style="list-style-type: none"> • Discussion of EFWAC ToR • EFW Project Update presentation • Third Party Audit #2 presentation • Annual Groundwater and Surface Water Report presentation |
| 9 | Oct. 2, 2013 | 6:30 – 8:30 p.m. | <ul style="list-style-type: none"> • EFW Project Update presentation • Third Party Audit #3 presentation • Draft Spill Contingency and Emergency Response Plan presentation |

Meeting #6 Agenda

Advisory Committee Annual Report 2013



AGENDA

Energy from Waste Advisory Committee (EFWAC)

Meeting #6

| EFW Advisory Committee (EFWAC) | |
|---------------------------------------|---|
| SUBJECT | Meeting #6 |
| MEETING DATE/TIME | Wednesday, October 24 from 2:00 to 4:30 p.m. |
| LOCATION | The Regional Municipality of Durham Headquarters 605 Rossland Road East, Whitby – Meeting Room LL-C |
| AGENDA OR REMARKS | <ol style="list-style-type: none">1. Welcome and Introductions <i>Review of Meeting #5 Notes</i>2. Energy from Waste Project Update3. Presentation of Draft Community Communications Plan4. Presentation of Revised Soils Testing Plan5. Next Meeting6. Meeting Adjourns |

Please contact Facilitator Sue Cumming, MCIP RPP, Cumming+Company at 866 611-3715 or cumming1@total.net with any questions.

Meeting #6 Correspondence

Advisory Committee Annual Report 2013

COPY

WASTE MANAGEMENT
RECEIVED

NOV 27 2012

WORKS
DEPT.

Clarington

Leading the Way

November 19, 2012

Ms. Mirka Januszkiewicz, P. Eng.
Director, Waste Management
The Regional Municipality of Durham
605 Rossland Road E
Whitby, ON L1N 6 A3

**RE: DURHAM/YORK ENERGY FROM WASTE PROJECT
DRAFT COMMUNITY COMMUNICATIONS PLAN
ENVIRONMENTAL ASSESSMENT CONDITION OF APPROVAL NO. 7
FILE NO.: PLN 33.3.10**

We have reviewed the Draft Community Communications Plan, dated September 2012 and provide the following comments.

6.0, 7.0 and 8.2: Local Schools are noted as an audience, with further detail in consultation and forums. Clarington has large private schools which are not mentioned and should be included.

6.0 and 7.0: An audience in addition to professional institutions would be local service clubs and organizations.

7.0: We are pleased to see the DYEC is noted as the location for committee meetings.

8.1: The real time emission display board requires a Sign Permit under Sign By-law 2009-0123.

10.0: Communication Measurement, Evaluation and Feedback, the complaints that are submitted to the DBO should be automatically made available to the EFWAC and EFW-WMAC committees. It is not clear in the outline that this would occur.

The communications plan for the DBO should be reviewed with the EFWAC and EFW-WMAC committees. Clear distinctions between communication roles and responsibilities of the DBO and owner (Durham/York) should be evident in both plans.

11.0: Changes to the Communications Plan should include the EFWAC and EFW-WMAC Committees in addition to MOE.

12.0: The Upcoming Public Meetings anticipated for the fall of 2013 and early 2015 should be held in close proximity if not at the DYEC.

Should you have any questions please do not hesitate to contact, either Faye Langmaid, Manager of Special Projects or myself to discuss.

Yours truly



David Orome, Director of Planning Services
DJC:sn

cc: Mayor and Councillors
Franklin Wu, Chief Administrative Officer
Patti L. Barrie, Municipal Clerk
Tony Cannella, Director of Engineering Services
Fred Horvath, Director of Operations
Laura McDowell, Director of Environmental Promotion and Protection, Region of York

CORPORATION OF THE MUNICIPALITY OF CLARINGTON



Clerk's Department

DIRECTION MEMORANDUM

TO: C. Curtis, Commissioner of Works

FROM: P.M. Madill, Regional Clerk

DATE: November 27, 2012

RE: Direction as per minutes of the Regional Council meeting held on November 21, 2012

REPORT OF: Motion (EFWAC)

SEE ATTACHED

P.M. Madill, A.M.C.T., CMM III
Regional Clerk

- c. B.J. Roy, Regional Solicitor
P.M. Madill, Regional Clerk
D. Bowen, Deputy Clerk
C. Bandel, Committee Clerk

MOTION

MOVED by Councillor Diamond, SECONDED by Councillor England,
(288) "THAT leave be granted to introduce a motion with respect to requesting staff to work on the Community Communications Plan related to the Energy From Waste (EFW) project."

CARRIED on a 2/3rd Vote

MOVED by Councillor Diamond, SECONDED by Councillor Neal,
(289) "a) THAT Council request the Energy From Waste Advisory Committee (EFWAC) to initiate and extend public consultation on the Draft Community Communications Plan to extend the comment deadline from November 30, 2012 to March 30, 2013, and consideration be given for a meeting schedule to be developed stating the time, and location; and

b) THAT copies of the resolution be provided to the Energy From Waste-Waste Management Committee (EFW-WMAC) and the Energy From Waste Advisory Committee (EFWAC)."

CARRIED AS AMENDED
LATER IN THE MEETING
(See Following Motions)

MOVED by Councillor O'Connor, SECONDED by Councillor O'Connell,
(290) "a) THAT the foregoing motion (289) of Councillors Diamond and Neal to adopt the recommendations contained in the Motion be amended by adding after March 30, 2013, the words:

‘and consideration be given for a meeting schedule to be developed stating the time, and location’."

CARRIED

MOVED by Councillor England, SECONDED by Councillor Collier,
(291) "THAT the question be put."

CARRIED

The Main Motion (289) of Councillors Diamond and Neal to adopt the recommendations was then put to a vote and CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

| | <u>YES</u> | <u>NO</u> |
|------------------------------|-------------------|------------------|
| COUNCILLORS | Aker | Marimpietri |
| | Ballinger | |
| | Bath | |
| | Chapman | |
| | Clayton | |
| | Coe | |
| | Collier | |
| | Diamond | |
| | Drew | |
| | Drumm | |
| | England | |
| | Foster | |
| <u>Members Absent</u> | | |
| McLean | | |
| Mercier | | |
| Parish | | |
| Ryan | | |

Henry
Jordan
Mitchell
Neal
Novak
O'Connell
O'Connor
Perkins
Pidwerbecki
Rodrigues
Woo

Meeting #6 Minutes and Presentations

Advisory Committee Annual Report 2013



Energy from Waste Advisory Committee (EFWAC) Meeting #6

MINUTES (APPROVED)

| SUBJECT: | Energy from Waste Advisory Committee Meeting #6 | |
|--|--|--------|
| ATTENDEES: | Please refer to page 7 for complete listing. | |
| LOCATION: | The Regional Municipality of Durham, Meeting Room LL-C 605 Rossland Road East, Whitby | |
| DATE AND TIME: | Wednesday, October 24, 2012 at 2:30 p.m. | |
| ITEM | | ACTION |
| 1. <u>WELCOME AND INTRODUCTIONS</u> | | |
| <p>Sue Cumming, independent Facilitator, welcomed the members of the Committee and the members of the public to the sixth meeting of the Energy from Waste Advisory Committee (EFWAC).</p> <p>All Committee members and staff in attendance introduced themselves.</p> <p>The Facilitator reviewed the Committee's ground rules.</p> <p>The Facilitator confirmed quorum was not obtained. The Facilitator directed that the meeting will proceed, however, without a quorum there would not be an opportunity to vote on meeting decisions, should any arise.</p> <p><i>The Facilitator later confirmed that quorum was reached (see page 2 of 7).</i></p> <p>The Agenda, as provided to the Committee on October 17, was reviewed. The Facilitator confirmed that follow up to correspondence received from a Committee member regarding additional agenda items for consideration would be addressed as part of item Item 2 Project Update (see page 3 of 7).</p> <p><u>Review of Meeting Notes #5</u></p> <p>As follow up to the last meeting, the Facilitator confirmed that pursuant to Council's Rules of Procedure, if an EFWAC member leaves a meeting and there is no longer 11 members present, then quorum is deemed to be lost. The Facilitator clarified that the Committee can no longer act on those decisions that require a vote without a quorum, however, confirmed that the meeting will continue, and items requiring a decision by vote would be tabled until the next meeting.</p> | | |

The Facilitator advised that delegations to the Committee include requests directed by the Ministry of the Environment (MOE) and from EFWAC members. Delegations and presentations will be accommodated on a case by case basis.

As follow up to the letter sent to Ian Parrott, Manager, Approval Services, MOE, in September 2012 by the Facilitator on behalf of the EFWAC, a Committee member asked whether a response had been received. The Facilitator advised that a response had not yet been received from the MOE.

Discussion ensued with regard to additional follow up to the September 2012 letter.

Some members expressed frustration with not having heard from MOE on the information that they believed would be forthcoming after last year's October meeting. They stressed that timing of the receipt of the MOE reply is essential due to the current MOE review of the revised Air Emissions Monitoring Plan (AEMP).

These same members asked that a strongly worded letter be forwarded to MOE requesting a response. Other members felt that a telephone call seeking follow-up would be appropriate.

At this time, the Facilitator clarified to members that quorum had been obtained for this meeting.

Following this announcement, a motion was then presented.

MOVED by W. Bracken, SECONDED by L. Gasser:

"THAT a strongly worded letter be addressed to the MOE as a follow up to the letter of September 2012 and sent immediately.

MOTION DEFEATED

A new motion was presented:

MOVED by F. Langmaid, SECONDED by C. Darling:

"THAT the Facilitator follow up with the MOE by telephone on October 25, 2012, and that if in a further two to three weeks the MOE has not responded to the phone call, then a letter be sent to the MOE requesting a response in writing. The Facilitator clarified that the letter of September 2012 would be provided as an attachment to the second letter.

CARRIED

The Facilitator indicated that she would pursue a phone call. A Committee member asked that the call be minuted so as to learn of the discussion. The Facilitator further confirmed that she would not be having any discussion about the substantive content as it would be inappropriate for her to do so. She would ask about the timing of any response from MOE.

**Facilitator to
contact MOE**

| | |
|--|---|
| <p>Further discussion ensued regarding action items listed in the notes from Meeting #5 notes. It was determined that the Project Team will follow up and advise the Committee if the information provided to the Energy from Waste-Waste Management Advisory Committee (EFW-WMAC) in response to Doug Anderson's presentation will also be provided to this Committee for their information, and that additional follow up to the Friends of the Farewell delegation regarding the waterfront trail and the legal definition of environmental assessment condition and commitment are included in Item 2 of this Agenda.</p> <p>Provision of a more detailed Agenda to the Committee members and the members of the public was discussed. In particular, Committee members agreed that they would like to see more details under Project Update as to what will be covered to ensure that the public is aware of what is to be reviewed at the meeting.</p> | <p>Facilitator/Project Team to update future agendas with presentation details</p> |
| <p>2. <u>ENERGY FROM WASTE PROJECT UPDATE</u></p> <p>An EFW Update PowerPoint presentation was provided to the Committee by Gioseph Anello, Manager, Waste Planning and Technical Services (Attachment No. 1).</p> <p>The project timelines are being met, and it is still projected that the facility will be operational in August 2014.</p> <p>As of October, design is approaching 75% completion. As presented in the photos, which are approximately one week old, construction of the pit is near completion, foundations have started, roads and underground works are underway. Also shown were the refuse pit, boiler, and turbine generator foundation for administration building foundations. Structural steel also started going up mid-week last week.</p> <p>A status update was provided to the EFWAC on the Plans following their respective submission to MOE. The AEMP was submitted to MOE in August 2011. The MOE Central Region requested three technical revisions to the AEMP, as detailed in the memo provided to the EFWAC from Mirka Januszkiewicz dated October 24, 2012. These revisions were incorporated and a revised AEMP was re-submitted to the MOE.</p> <p>A brief outline of the HCA commitments was provided including: landscaping, roadways and waterfront trail. A Committee member clarified for the EFWAC that the waterfront trail portion being constructed along the actual water front is part of a future alignment, that the current interim alignment ends on a cul-de-sac on Regional property and that currently, no access is available through this property.</p> <p>As requested by the Committee, the difference between an EA Condition and an EA Commitment was provided. An EA Condition is legally binding. An EA Condition determines the way in which the implementation of a detailed design, operation or closure of undertaking will take place. An EA Commitment represents a guarantee from the proponent and it is only legally binding if it is part of a MOE approved application, for example, if it is a commitment in the EA Terms of Reference. The Durham/York EFW Project's 2012 Compliance Monitoring Report includes the status of both EA Conditions and Commitments.</p> <p>The Project Team clarified that the AEMP follows the CofA requirements, and that</p> | |

the comments from the EFWAC Environmental Group representatives were included in the comments and response table that was submitted to the MOE along with the monitoring plan.

A member of the Committee questioned what protocol is in place when a construction issue is encountered at the site.

The Project Team advised that there is a non-conformance reporting procedure in place which includes the DBO operator, the DBO sub-contractors, and the Owners' on-site engineer (from HDR) to ensure that all appropriate parties are kept updated at all times.

A member questioned if the Project Team has been involved in any recent discussion with the MOE or other party regarding the recently revised CCME Air Quality Management System and its impact on the Durham/York incinerator.

The Project Team confirmed that these are CCME guidelines, and are being reviewed and negotiated with individual industries. The province has not approached the Region nor vice versa.

A Committee member raised questions about a member of the Project Team's presentation in Tilsonburg. These questions were ruled out of order by the Facilitator as not being part of material that was part of the review of EFWAC.

The Project Team noted concern, under the legal requirements for the facility as approved by the MOE whereby data may not be made available during start up, shutdowns, and malfunctions. There was a discussion about what data would be available and when. Some Committee members noted that their position was that all of the monitoring data should be available on a public web site at all times. There was reference to the raw data being processed through a Data Acquisition Handling System which will compile the raw data into the regulatory averaging periods needed to determine compliance.

MOVED by D. Anderson, SECONDED by L. Gasser:

"THAT the EFWAC ask the proponent to consider making all emissions monitoring data including raw data and results publicly available when it is available.

MOTION DEFEATED

3. DRAFT COMMUNITY COMMUNICATIONS PLAN

A Draft Community Communications Plan PowerPoint presentation was provided to the Committee by Gioseph Anello, Manager, Waste Planning and Technical Services (Attachment No. 2).

EFWAC comments on the Draft Community Communications Plan are due by **Friday, November 30** and are to be submitted to Melodee Smart at melodee.smart@durham.ca with a copy to Sue Cumming, EFWAC Facilitator, at cumming1@total.net for inclusion in the Draft Community Communications Plan comment/response table which will be submitted to the MOE.

**Members to return
comments to
Melodee Smart and
Susan Cumming
By November 30,
2012**

EA Condition 7 required consultation with the Environmental Approvals Branch (EAB) and development to the satisfaction of the EAB Director, and is to be finalized prior to the first receipt of non-hazardous waste at the facility.

The Project Team confirmed that the author of the Plan is the Project Team. A Committee member expressed concern about the wording on page 21 and the role of Covanta Energy Corporation (Covanta). It was further confirmed that Covanta was included in the consultation to ensure that the Covanta Community Communication Plan required under the Project Agreement was consistent with the proponents' plan.

The member of the Committee further asked if the public is being invited to comment on this draft Plan, and if so, if a media release would advertise this opportunity for comment from the public, where the document can be found on the website, and when comments are due to the Project Team.

Some Committee members expressed concern with what they viewed as the appropriate marketing of incineration and the promotional aspect of the communication plan.

The Project Team confirmed that this draft Plan follows the methodologies used by the Regions, and that Durham and York communications specialists were involved in the development of this Plan. Further, that the document is intended to appropriately explain waste disposal systems and recovery programs implemented in both Durham and York Regions. The Project Team indicated that school visits would include a discussion of all waste diversion and disposal methods. The Committee member further noted her concern that this is way beyond the scope of Condition 7. A Committee member reminded the Project Team that with regard to section 8.1 of the draft Plan and the reference to the emissions display board, that the Municipality of Clarington has a sign by-law and that all signage requirements and approvals are to be appropriately obtained.

It was questioned who will operate the visitors' centre. The Project Team confirmed it is operated by Durham.

The Project Team also confirmed that in Section 37.10 of the Project Agreement, a Service Performance Incentive, Community Communication, is included, on which Covanta is scored.

A member requested an extension to the deadline for comments to the Project Team. The Project Team confirmed that the comments may be submitted by Friday, November 30 (*revised from original date of November 9*).

4. REVISED SOILS TESTING PLAN

A Revised Soils Testing Plan PowerPoint presentation was provided to the Committee by Gioseph Anello, Manager, Waste Planning and Technical Services (Attachment No. 3).

The Soils Monitoring Plan is a requirement of the CofA. This Plan is to be submitted to the District Manager for approval.

| | |
|--|---|
| <p>Locations for the soil testing are the locations of the ambient air monitoring stations, and will test for metals, dioxins and furans and polycyclic aromatic hydrocarbons in the soil. Additional monitoring has been expanded, further to the requirement of the CofA.</p> <p>The CofA requires soil testing every three years. The Regions will test for background data prior to operations, and once per year for the first three years of operations.</p> <p>The Revised Soils Testing Plan does not fall under the mandate of the EA Conditions for EFWAC comments, however, comments on this Plan can be submitted by November 9 via Melodee Smart and Susan Cumming to the Project Team.</p> <p>It was requested by a Committee member that the partial testing location be made clearer in the Revised Soils Testing Plan. The Project Team confirmed they will verify with the MOE that it is understood what is taking place. The Project Team will also look at the CofA to determine if the third location is to be soil tested in accordance with the ambient air.</p> | <p>EFWAC Members to return comments to Melodee Smart and Susan Cumming by November 9, 2012</p> <p>Project Team to confirm details of third location</p> |
| <p>5. <u>NEXT MEETING</u></p> <p>Date options for both afternoon and evening meeting dates in February 2013 will be forwarded to the EFWAC members to confirm the next meeting.</p> <p>Meeting notes will be provided to the members of the Committee, and it is asked that all comments and revisions be returned via Melodee Smart to Susan Cumming for subsequent approval and posting.</p> <p>Agenda items for the next meeting include the 2012 Compliance Monitoring Report and Waste Diversion Reports for 2011 from both Durham and York Regions.</p> <p>A member of the Committee requested that the EFWAC minutes be forwarded electronically to the members of the EFW-WMAC as soon as approved and made publicly available.</p> <p>It was requested by a member of the Committee that this meeting's minutes reflect that on behalf of Durham Environment Watch, there are many unresolved issues with regard to particulate matter with the MOE that need to be addressed. Plans are being prepared and decisions made more in the interest of protecting industry than the public. Durham Environment Watch strongly objects to the AEMP, and would like to ensure that it is explicitly clear that not all members of this Committee are in agreement with the decisions being made by the Project Team.</p> <p>The Facilitator advised that once a reply has been received by the MOE regarding the September 2012 correspondence to Mr. Parrott, the members of the Committee will be advised.</p> <p>Meeting adjourned.</p> | <p>EFWAC Members to return comments to Melodee Smart and Susan Cumming</p> <p>Melodee Smart to forward to the members of the EFW-WMAC</p> <p>Susan Cumming</p> |

PRESENT

EFWAC

Brian Anthony, Director, Public Works, City of Vaughan (Member)
Chris Darling, Director of Development Review and Regulation, Central Lake Ontario Conservation Authority
Mike Saulnier, Manager, Operations, City of Oshawa (Member)
Ian Roger, Director of Public Works and Parks, Township of Scugog (Member)
Murray Gale, Superintendent of Solid Waste Management, Town of Whitby (Alternate)
Faye Langmaid, Manager of Special Projects, Municipality of Clarington (Member)
Wendy Bracken, Durham Environment Watch (Alternate)
Linda Gasser, Zero Waste 4 Zero Burning (Member)
Doug Anderson, DurhamCLEAR (Member)
Giuseppe Anello, Manager, Waste Planning and Technical Services, The Regional Municipality of Durham
Dave Gordon, Manager, Waste Management Program Planning and Policy, The Regional Municipality of York

Project Team

Greg Borchuk, Project Manager, Waste Management, The Regional Municipality of Durham
Lyndsay Waller, Operations Technician, The Regional Municipality of Durham

Other

Susan Cumming, Cumming + Company, EFWAC Facilitator
Dave Fumerton, District Manager, Ministry of the Environment (Observer)
Ken Gorman, Director, Environmental Health, The Regional Municipality of Durham (Observer)
Joanne Paquette, Manager, Communications (Works)
Kerry Meydam, Durham Environment Watch (Member)

REGRETS

EFWAC

Rob Flindall, Director of Engineering and Public Works, Township of King (Member)
Derek Bakshi, Senior Project Manager, Township of King (Alternate)
Dan Pisani, Director of Operations and Engineering, Town of Georgina (Member)
Rob Fortier, Operations Manager, Town of Georgina (Alternate)
Rosanne Fritzsche, Waste Management Coordinator, Town of Richmond Hill (Member)
George Flint, Manager of Air Quality, Climate Change and Waste Policy, Town of Richmond Hill (Alternate)
Joe La Marca, Director, Health Protection Division, The Regional Municipality of York (Observer)
Paul Whitehouse, Director, Public Works, Town of Whitchurch-Stouffville (Member)
Christopher Kalimootoo, Director of Engineering and Environmental Services, Town of East Gwillimbury (Member)
Peter Loukes, Director of Environmental Services, City of Markham (Member)
Claudia Marsales, Manager, Waste Management, Town of Markham (Alternate)
Brian Jones, Director, Public Works Services, Town of Newmarket (Member)
Ilmar Simanovskis, Director of Infrastructure and Environmental Services, Town of Aurora (Member)
Suzanne Beale, Director of Public Works, Town of Whitby
Dave Meredith, Director of Operations and Environmental Services, Town of Ajax (Member)
Nick Colucci, Director, Public Works, Township of Brock (Alternate)
Thomas Gettinby, CAO and Municipal Clerk, Township of Brock (Member)
Ben Kester, Director of Public Works, Township of Uxbridge (Member)
Jacob Mantle, Councillor Ward 4, Township of Uxbridge (Alternate)
Dhaval Pandya, Coordinator of Transportation Engineering, City of Pickering (Member)
Michelle Whitbread, Coordinator, Parks and Environmental Services, City of Oshawa (Alternate)
David Crome, Director of Planning, Municipality of Clarington (Alternate)
Tracey Ali, Zero Waste 4 Zero Burning (Alternate)
Perry Sisson, Director of Engineering and Field Operations, Central Lake Ontario Conservation Authority (Alternate)
Mirka Januszkiewicz, Director, Waste Management, The Regional Municipality of Durham
Laura McDowell, Director, Environmental Promotion and Protection, The Regional Municipality of York

EFWAC

EFW Update

October 24, 2012

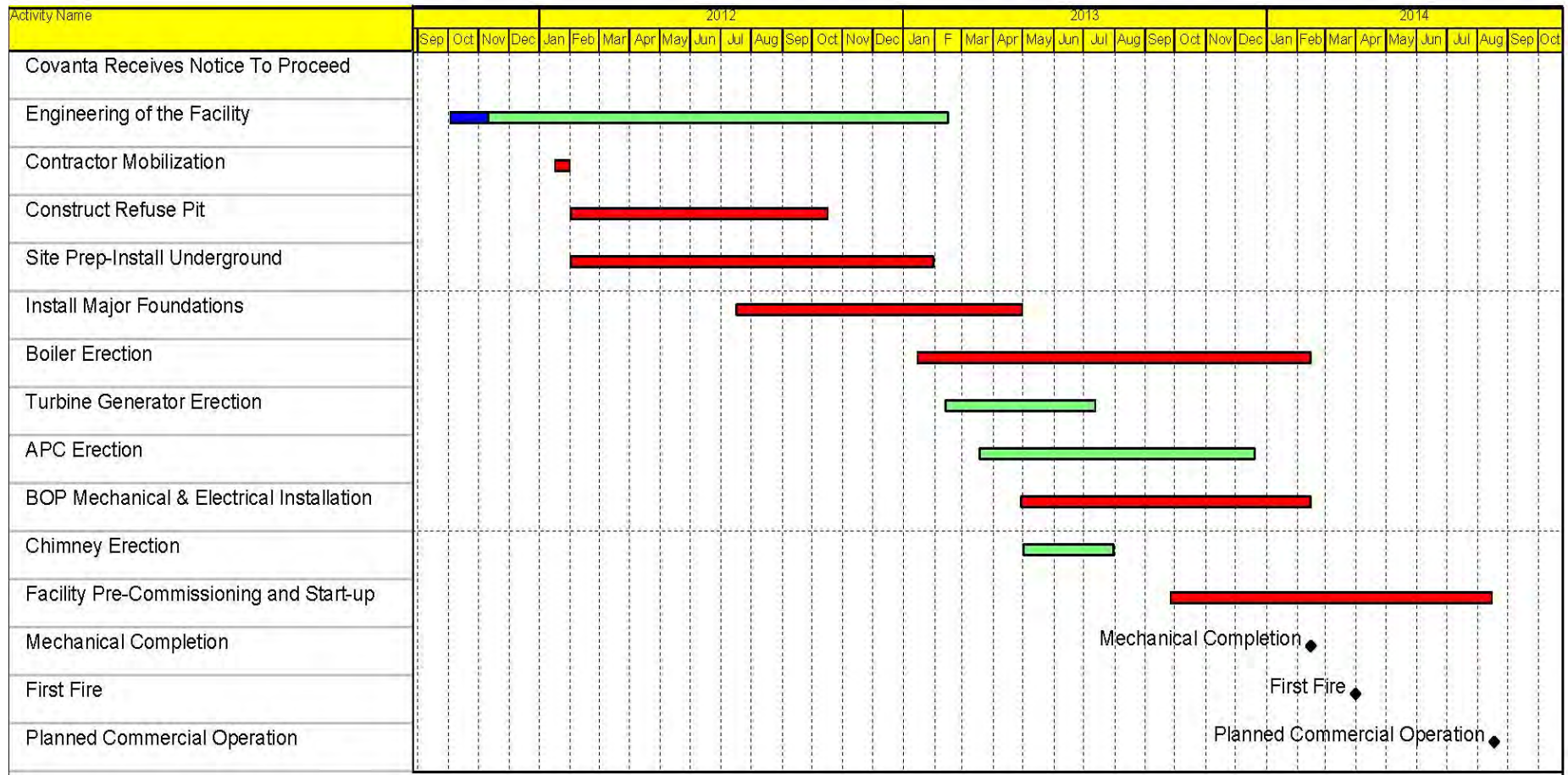
Gioseph Anello, M.Eng., P.Eng., PMP
Manager of Waste Planning and Technical Services
Works Department
The Regional Municipality of Durham



Durham/York EFW Project Timelines 2009 - 2012



Construction Plan

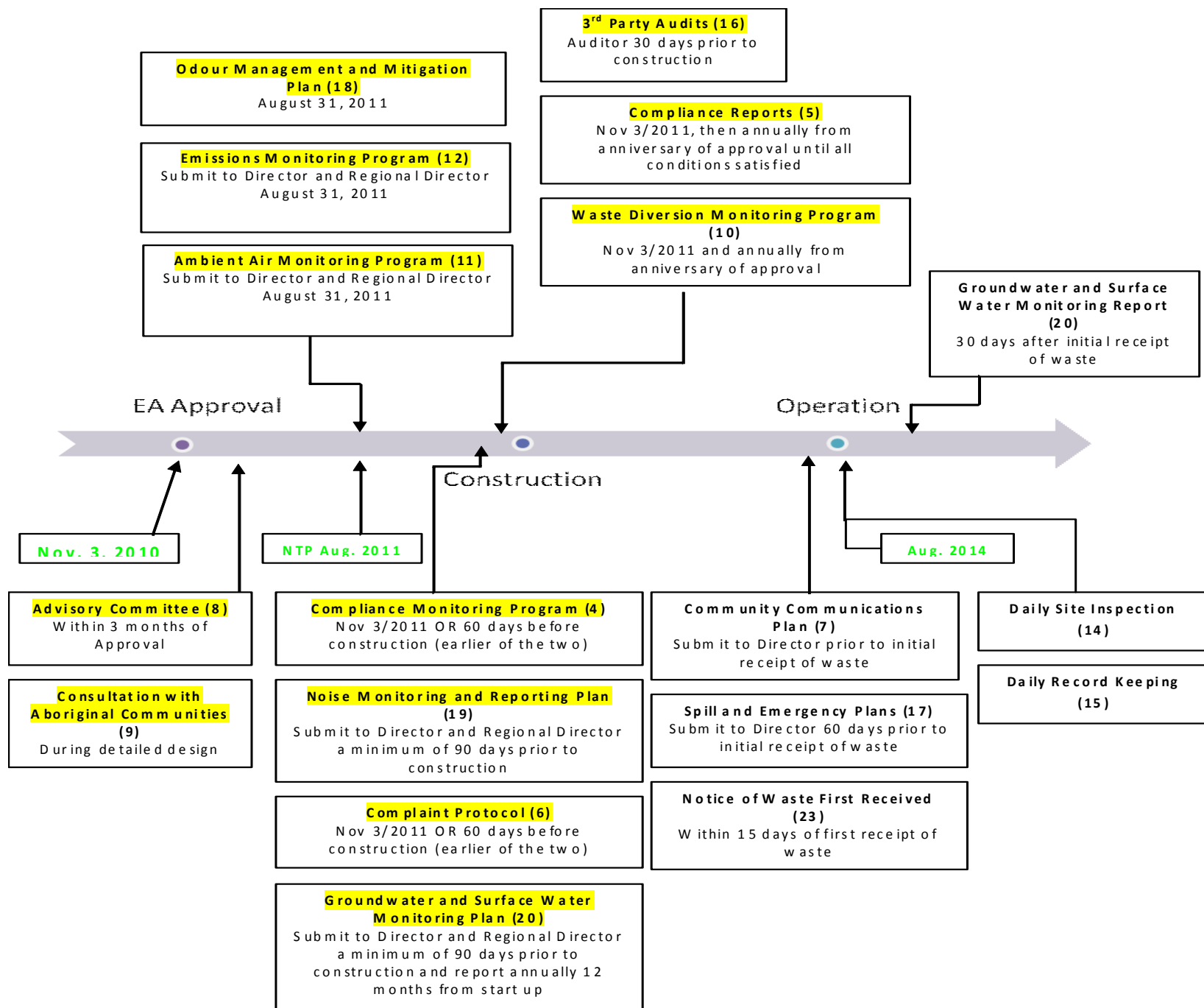












Site Plan Commitments

○Landscaping

- Plan prepared by local landscape architect and approved by Clarington
- Tree review completed as part of Site Plan process
 - 35 existing trees on site – mostly Manitoba Maple, Crab Apple and Poplar
 - Only 6 were rated 'Good' based on their health
 - 29 were rated 'Dead, Dying or Poor'
 - 2 were recommended for 'Saving' – one is inside the fence line the second is outside – both are being protected
- Approved Site Plan requirements:
 - 55 new trees of 60mm calliper or larger – oak and maple species
 - Over 200 other native species of trees – White Pine, Spruce, Hemlock, Tamarack, Redbud
 - Over 300 new shrubs
 - Plus hundreds of other ground covers and grasses
 - Total cost > \$250,000
- Site includes a wildlife corridor along the south property limit
- An additional Payment in Lieu of parkland was provided to Clarington

○Lighting

- Plan must conform to Clarington illumination policy
- Must follow building and site plan permit process/review



Off-Site Commitments

- Waterfront trail (Sec. 9.8)
 - Clarington staff involved throughout process
 - 1.3 km paved trail along the waterfront heading east from Courtice Road
- Storm water and Tooley Creek watershed (Sec. 9.3)
 - EA approval required the most stringent storm water assessment
 - Region designing and providing storm water management works for Energy Park
 - CLOCA approval received
 - Clarington approvals received – meeting all requirements of the Master Drainage Plan
- Private Truck Access (Sec. 9.4)
 - Region is providing a private truck laneway off Courtice Road and parallel to the CN rail
 - Laneway will include screening in the form of a berm or landscaping along the north limit.
- Land (Sec 9.7) also in the Site Plan Agreement
 - Region to transfer ownership of its land west of Courtice Road and south of CN rail to Clarington

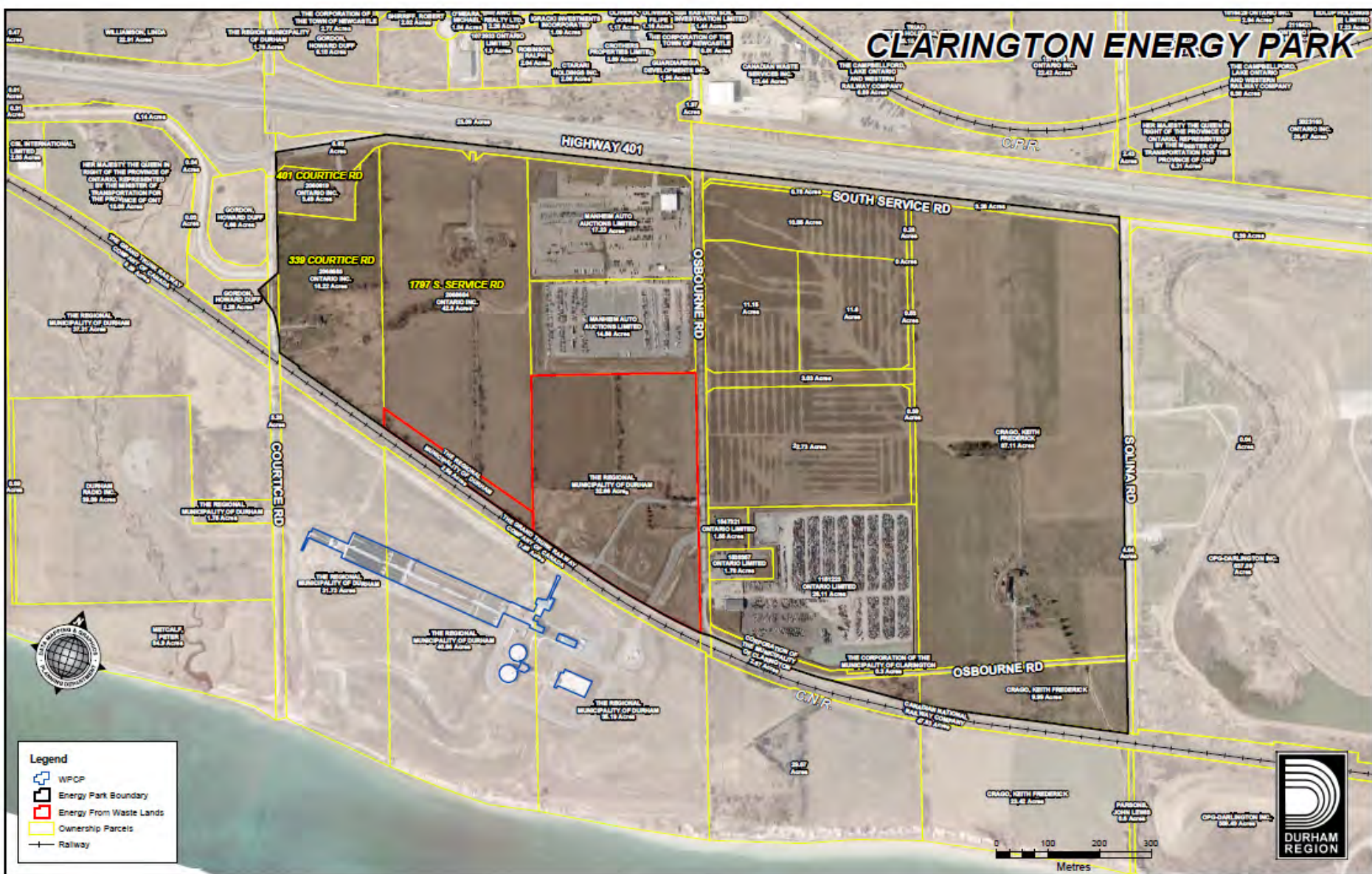


KEY PLAN

REGION OF DURHAM

TITLE BLOCK:

| | | | |
|---|--|-------------|--|
| PROJECT NUMBER | | DATE | |
| DRAWN BY | | CHECKED BY | |
| DESIGNED BY | | APPROVED BY | |
| PROJECT NAME | | SHEET NO. | |
| PROJECT LOCATION | | SCALE | |
| THE REGIONAL MUNICIPALITY OF DURHAM | | | |
| WATERFRONT TRAIL PLAN FROM 0+00 ST. TO 1+519.51 | | | |
| CLARINGTON | | | |



QUESTIONS???



EFWAC

Community Communications Plan

October 24, 2012

Gioseph Anello, M.Eng., P.Eng., PMP
Manager of Waste Planning and Technical Services
Works Department
The Regional Municipality of Durham



EA Condition 7

- The plan shall be prepared in consultation with the EAB and to the satisfaction of the Director
- Finalize and submit the Community Communications Plan to the Director prior to the initial receipt of non-hazardous municipal solid waste at the site.



Community Communications Plan: Scope

- How the proponent plans to disseminate information to interested members of the public and any Aboriginal communities;
- How interested members of the public and any Aboriginal communities will be notified and kept informed about site operations; and,
- The procedures for keeping interested members of the public and Aboriginal communities informed about information on documents related to the undertaking, and when and how the information will be made available.



Objectives

To promote, increase awareness and stress the importance of the 4 Rs, integrated waste management and diversion programs offered by Durham and York Regions and to continuously strive to improve resident participation, capture rates and ultimately waste diversion.

To provide a variety of outlets for stakeholders to obtain accurate information and updates during the design, construction and operation phases, including ongoing environmental monitoring of the Durham York Energy Centre.



Stakeholder Engagement

- School Programs
- DYEC Visitors Centre
- Aboriginal communities
- Advisory Committees
 - EFWAC
 - EFW-WMAC
- Municipal and Regional Councils and Committees
- Ministry of the Environment



QUESTIONS???



EFWAC

Soil Monitoring Plan

October 24, 2012

Gioseph Anello, M.Eng., P.Eng., PMP
Manager of Waste Planning and Technical Services
Works Department
The Regional Municipality of Durham



CofA

- The Regions shall prepare and submit to the District Manager for concurrence, a Soil Testing Plan to monitor the impact of the Site operations at the locations where the ambient air monitoring is proposed by the Owner in accordance with the requirements set out in the EA Approval .



Soil Monitoring Scope (CofA)

- Representative samples
- Testing for:
 - Cadmium, lead, chromium, nickel, cobalt, copper, molybdenum, selenium, zinc, mercury, Dioxins and Furans
- Comply with regulatory requirements for sampling and testing



Soil Monitoring Plan

| Metals | |
|------------------|----------------|
| Antimony | Lead |
| Arsenic | Mercury |
| Barium | Methyl Mercury |
| Beryllium | Molybdenum |
| Boron | Nickel |
| Cadmium | Phosphorus |
| Chromium (total) | Selenium |
| Chromium V1 | Silver |
| Cobalt | Thallium |
| Copper | Tin |
| | Vanadium |
| | Zinc |

| Polycyclic Aromatic Hydrocarbons (PAH's) |
|--|
| |
| Anthracene |
| Benzo(a)fluorene |
| Beno(a)pyrene TEQ |
| Benzo(b)fluorene |
| Fluorene |

| Dioxins and Furans (PCDD/PCDF) |
|-----------------------------------|
| Total PCDD/PCDF (TEQ) |

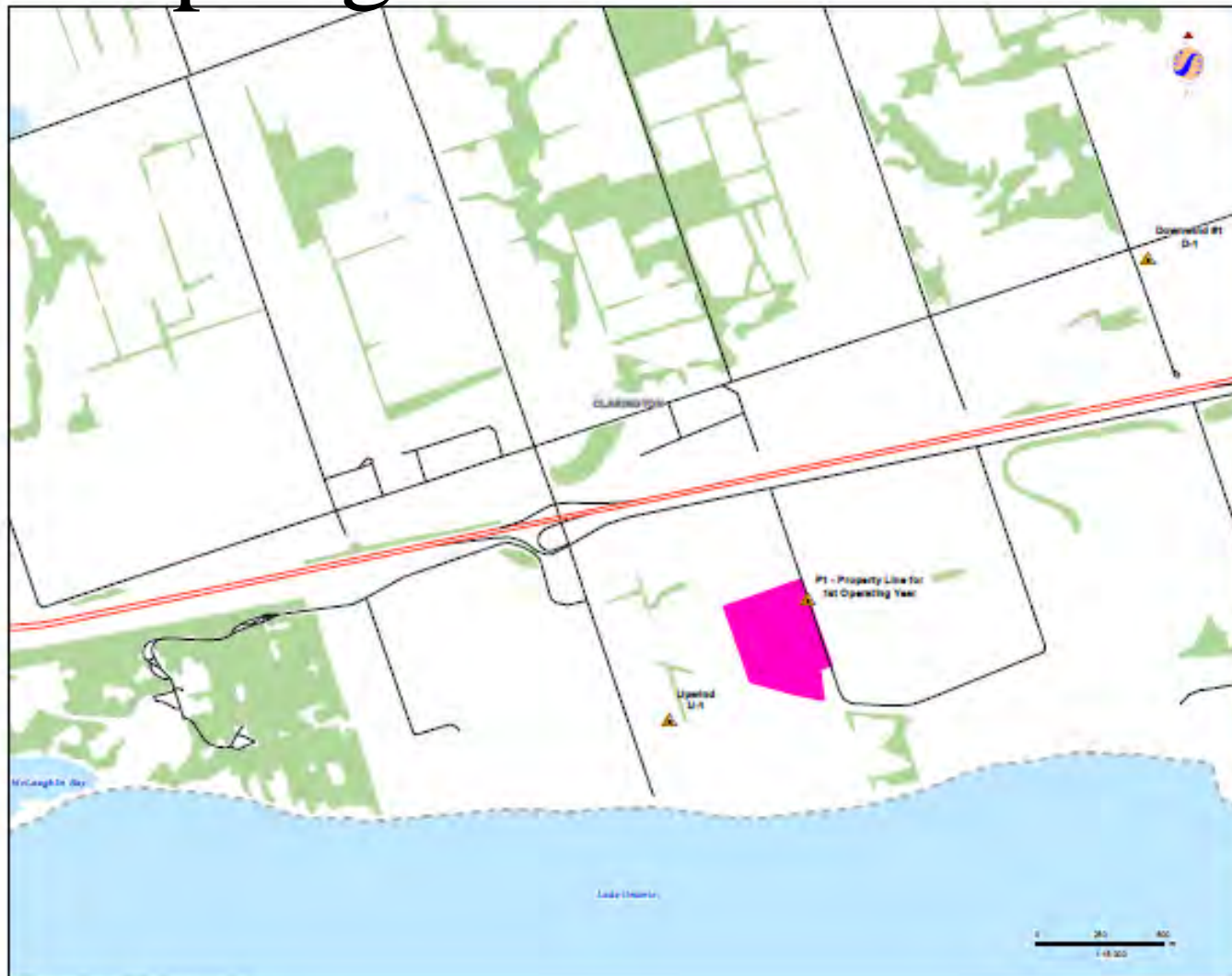


Testing Frequency

- Cof A requires soil testing every three (3) years
- Region will test for background data prior to operations and once per year for the first three years of operations



Sampling Locations



Preparation of map and data for this report was completed by the author(s) on 10/10/2012.



REPORTING

- Within one month of completion of each soil testing event, the Regions will submit a soil testing report to the District Manager in accordance with Certificate of Approval Condition 15 (4)
- Posted to Website
- Made available to EFWAC for information



QUESTIONS???



Meeting #7 Agenda

Advisory Committee Annual Report 2013



AGENDA

Energy from Waste Advisory Committee (EFWAC)

| EFW Advisory Committee (EFWAC) | |
|--------------------------------|--|
| SUBJECT | Meeting #7 |
| MEETING DATE/TIME | Tuesday, February 12, 2013 from 2 to 4 PM |
| LOCATION | The Regional Municipality of Durham Headquarters 605 Rossland Road East, Whitby – Meeting Room LL-C |
| AGENDA OR REMARKS | <ol style="list-style-type: none">1. Welcome and Introductions <i>Review of Meeting #6 Notes</i>2. Energy from Waste Project Update<ol style="list-style-type: none">a. Schedule Updateb. Construction Updatec. Compliance Update<ul style="list-style-type: none">• Soil Monitoring Plan• Groundwater and Surface Water Monitoring Pland. Communication Plan Update3. Presentation on the Durham York Energy Centre 2012 Compliance Monitoring Report4. Next Meeting – Tuesday, April 23 from 2 to 4 PM5. Meeting Adjourns |

Please contact Facilitator Sue Cumming, MCIP RPP, Cumming+Company at 866 611-3715 or cumming1@total.net with any questions.

Meeting #7 Minutes and Presentations

Advisory Committee Annual Report 2013



Energy from Waste Advisory Committee (EFWAC) Meeting #7

MINUTES (APPROVED)

| SUBJECT: | Energy from Waste Advisory Committee Meeting #7 | |
|---|--|--------|
| ATTENDEES: | Please refer to page 8 for complete listing. | |
| LOCATION: | The Regional Municipality of Durham, Meeting Room LL-C 605 Rossland Road East, Whitby | |
| DATE AND TIME: | Tuesday, February 12, 2013 at 2:00 p.m. | |
| ITEM | | ACTION |
| 1. <u>WELCOME AND INTRODUCTIONS</u> Sue Cumming, independent Facilitator, welcomed the members of the Committee and the members of the public to the seventh meeting of the Energy from Waste Advisory Committee (EFWAC). The Facilitator reviewed the Committee's ground rules. All Committee members and staff in attendance introduced themselves. The Facilitator confirmed quorum was obtained, and thanked members for their attendance. The Facilitator confirmed that Luis Carvalho, Senior Project Manager, Capital Planning and Delivery, The Regional Municipality of York, is attending on the behalf of Laura McDowell, as Laura will be arriving late to this meeting. The Facilitator advised that there was a request from the members of the Durham Environment Watch to change the order of the agenda so that Kerry Meydam could participate in the first half of the meeting, and then be replaced for the last half of the meeting by her alternate, Wendy Bracken. The Facilitator presented to the EFWAC members for their consideration and approval that Item 2. d. (EFW Project Update, Communication Plan Update) be moved ahead of Item 2. c. (EFW Project Update, Compliance Update). The Facilitator requested if members had any further additions or verifications to the agenda. | | |

In response to a member's request to add the EFWAC Terms of Reference (ToR) to the agenda, for discussion on quorum and EFWAC voting members, the Facilitator advised that a vote would be required to add an item to the agenda of February 12. The Facilitator clarified that for this agenda, if additional items are included on the agenda, a vote by members to accept the addition(s) is required, however, if the order of the agenda was being adjusted, a vote was not required.

It was determined that the question of quorum and voting members would be discussed during Review of Meeting #6 Notes under Item 1 of the agenda.

It was further determined that at the request of Kerry Meydam, a review of the MOE correspondence from Ian Parrott sent in reply to the correspondence from Sue Cumming on behalf of EFWAC following the October 2012 meeting, and as distributed to the members in November 2012, be addressed under Item 2. d. Compliance Update. And that the revised Air Emissions Monitoring Plan, as submitted to the MOE on February 11, and received by EFWAC electronically and in hard copy on February 12, 2013, be addressed under Item 2. d. Compliance Update, for the Project Team to provide a brief overview and explanation as to what drove these changes.

The Facilitator reviewed the order of the revised agenda:

1. Welcome and Introductions
 - Review of Meeting #6 Notes
2. EFW Project Update
 - a) Schedule Update
 - b) Construction Update
 - c) Communication Plan Update
 - d) Compliance Update
 - Soil Monitoring Plan
 - Groundwater and Surface Water Monitoring Plan
 - Clarification of the Revised Air Emissions Monitoring Plan and Revised Soils Testing Plan (submitted to the MOE February 11, 2013)
3. Presentation on the Durham York Energy Centre 2012 Compliance Monitoring Report
4. Next Meeting
5. Adjournment

MOVED by N. Colucci, SECONDED by M. Januszkiewicz:

"THAT that the revised agenda be received."

Review of Meeting #6 Notes

The Facilitator advised that the October 24, 2012, meeting notes were reviewed, approved and posted accordingly, noting that comments can still be submitted even though they are approved.

A Committee member questioned how the Facilitator confirms quorum and who constitutes EFWAC voting members noting that based on the notes of those recorded as present attending the last meeting, quorum was only achieved with the inclusion of two Project Team members. The Facilitator advised that under Section 3.1 Membership found on Page 2 of the MOE approved ToR, under Item c), it

references one representation of each of the following - a staff member of Durham and York, further noting that these staff members have been sitting at the table since the first meeting with the ability to vote and with the same rights as the other members. The Facilitator confirmed that as noted in the meeting notes of Meeting #6, quorum was obtained.

Three members of the Committee discussed their concerns with regard to the process by which the ToR were developed, advising that at the first meeting, EFWAC members were provided with a draft of the ToR as prepared by the Project Team. They advised that there had been no mechanism by which the Committee could discuss the ToR, as members were just asked to submit comments on the ToR to the Project Team for inclusion at the Project Team's discretion. These members advised that voting and non-voting members had not been clarified in the ToR and that on most advisory committees, staff are considered non-voting members, also noting that the Committee had not approved the ToR. Further, one of these members advised that a staff member from both Durham and York Regions were not included in the section regarding the development of an Advisory Committee as outlined in the Conditions of Approval.

The Facilitator clarified that this Committee was formed as a Condition of the EA, and at the direction of the MOE with a different protocol than some committees. The Facilitator advised that these concerns would be noted as raised at this meeting and suggested they be registered for discussion at a subsequent meeting.

A Committee member confirmed that the issue of voting and non-voting members, and possible conflict of interest will be requested to be included on the next meeting agenda.

No further comments were received by Committee members.

EFWAC ToR to be included on Agenda of next meeting.

2. ENERGY FROM WASTE PROJECT UPDATE

An EFW update presentation was provided to the Committee by Gioseph Anello, Manager, Waste Planning and Technical Services.

a. Schedule Update **b. Construction Update**

Gioseph advised that per the contractual obligation, the project is to start operation in December 2014, however, the current master project schedule shows that they are ahead of schedule, indicating an operational start up in August 2014.

As of February 2013, the engineering of the facility is in its final completion. Receipt of the next milestone payment request, for 75% design, is anticipated in March 2013. The underground should be completed shortly with only some outstanding gas lines to be installed. The foundations are currently on-going, and the last components of the boiler have been shipped from China. Some structural steel has been received for fabrication on-site. The turbine generator is awaiting delivery, and currently sits in an Amsterdam port. The air pollution control equipment (APC) is under construction with foundations going in at this time. The boiler is still on the critical path on the schedule and is still on-time. There are no delays anticipated to this project at this time. Gioseph provided additional details with regard to the

photographs detailing what is happening on-site, including placement of the turbine generator pedestal, the pit, which is almost complete, the placement of the structural steel around the building, and installation of the roof deck. The hoppers have been installed, and the cranes are in place. The architectural rendering shows part of the facility with the turbine generator, along with the back of the building where the residue building has bunkers for fly and bottom ash - this foundation is in place with the structure over top as this will be a fully enclosed facility.

In response to a Committee member questioning what activities are included the facility pre-commissioning and start up scheduled in September 2013, Gioseph advised that as receipt of first waste is anticipated on-site in March 2014, under the Project Agreement there is an obligation to run the facility using waste prior to the actual commissioning of the facility. Prior to this, they will be doing shake up, which is seasoning and running the equipment and components, and start up, using natural gas. The Facility will be ready to receive waste, and will then get into actual acceptance testing. Commercial operation is defined as when the facility has passed acceptance testing and is fully operational.

c. Communication Plan Update

Gioseph advised that following the extension of submission comments on the draft Community Communications Plan (CCP) at the last EFWAC meeting, at the direction of Durham Regional Council of November 21, 2012, the comment period was extended from the end of November to March 30, 2013. Since this direction, staff have placed public service announcements and advertised on this extension. The draft CCP has been posted on-site since October 10, 2012, and to-date, the only comments received have been those from the Municipality of Clarington. A memo has since been presented to Durham Regional Council indicating staff action to-date, including a Durham Region PSA placed on January 16, and York Region PSA placed on January 17. Notification of this extension also includes interviews with Durham Radio, postings on Facebook and Twitter, and an update to the EFW-WMAC at their November meeting. Further, Council has been advised that comments on the draft CCP will be compiled, and a comment and response table will be prepared and submitted to MOE following the March 30 deadline.

In response to the Facilitator's inquiry as to whether the comments received at the October 24 EFWAC meeting would be included in this comment/response table, Gioseph confirmed they would.

Discussion ensued from some members of the Committee with regard to the lack of direction provided to members of the public that the draft CCP document exists, where comments are to be submitted, no email address or link, that there has not been stand alone advertisements published to request public comments, but instead an advertisement tacked on to another meeting notice with no relation to the draft CCP, that Clarington's motion requesting a Public Information Session (PIS) and further extension to the comment period has not been endorsed, and that the timeline currently set for submission of public comments can be extended, based on timing for the receipt of first waste to the Facility.

A member of the Committee quoted Durham Council resolution of November 21, 2012, "THAT Council request the Energy from Waste Advisory Committee (EFWAC) to initiate and extend the public consultation on the Draft Community

Communications Plan to extend the comment deadline from November 30, 2012, to March 30, 2013, ...", commenting that from this resolution, it is clear that this committee is to initiate consultation, and advising that this is the one opportunity for this Committee to deal with Durham's resolution and be aware of Clarington's requests.

It was verified for a member of the Committee that social media is being used (Facebook and Twitter), and will continue to be used until the submission date deadline.

Some members agreed that an extension would not be necessary, as those submitting comments would have done so already.

It was clarified that the Clarington motion would be directed from Clarington to Durham Region's Works Committee.

The Facilitator suggested that feedback from the members of the Committee on the draft CCP would assist in identifying the issues discussed.

Following additional discussion, review of comments from some Committee members at the October 2012 meeting with regard to the draft CCP, consideration to the placement of a stand alone advertisement stating the purpose of the draft CCP, what the draft CCP is to achieve, and where to comment, and the possibility of endorsing Clarington's motion with regard to the extension, it was suggested that the Project Team place two additional advertisements in the local papers the last week of February and the second week of March, which would clearly outline where to submit comments on the draft CCP.

Mirka confirmed that the Committee's request for two additional advertising events would be published, in consultation with Communications staff, and will clearly identify the purpose of the draft CCP.

d. Compliance Update

• Soils Testing Plan

The Soils Testing Plan was presented to the EFWAC in November 2012, submitted comments were included in the comment and response table, and consultation with MOE on the technical aspects continued to finalize the plan. The final draft including the comment and response table was submitted to the MOE yesterday, and members have been provided this electronically and in hard copy.

Gioseph advised that the Project Team has an obligation to consult with MOE technical staff and that the plan is revised in accordance with the MOE's technical requirements. Further, these plans are in draft, and comments can be received until the plan is approved by the MOE.

It was questioned what is preventing the MOE from approving the plan before submission of comments, and asked that MOE technical comments be provided to Committee members.

Gioseph confirmed that the MOE comments are posted to the website. The Facilitator requested that MOE's comments be provided to members.

**Project Team to
advertise the
request for public
comments on the
draft CCP.**

**MOE comments to
be forwarded to**

Discussion ensued with regard to requesting an extension from the MOE to receive comments prior to their approval of the draft plans. A motion was presented:

MOVED by B. Anthony, SECONDED by F. Langmaid:

“THAT notwithstanding the fact that the Project Team has submitted the modified Soil Testing Plan and the modified Air Emissions Monitoring Plan to the MOE on February 11, 2013, the MOE be advised that the EFWAC Committee did not receive the documents until the day of the EFWAC meeting of February 12, 2013, and that the MOE be advised that additional comments may be forthcoming from EFWAC members by February 28, 2013.

MOTION CARRIED

It was requested by a Committee member that the motion with regard to soil and air monitoring passed at the last EFW-WMAC meeting be forwarded to members of EFWAC, and that EFWAC members consider this resolution when preparing comments on the draft Air Emissions Monitoring Plan and Soils Testing Plan submissions.

- **Groundwater and Surface Water Monitoring Plan**

The Groundwater and Surface Water Monitoring Plan was one of the first plans approved by the MOE. The Well Development correspondence sent to the MOE provided an explanation so the MOE understood when first year of monitoring was initiated and when they can expect first year report. It was reported to MOE that the first report is due to the MOE by the end of April 2013.

Gioseph confirmed this was background data and that a consultant analyzes the results. Following three sessions of groundwater monitoring over the next one year period, the results will be incorporated into a report - this report comes to this Committee and will include this data and analysis of this data.

EFWAC members.

**EFW-WMAC
motion to be
forwarded
electronically to
EFWAC.**

3. PRESENTATION ON THE DURHAM YORK ENERGY CENTRE 2012 COMPLIANCE MONITORING REPORT

A presentation was provided to the Committee by Gioseph Anello, Manager, Waste Planning and Technical Services.

This report must be submitted to MOE annually by November 3, which is the anniversary date of the EA approval date. The report includes three appendices:

- A: Progress on meeting the EA notice of approval conditions;
- B: Progress on meeting the commitments made in the EA ; and
- C: The Advisory Committee Annual Report which includes presentations and the meeting minutes.

The letter from MOE was distributed at the meeting from Ian Parrott, dated November 9, 2012. This is in response to the letter sent by the EFWAC facilitator to the MOE with regards to the outstanding issues related to the particulate matter emissions.

Several members indicated that the MOE response fell short of the expectation that calculations would have been provided which demonstrated the MOE's methodology in reaching its conclusions.

Discussion ensued on the possibility of writing another letter to the MOE reiterating the request for calculations and methodology. A motion was presented:

MOVED by D. Anderson, SECONDED by W. Bracken:

"THAT EFWAC send a second letter to the MOE advising that following receipt of Mr. Parrott's response dated November 9, 2012, and its subsequent review by EFWAC, it is felt that the reply was insufficient, as the specific calculations and methodology were not provided. It is requested that the MOE provide these calculations and methodology, as previously requested.

MOTION DEFEATED

It was suggested that the notes reflect that the MOE did not respond to the specific request to provide the calculation and methodology, as it relates to the fourth paragraph, and that the Committee is not satisfied with response from MOE.

No further discussion on this item ensued.

4. NEXT MEETING

The next meeting has been confirmed for Tuesday, April 23, 2013, from 2-4 PM.

As requested a Committee member, the EFWAC ToR are to be included as an item on the agenda for the next meeting. The Facilitator requested that the member articulate specifics with regard to this request, in order that the members may be prepared for this discussion.

5. MEETING ADJOURNS

The meeting adjourned at 4:26 PM.

PRESENT

EFWAC

Mirka Januszkiewicz, Director, Waste Management, The Regional Municipality of Durham (Member)
Luis Carvalho, Senior Project Manager, Capital Planning and Delivery, The Regional Municipality of York (Alternate)
Ian Roger, Director of Public Works and Parks, Township of Scugog (Member)
Rob Flindall, Director of Engineering and Public Works, Township of King (Member)
Brian Anthony, Director, Public Works, City of Vaughan (Member)
Michelle Whitbread, Coordinator, Parks and Environmental Services, City of Oshawa (Alternate)
Nick Colucci, Director, Public Works, Township of Brock (Alternate)
Ben Kester, Director of Public Works, Township of Uxbridge (Member)
Suzanne Beale, Director of Public Works, Town of Whitby (Member)
Faye Langmaid, Manager of Special Projects, Municipality of Clarington (Member)
Perry Sisson, Director of Engineering and Field Operations, Central Lake Ontario Conservation Authority (Alternate)
Linda Gasser, Zero Waste 4 Zero Burning (Member)
Kerry Meydam, Durham Environment Watch (Member) – attended for the first part of the meeting
Wendy Bracken, Durham Environment Watch (Alternate) – attended for the last part of the meeting
Doug Anderson, DurhamCLEAR (Member)

Project Team

Laura McDowell, Director, Environmental Promotion and Protection, The Regional Municipality of York
Dave Gordon, Manager, Waste Management Program Planning and Policy, The Regional Municipality of York
Gioseph Anello, Manager, Waste Planning and Technical Services, The Regional Municipality of Durham
Greg Borchuk, Project Manager, Waste Management, The Regional Municipality of Durham
Lyndsay Waller, Operations Technician, The Regional Municipality of Durham
Kristy Brooks, Technical Assistant, The Regional Municipality of Durham

Other

Susan Cumming, Cumming + Company, EFWAC Facilitator
Dave Fumerton, District Manager, Ministry of the Environment (Observer)
Ken Gorman, Director, Environmental Health, The Regional Municipality of Durham (Observer)
Jacob Mantle, Councillor Ward 4, Township of Uxbridge (Alternate)
Joanne Paquette, Manager, Communications (Works)
Melodee Smart, Administrative Assistant (Works)

REGRETS

EFWAC

Derek Bakshi, Senior Project Manager, Township of King (Alternate)
Dan Pisani, Director of Operations and Engineering, Town of Georgina (Member)
Rob Fortier, Operations Manager, Town of Georgina (Alternate)
Rosanne Fritzsche, Waste Management Coordinator, Town of Richmond Hill (Member)
George Flint, Manager of Air Quality, Climate Change and Waste Policy, Town of Richmond Hill (Alternate)
Joe La Marca, Director, Health Protection Division, The Regional Municipality of York (Observer)
Paul Whitehouse, Director, Public Works, Town of Whitchurch-Stouffville (Member)
Christopher Kalimootoo, Director of Engineering and Environmental Services, Town of East Gwillimbury (Member)
Peter Loukes, Director of Environmental Services, City of Markham (Member)
Claudia Marsales, Manager, Waste Management, Town of Markham (Alternate)
Brian Jones, Director, Public Works Services, Town of Newmarket (Member)
Ilmar Simanovskis, Director of Infrastructure and Environmental Services, Town of Aurora (Member)
Dave Meredith, Director of Operations and Environmental Services, Town of Ajax (Member)
Thomas Gettinby, CAO and Municipal Clerk, Township of Brock (Member)
Murray Gale, Superintendent of Solid Waste Management, Town of Whitby (Alternate)
Dhaval Pandya, Coordinator of Transportation Engineering, City of Pickering (Member)
Mike Saulnier, Manager, Operations, City of Oshawa (Member)
David Crome, Director of Planning, Municipality of Clarington (Alternate)
Tracey Ali, Zero Waste 4 Zero Burning (Alternate)
Chris Darling, Director of Development Review and Regulation, Central Lake Ontario Conservation Authority (Member)



Durham York Energy Centre 2012 Compliance Monitoring Report

EFWAC – February 12, 2013

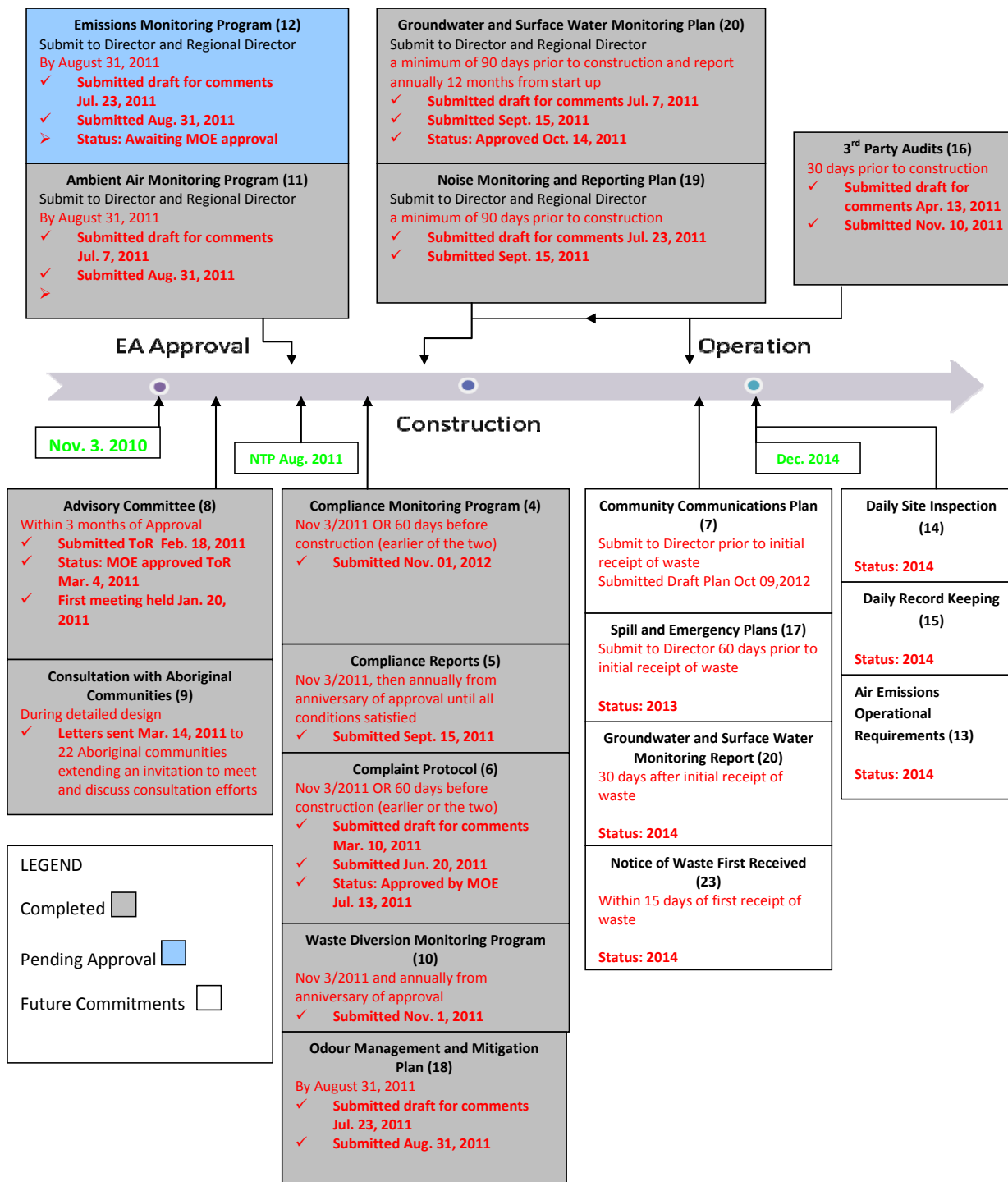
Gioseph Anello, M.Eng, P.Eng, PMP
Manager, Waste Planning and Technical Services
Works Department
The Regional Municipality of Durham





Compliance Report Contents

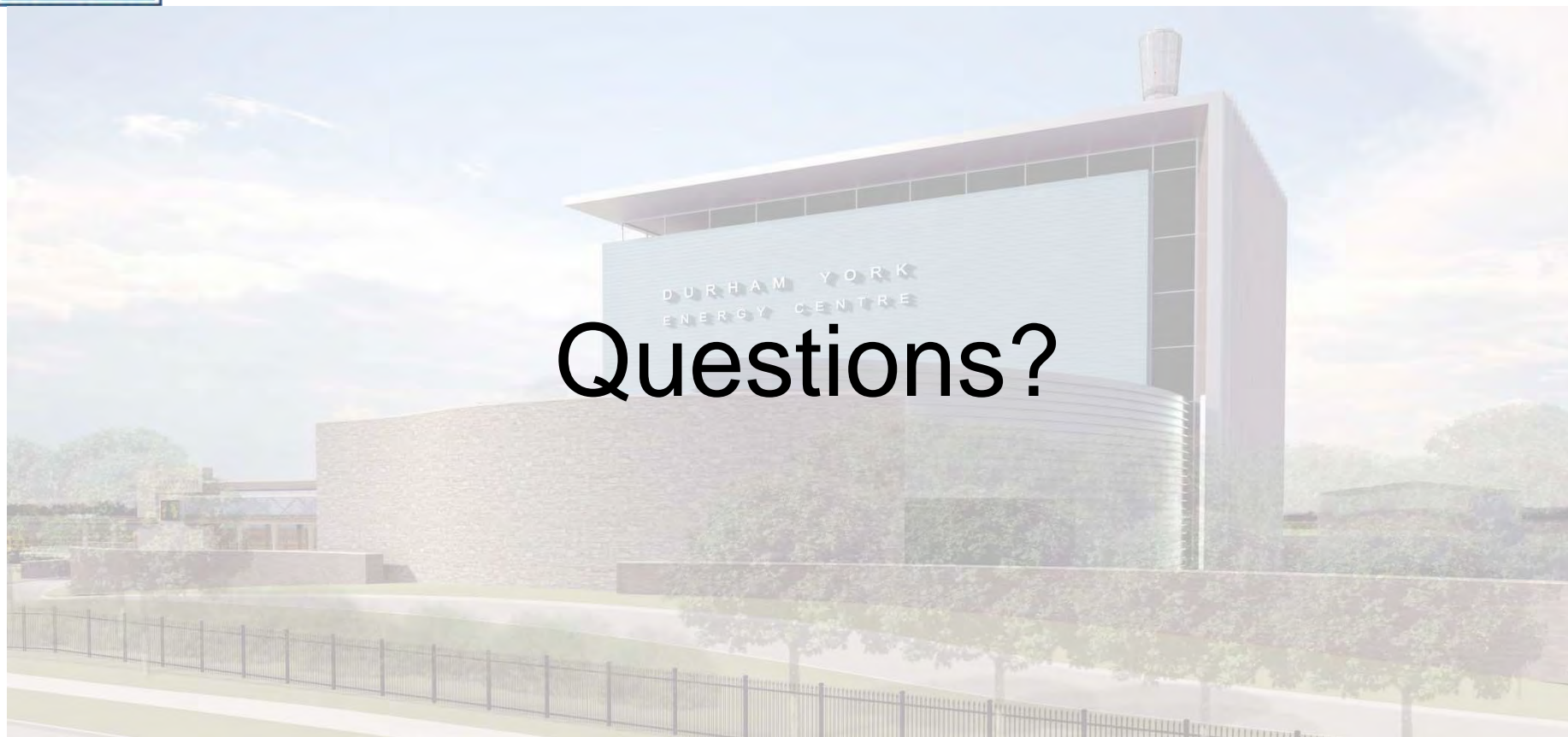
- Appendix A – EA Notice of Approval Compliance Table
- Appendix B – EA Study Document Compliance Table
- Appendix C - Advisory Committee Annual Report





Advisory Committee

| EFWAC Activity Summary | | | | 2012 |
|------------------------|---------------|------------------|---|------|
| Meeting # | Date | Time | Discussion Topics | |
| 5 | Jul. 18, 2012 | 1:00 – 4:00 p.m. | <ul style="list-style-type: none">• Update on committee request to change of status of MOE attendance• Update on status of CofA• Energy from Waste Project Update• Presentation of Doug Anderson, DurhamCLEAR on Declining Waste Volumes• Presentation of Libby Racansky on behalf of Friends of Farewell (FOF) on Mitigation of the Project• Third Party Audit• EFWAC Terms of Reference and EFWAC Operation Since Inception at Request of Linda Gasser• Presentation on Ambient Air Monitoring Plan, Groundwater and Surface Water Monitoring Plan, Emissions Monitoring Plan, Odour Monitoring Plan | |
| 6 | Oct. 24, 2012 | 2:00-4:30 p.m. | <ul style="list-style-type: none">• Energy from Waste Project Update• Presentation of Draft Community Communications Plan• Presentation of Revised Soils Testing Plan | |



Questions?



EFWAC

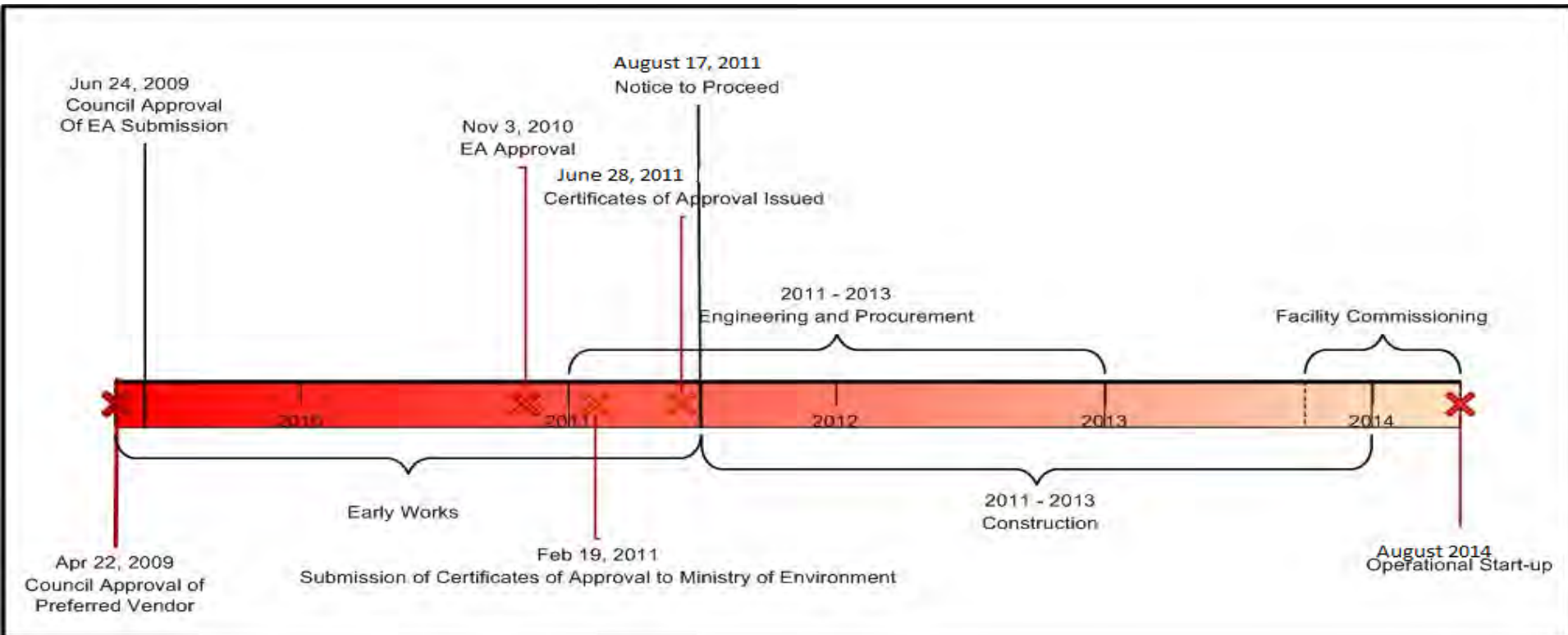
EFW Update

February 12, 2013

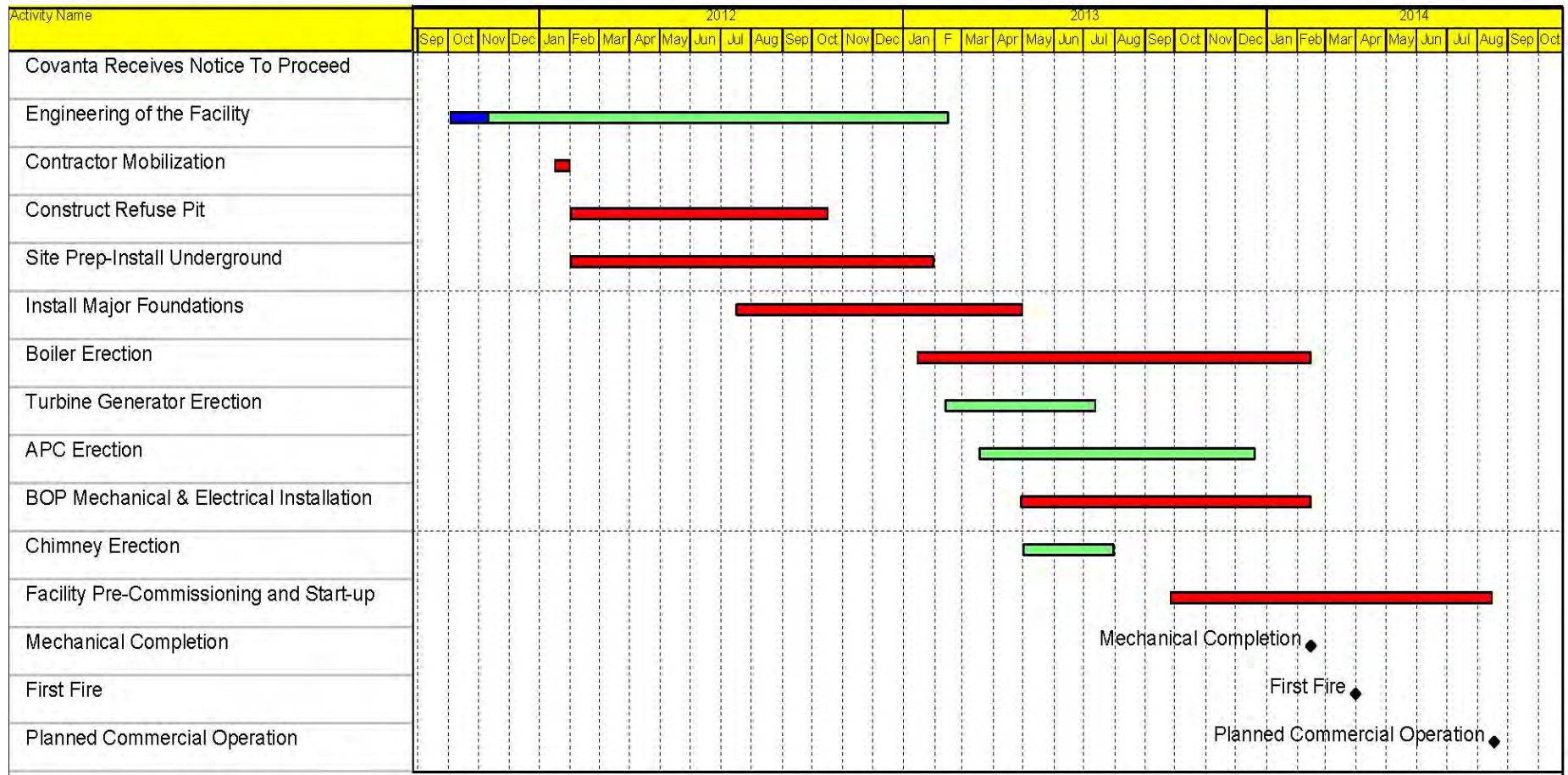
Gioseph Anello, M.Eng., P.Eng., PMP
Manager of Waste Planning and Technical Services
Works Department
The Regional Municipality of Durham



Durham/York EFW Project Timelines 2009 - 2012



Construction Plan



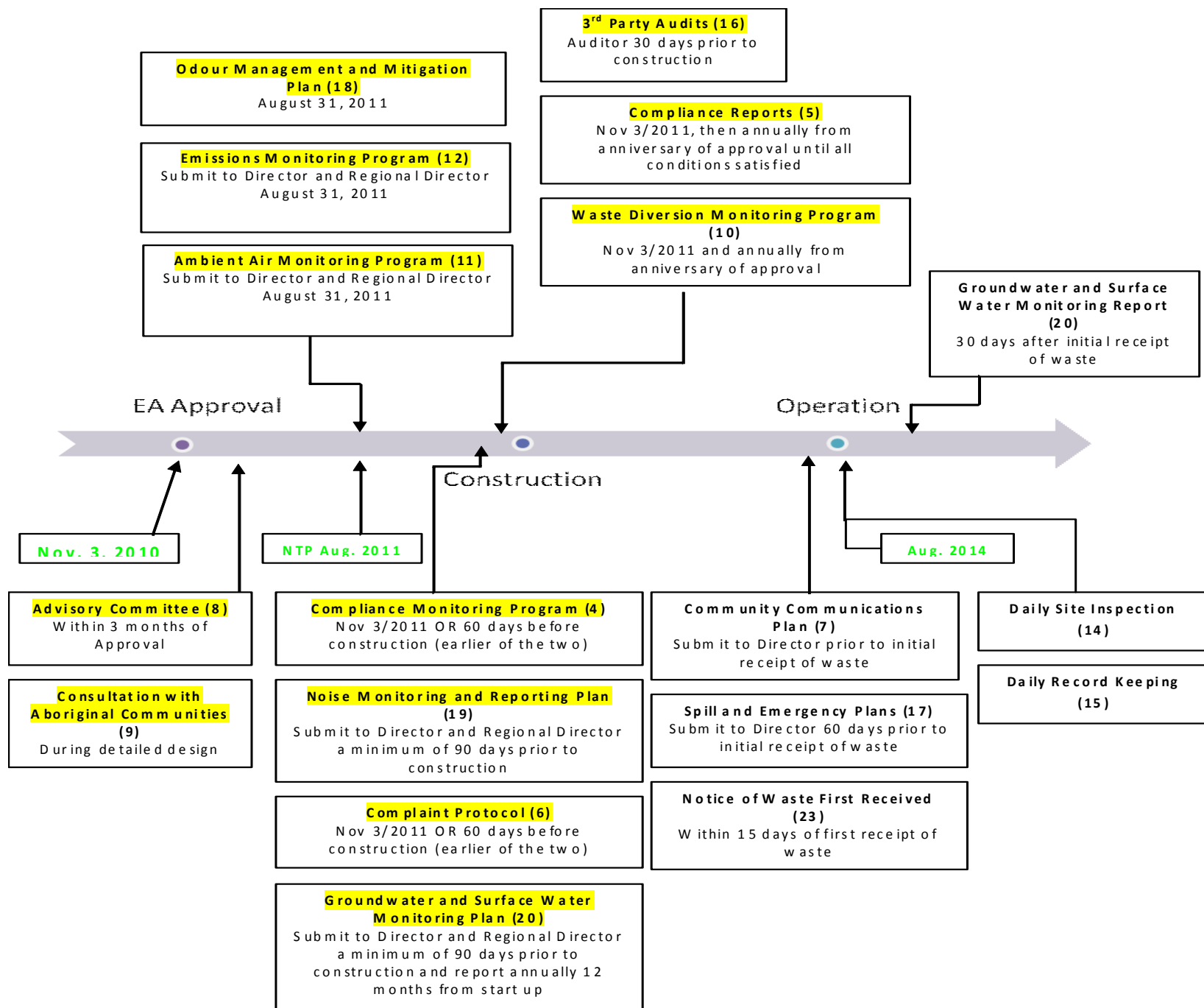












Questions?



Meeting #8 Agenda

Advisory Committee Annual Report 2013



AGENDA

Energy from Waste Advisory Committee (EFWAC)

| Energy from Waste Advisory Committee (EFWAC) | |
|---|--|
| SUBJECT | Meeting #8 |
| MEETING DATE/TIME | Monday, June 10, 2013 from 2 to 4 PM |
| LOCATION | The Regional Municipality of Durham Headquarters 605 Rossland Road East, Whitby – Meeting Room LL-C |
| AGENDA OR REMARKS | <ol style="list-style-type: none">1. Welcome and Introductions (5 minutes)2. EFWAC Terms of Reference (<i>Requested by Linda Gasser</i>) (30 minutes)3. Energy from Waste Project Update (<i>Presentation by Greg Borchuk</i>) (30 minutes)<ol style="list-style-type: none">a. Schedule Updateb. Construction Updatec. Compliance Update<ul style="list-style-type: none">• Air Emissions Monitoring Plan Approval• Soil Monitoring Plan Approvald. Community Communications Plan Update4. Durham York Energy Centre Third Party Audit #2 (<i>Presentation by Kristy Brooks</i>) (20 minutes)5. Durham York Energy Centre 2012 Annual Groundwater and Surface Water Reports (<i>Presentation by Lyndsay Waller</i>) (30 minutes)6. Next Meeting – Monday, June 24, from 2 to 4 PM (5 minutes)7. Meeting Adjourns |
| Please contact Facilitator Sue Cumming, MCIP RPP, Cumming+Company at 866 611-3715 or cumming1@total.net with any questions. | |

Meeting #8 Correspondence

Advisory Committee Annual Report 2013

- 7.6 The proponent shall provide notice of the public meetings a minimum of 15 days prior to the meeting.
- 7.7 The proponent shall give the Director written notice of the time, date and location of each of the required community meetings a minimum of 15 days prior to the meeting.

8. Advisory Committee

- 8.1 The proponent shall establish an advisory committee to ensure that concerns about the design, construction and operation of the undertaking are considered and mitigation measures are implemented where appropriate.
- 8.2 The proponent shall provide administrative support for the advisory committee including, at a minimum:
 - a) Providing a meeting space for advisory committee meetings;
 - b) Recording and distributing minutes of each meeting;
 - c) Preparing and distributing meeting notices; and,
 - d) Preparing an annual report about the advisory committee's activities to be submitted as part of the Compliance Reports required by Condition 5 of this Notice of Approval.
- 8.3 The proponent shall invite one representative from each of the following to participate on the advisory committee:
 - a) Each of the lower tier municipalities in the Regional Municipality of Durham; and,
 - b) Each of the lower tier municipalities in the Regional Municipality of York.
- 8.4 The proponent shall invite one representative from Central Lake Ontario Conservation Authority, and any other local conservation authorities that may have an interest in the undertaking to participate on the advisory committee.
- 8.5 The proponent shall invite one representative from each of the following local community groups to participate on the advisory committee:
 - a) DurhamCLEAR;
 - b) Durham Environmental Watch; and,
 - c) Zero Waste 4 Zero Burning.
- 8.6 The proponent may also invite other stakeholders to participate in the advisory committee, including, but not limited to, interested members of the public, Aboriginal communities, and other federal or provincial agencies.
- 8.7 A representative from the ministry shall be invited to attend meetings as an observer.
- 8.8 The advisory committee shall be provided with a copy of the documents listed below 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 and the results of the ambient air monitoring program 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 as required by Condition 19;
- l) Groundwater and Surface Water Monitoring Plan, the results of the groundwater and surface water monitoring program, and the annual report on the results of the groundwater and surface water monitoring program required by Condition 20; and,
- m) Notice in writing of the date that municipal solid waste is first received as required by Condition 23.

8.9 The proponent shall hold the first advisory committee meeting within three months of the date of approval. At the first meeting, the advisory committee shall develop a Terms of Reference outlining the governance and function of the advisory committee.

8.10 The Terms of Reference shall, at a minimum, include:

- a) Roles and responsibilities of the advisory committee members;
- b) Frequency of meetings;
- c) Member code of conduct;
- d) Protocol for dissemination and review of information including timing; and,
- e) Protocol for dissolution of the advisory committee.

8.11 The proponent shall submit the advisory committee's Terms of Reference to the Director and Regional Director.

9. Consultation With Aboriginal Communities

9.1 The proponent shall continue to consult with any interested Aboriginal communities during the detailed design and implementation of the undertaking.

June 10, 2013

Handout

Source: EFWAC Member, Linda Gasser

| Meeting | Meeting Date | Date Draft Minutes Received |
|----------------|---------------------|------------------------------------|
| Meeting 1 | January 20, 2011 | April 1, 2011 |
| Meeting 2 | April 11, 2011 | May 3, 2011 |
| Meeting 3 | August 4, 2011 | August 19, 2011 |
| Meeting 4 | October 27, 2011 | July 17, 2012 |
| Meeting 5 | July 18, 2012 | August 1, 2012 |
| Meeting 6 | October 24, 2012 | November 9, 2012 |
| Meeting 7 | February 12, 2013 | April 5, 2013 |

| COMMENTS | RESPONSE/RATIONALE |
|---|--|
| <p>1. <u>EFWAC Terms of Reference (ToR) – Item requested by Ms. Gasser</u></p> <p><u>Membership</u></p> <p>Ms. Gasser indicated that in accordance with EA Condition 8, EFWAC membership can be quite broad; however, the Project Team took it upon them to invite staff at the director level from the municipalities to participate in this Committee. She noted that the municipal representative could have been a member of Council, a community representative or other individual. The range of potential members from the lower tier municipalities was therefore limited.</p> <p>Ms. Gasser further advised that Condition 8.6 stipulates that the proponent may also invite other stakeholders to be members – this is in addition to the three public members that the Project Team was directed to invite. It is her view the membership makeup should be balanced between government and public participants. Currently there are 18 municipal representatives and three public representatives on the Committee, which she feels affects the votes as there is no balance of interest. It is her opinion that there is also no balance with respect to the members in terms of those familiar with the project as the lower tier municipalities had extremely limited involvement in the project's review and comment on the EA and Certificate of Approval (CofA). Ms. Gasser feels that this imbalance in terms of representation and knowledge does not allow the Committee to function as a technical forum.</p> | <p>The EFWAC Committee was established to address EA Condition 8. The intent of this committee is to ensure an ongoing forum for stakeholders to provide advice to the Project team and serve as a formal mechanism to exchange ideas and concerns related to the EFW project as noted in the approved EFWAC Terms of Reference (ToR). Broader based consultation with the public was undertaken through the EA process, and continues through other forums, such as the series of public meetings required under EA Condition 7.5, the project website, monthly complaint and inquiry logs, and a separate Energy from Waste-Waste Management Advisory Committee.</p> <p>The EFWAC membership composition is defined by EA Condition 8, which includes representatives from lower tier Municipalities in Durham and York and other specific organizations deemed 'interested parties' to the undertaking. Although invitations to the initial EFWAC meeting were sent to director-level municipal staff, the approved Terms of Reference allow the municipalities to appoint other staff or council members to represent their organizations on the committee if they choose to do so.</p> <p>Members represent the particular municipality or organizations identified by the condition and are expected to exchange information within their organization accordingly. The three members from the "public organizations", or local community groups as noted in EA Condition 8.5, are also representatives of their respective organizations. As noted in section 4 of the ToR, the advice received by members is expected to reflect the position of the groups they represent and/or the community and is not intended to reflect solely the views of the individual members.</p> <p>The proponent was asked to consider additional members under Condition 8.6 and it was determined that the membership was sufficient to uphold advisory duties. This information was communicated to the MOE through the Comment and Response Table that was submitted with the EFWAC ToR on February 18, 2011. Meetings are open to the public to attend as an observer to ensure an open and transparent process.</p> |

| COMMENTS | RESPONSE/RATIONALE |
|--|---|
| <p><u>Mandate</u></p> <p>Ms. Gasser feels that the Minister (or MOE) stated in various documents that this advisory committee exists to continue to allow for public involvement in decisions and implementation during the design, build and operate phase. The MOE mandated the creation of the EFWAC to ensure the documentation was made available for review and comment as appropriate. The three members of the “public organizations” review these documents but the magnitude of this task makes it difficult to obtain comments from other public members. Ms. Gasser also noted that the three public members don’t have the resources to contact the general public to solicit their opinions.</p> <p>Therefore, Ms. Gasser’s opinion is that there needs to be a broader public membership as per Condition 8.6 to correct this deficiency and to create a better balance of membership for the committee. Another member noted some further public representation could be considered.</p> | <p>The approved EFWAC ToR states the following as the Committee’s mandate:</p> <p>“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.</p> <p>The Mandate of the EFWAC is to:</p> <ul style="list-style-type: none"> • 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.” <p>As noted in the previous response, the Regions continue to undertake broader-based public consultation through other appropriate forums, such as the series of public meetings required under EA Condition 7.5, the project website, monthly complaint and inquiry logs, and a separate Energy from Waste-Waste Management Advisory Committee.</p> |
| <p><u>Meeting Schedules</u></p> <p>Ms. Gasser noted her concern that EFWAC meetings are not advertised, that there is no predictable regular schedule of meetings notwithstanding that the ToR says meetings are to be quarterly for this phase, that scheduled meetings are often changed/get cancelled and the public is not aware of what agenda items would be for any given meeting. Ms. Gasser feels that the current structure does not facilitate or encourage public involvement beyond the three public members. The meeting schedule needs to be predictable. The Facilitator noted that a meeting schedule had been developed but some of the meetings were cancelled or changed based on the availability of reports from the Project Team. It was further noted that evening meetings are not occurring.</p> | <p>As confirmed by the Facilitator, the intent is to try and have evening meetings. When a Milestone has been identified by the Project Team, several dates, including daytime and evening options, are provided to the committee. The meeting date is selected by the Facilitator based on the availability of committee members. Evening date options will continue to be provided and members are encouraged to find evening meeting opportunities for the public to attend to participate as observers.</p> <p>All meeting dates are posted to the project website www.durhamyorkwaste.ca. The Project Team also encourages the public members to use the methods available to them to notify the general public about the EFWAC meetings.</p> |

| COMMENTS | RESPONSE/RATIONALE |
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| <p>The Facilitator confirmed that the intent is to try to have evening meetings, however, staff have other regularly scheduled evening meetings, etc. The Facilitator confirmed the evening date options will still be provided and would encourage membership to find evening meeting opportunities for the public to attend to participate via observer status. The Facilitator looked to Committee members to consider an evening meeting. No comments from the members on the evening components were received.</p> | |
| <p><u>Facilitator Role</u></p> <p>Ms. Gasser questioned what resources the Facilitator is given to follow up on issues. Ms. Gasser identified that she had contacted the Facilitator with respect to the minutes, after the two week deadline had passed. She questioned whether her concerns are then forwarded to the project team. Ms. Gasser stated what was more concerning is the Facilitator's ability to follow up on outstanding questions. The example provided was the direction provided at the February 2013 meeting to place two ads regarding the draft Community Communications Plan, to which senior Project Team staff agreed to, requesting public comments. Ms. Gasser advised that when asked if this was done, the Facilitator confirmed that was her understanding, and would leave it to the Project Team to respond. To-date, no response has been received. Ms. Gasser asked that if the Facilitator is constrained in any way that EFWAC be made aware of this.</p> | <p>The facilitator passes on all inquiries received from the committee members to the Project Team. Responsibility for following up on these items resides with the Project Team. The facilitator is not restrained from communicating with the Project Team in any way.</p> |
| <p><u>Meeting Minutes</u></p> <p>Ms. Gasser indicated that as per the table provided to members at this meeting, it can be seen that for four of the seven meetings, the draft minutes have been provided long after the two week deadline.</p> | <p>The Project Team is working to ensure that all future minutes are provided two weeks from the meeting.</p> |
| <p><u>Voting Rights</u></p> <p>Ms. Gasser advised that the concern of voting rights, which was mentioned in the initial comments submitted in February 2011, should be addressed. The Project Team confirmed previously that voting would take place for procedural issues only; however, she feels that this has not been the case. Further, Ms. Gasser commented that staff and politicians are not voting members on other Durham advisory committees and it is not appropriate to vote on advice to yourself. Ms. Gasser also feels that the Project Team (two members, one from Durham and one from York) should not be voting members of the EFWAC. Ms. Meydam noted her agreement with Ms. Gasser further</p> | <p>Membership on Durham advisory committees that are committees of Council are outlined in the individual terms of reference for each committee and are approved by Council. The EFWAC was mandated by the MOE and the development of the Terms of Reference was outlined in EA Condition 8.9 and submitted to the Director and Regional Director as per EA Condition 8.11. The EFWAC ToR was acknowledged by the MOE on March 4, 2011. The acknowledged ToR included a member from each of the Municipalities of Durham and York. As EFWAC committee members, the members from the Municipalities of Durham and York maintain the same voting rights as</p> |

| COMMENTS | RESPONSE/RATIONALE |
|---|---|
| <p>relaying her concerns about the role of Project Team members as voting members.</p> <p>Ms. Gasser explained that voting rights are not specified in the ToR, and the ToR should be revised to clarify voting procedures and privileges for voting and non-voting members. She would like to see the ToR revised to state that voting beyond procedural matters is allowed and noted that advice is often provided by way of a motion. Ms. Gasser requested that in order for the members of the public to see how their concerns are being represented on the Committee, consideration should be given to recorded votes.</p> | <p>all other EFWAC members.</p> <p>As the EFWAC is not an approval body or steering committee, voting is limited to procedural issues only. Voting on other matters is not a function of this committee. As noted in Section 9 of the ToR, all recommendations and comments from the EFWAC will be documented in the meeting minutes. Meeting minutes are posted on the project website, and provided to the Ministry as part of the annual report that the Project Team is required to submit.</p> <p>EFWAC members provide advice on the plans outlined in EA Condition 8.8 and all advice is documented in a comment and response log, which includes rationale for all decisions made by the Project Team. The comment response log is posted to the project website and provided to the Ministry as part of the submission of the plan. As all advice received is included in the comment and response table, voting is not required.</p> <p>Recorded votes typically occur at meetings for elected officials. Since the matters that will be put to a vote at EFWAC meetings are procedural in nature, we do not consider it necessary to record the outcome of every vote.</p> |
| <p><u>Summary</u></p> <p>The Facilitator summarized the key areas of concern from Ms. Gasser and Ms. Meydam which would be considered by the Project Team as follows:</p> <ul style="list-style-type: none"> • Membership – clarification of composition and consideration of the discussion on more public members. • Mandate – noting clarification on the terms of reference scope of activities and role of EFWAC. Clarification of the role of the Committee and their mandate as identified by the Minister in the EA Conditions of Approval, covering letter, press releases, etc. versus the Project Team identifying the Committee as a type of technical forum. Specifically, how this Committee is achieving the mandate for addressing public concerns during the design, build and operation. • Meeting Schedule – noting importance of carrying forward with the schedule of | <p>Please see responses provided above under the same headings.</p> |

| COMMENTS | RESPONSE/RATIONALE |
|---|--|
| <p>meetings (every quarter), consideration of evening meetings and advertising of meetings. Ms. Cumming clarified that the Committee agreed to canvass members for their availability of an afternoon and evening meeting option, and that members agreed to make available evenings however, when replies are received, quorum cannot be obtained for an evening meeting. Ms. Cumming further noted that the Project Team does not have involvement in when the meetings are scheduled, it is up to the members of the Committee only, based on their availability.</p> <ul style="list-style-type: none"> • Voting procedures – noting review and consideration of what are the appropriate voting procedures and how these should be described in the ToR. A second issue relates to the status of the two Project Team members as voting members. Neither Ms. Gasser nor Ms. Keydam agree that the Project Team members (two) should be voting members and instead should only be present to provide and address information. • Facilitator ability to task the Project Team – noting the role of the Facilitator in tasking Project Team on follow-up items be reviewed and considered. • Minutes – Ms. Cumming noted that there have been problems, which are regrettable, and that the Project Team is working to ensure that all future minutes are provided two weeks from the meeting. • Public notification of meetings and timing to be considered. <p>In response to the Facilitator's request for any further comments and concerns as they relate to the discussion around the ToR, including how the Committee would like to move forward to address these concerns from Ms. Gasser, it was confirmed that the Project Team would review and consider the concerns raised.</p> <p>Ms. Gasser requested that the concerns be captured in the minutes, in their entirety. Further, the responses from the Project Team, it would need to be in writing and include a response and rationale, and should be brought forward as a memo to this committee, to ensure that the public and Regional Council is made aware of issues.</p> <p>Ms. Gasser noted that in the comment/response table dated February 18, 2011, there was a commitment that minutes would be forwarded to municipal clerks for information and to Regional Council. Ms. Gasser would like to confirm if the commitment in this table is being acted upon.</p> | <p>Public notification of meetings is addressed under the heading "Meeting Schedules"</p> <p>Upon approval, minutes are posted to the project website. The Committee's annual report, including the EFWAC minutes, is forwarded for information to the Regional Clerks at both Durham and York and included on the Council agenda.</p> |

| COMMENTS | RESPONSE/RATIONALE |
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| <p>It was confirmed that Mirka will verify this distribution and include the update in the memorandum from the Project Team.</p> <p><u>It was determined that the memorandum from the Project Team is to be provided to the EFWAC members on July 31, 2013.</u></p> | |

Meeting #8 Minutes and Presentations

Advisory Committee Annual Report 2013



**Energy from Waste
Advisory Committee (EFWAC)
Meeting #8**

MINUTES (APPROVED)

| SUBJECT: | Energy from Waste Advisory Committee Meeting #8 | |
|--|--|--------|
| ATTENDEES: | Please refer to pages 14 and 15 for complete listing. | |
| LOCATION: | The Regional Municipality of Durham, Meeting Room LL-C 605 Rossland Road East, Whitby | |
| DATE AND TIME: | Monday, June 10, 2013 at 2:00 p.m. | |
| ITEM | | ACTION |
| 1. <u>WELCOME AND INTRODUCTIONS</u> | | |
| <p>Ms. Sue Cumming, independent Facilitator, welcomed the members of the Committee and the members of the public to the eighth meeting of the Energy from Waste Advisory Committee (EFWAC). The Committee members introduced themselves. The Facilitator confirmed quorum was obtained, and thanked members for their attendance.</p> <p>Ms. Cumming advised that it was important to identify that the role of the EFWAC Facilitator is specified in the Terms of Reference (ToR), and throughout discussions today, it is important to consider how the role of meeting facilitator differs from that of project facilitator. She noted that she has received some questions pertaining to the role of the Facilitator. Ms. Cumming advised that she works independently, owns her own company, and provides facilitation to many organizations across the province of Ontario, and was retained to be the EFWAC Facilitator.</p> <p>The Facilitator requested if members had any further additions or verifications to the agenda, further to review of the agenda as follows:</p> <ul style="list-style-type: none">• Welcome and Introductions (Item 1)• EFWAC ToR (Item 2) as requested by Ms. Gasser. The Facilitator advised that this item was requested at the last meeting of February 12, 2012, for inclusion on the next agenda, and that a copy of the ToR was provided to members for review and reference prior to this meeting. Members were also advised that an EFWAC minutes table, as prepared by Ms. Gasser, has also been distributed to members at the request of Ms. Gasser.• EFW Update (Item 3) as presented by Greg Borchuk. The Facilitator noted that this item provides an update on project documents, approvals, progress and status on behalf of the Project Team. | | |

- Third Party Audit #2 (Item 4) as presented by Kristy Brooks.
- Groundwater and Surface Water 2012 Annual Monitoring Plans (Item 5) as presented by Lyndsay Waller.

The Facilitator advised that a discussion with regard to the next meeting, currently scheduled two weeks from today, will be held at today's meeting to confirm items for this agenda, if any, so that members can confirm if they will be proceeding with the next meeting of June 24.

Ms. Cumming advised that timelines were established for agenda items to assist in addressing all items on the agenda in the allotted meeting time, and requested from members of the Committee if any revisions were to be considered.

With respect to Item 2, Ms. Gasser advised she would require longer than 30 minutes, and requested consideration of 45 minutes. Ms. Cumming confirmed that this additional time will be considered based on the development of the meeting.

Ms. Cumming noted that no comments were received from the members with regard to the notes from Meeting 7, and that they have been approved and were posted to the project website.

2. EFWAC Terms of Reference (ToR) – Item requested by Ms. Gasser

Ms. Gasser provided an overview of the concerns from the public members of the EFWAC as they relate to the ToR, advising that in her opinion, from the first EFWAC meeting there has been issue with the manner by which the ToR were drafted by the Project Team and submitted to the Ministry of the Environment (MOE) for approval. Ms. Gasser advised that her interpretation of Environmental Assessment (EA) Condition 8, which guides the constitution and operation of this Committee, stipulates that the Committee builds the ToR. Ms. Gasser further indicated that, in terms of how this Committee is constituted and operates, it has been problematic from the Committee's inception. Ms. Gasser offered her view that the Minister has specified a number of considerations in EA Condition 8 which should have been considered more fully by the Project Team.

In response to the Facilitator's request that these concerns be broken into categories for discussion, Ms. Gasser categorized her concerns as follows:

- Membership (composition and representation by Project Team on Committee)
- Mandate and Scope
- Meeting Schedule
- Voting Privileges
- Facilitator Role in tasking Project Team to undertake follow-up from Committee discussion.
- Minutes (i.e. timing and distribution)

Membership

Ms. Gasser indicated that in accordance with EA Condition 8, EFWAC membership can be quite broad, however, the Project Team took it upon themselves to invite staff at the director level from the municipalities to participate in this Committee. She noted that the municipal representative could have been a member of Council, a community representative or other individual. The range of potential members from the lower tier municipalities was therefore limited.

Ms. Gasser further advised that Condition 8.6 stipulates that the proponent may also invite other stakeholders to be members – this is in addition to the three public members that the Project Team was directed to invite. It is her view the membership makeup should be balanced between government and public participants. Currently there are 18 municipal representatives and three public representatives on the Committee, which she feels affects the votes as there is no balance of interest. It is her opinion that there is also no balance with respect to the members in terms of those familiar with the project as the lower tier municipalities had extremely limited involvement in the project's review and comment on the EA and Certificate of Approval (CofA). Ms. Gasser feels that this imbalance, in terms of representation and knowledge, does not allow the Committee to function as a technical forum.

Mandate

Ms. Gasser feels that the Minister (or MOE) stated in various documents that this Advisory Committee exists to continue to allow for public involvement in decisions and implementation during the design, build and operate phase. The MOE mandated the creation of the EFWAC to ensure the documentation was made available for review and comment as appropriate. The three members of the “public organizations” review these documents but the magnitude of this task makes it difficult to obtain comments from other public members. Ms. Gasser also noted that the three public members don't have the resources to contact the general public to solicit their opinions.

Therefore, Ms. Gasser's opinion is that there needs to be a broader public membership as per Condition 8.6 to correct this deficiency and to create a better balance of membership for the Committee. Another member noted some further public representation could be considered.

Meeting Schedules

Ms. Gasser noted her concern that EFWAC meetings are not advertised, that there is no predictable regular schedule of meetings notwithstanding that the ToR says meetings are to be quarterly for this phase, that scheduled meetings are often changed/get cancelled and the public is not aware of what agenda items would be for any given meeting. Ms. Gasser feels that the current structure does not facilitate or encourage public involvement beyond the three public members. The meeting schedule needs to be predictable. The Facilitator noted that a meeting schedule had been developed but some of the meetings were cancelled or changed based on the availability of reports from the Project Team. It was further noted that evening meetings are not occurring.

The Facilitator confirmed that the intent is to try to have evening meetings, however, staff have other regularly scheduled evening meetings, etc. The Facilitator confirmed the evening date options will still be provided and would encourage membership to find evening meeting opportunities for the public to attend to participate via observer status. The Facilitator looked to Committee members to consider an evening meeting. No comments from the members on the evening components were received.

Facilitator Role

Ms. Gasser questioned what resources the Facilitator is given to follow up on issues. Ms. Gasser identified that she had contacted the Facilitator with respect to the minutes, after the two week deadline had passed. She questioned whether her concerns are then forwarded to the project team. Ms. Gasser stated what was more concerning is the Facilitator's ability to follow up on outstanding questions. The example provided was the direction provided at the February 2013 meeting to place two ads regarding the draft Community Communications Plan, to which senior Project Team staff agreed to, requesting public comments. Ms. Gasser advised that when asked if this was done, the Facilitator confirmed that was her understanding, and would leave it to the Project Team to respond. To-date, no response has been received. Ms. Gasser asked that if the Facilitator is constrained in any way that EFWAC be made aware of this.

Meeting Minutes

Ms. Gasser indicated that as per the table provided to members at this meeting, it can be seen that for four of the seven meetings, the draft minutes have been provided long after the two week deadline.

Voting Rights

Ms. Gasser advised that the concern of voting rights, which was mentioned in the initial comments submitted in February 2011, should be addressed. The Project Team confirmed previously that voting would take place for procedural issues only; however, she feels that this has not been the case. Further, Ms. Gasser commented that staff and politicians are not voting members on other Durham advisory committees and it is not appropriate to vote on advice to yourself. Ms. Gasser also feels that the Project Team (two members, one from Durham and one from York) should not be voting members of the EFWAC. Ms. Meydam noted her agreement with Ms. Gasser, further relaying her concerns about the role of Project Team members as voting members.

Ms. Gasser explained that voting rights are not specified in the ToR, and the ToR should be revised to clarify voting procedures and privileges for voting and non-voting members. She would like to see the ToR revised to state that voting beyond procedural matters is allowed and noted that advice is often provided by way of a motion. Ms. Gasser requested that in order for the members of the public to see how their concerns are being represented on the Committee, consideration should be given to recorded votes.

Chris Darling requested that the Project Team provide background information on the process that led up to the MOE approving the ToR, and specifically, whether or

not, the MOE had been made aware of these comments at the time of the second meeting.

Gioseph Anello advised that the process started, as all processes do to develop any plan required by the EA for submission to the MOE, in consultation with the MOE. The Project Team then developed a draft ToR (based on template for other MOE approved committees). This draft ToR was provided to EFWAC members one week prior to the first meeting in order for members to prepare themselves for the meeting. Gioseph advised that the draft ToR were discussed at the first meeting. In total, development of the ToR had a four week comment period, which included three weeks following the first meeting in which members could submit their comments. Gioseph indicated that as done with all others plans, the Project Team developed a comment and response table which indicated if a comment was accepted and how the revision was incorporated in the ToR. The table also indicated if a comment was not accepted and the reason why. This table was then sent out to EFWAC members and the MOE. The ToR was revised and a comment and response table was submitted to the MOE and EFWAC members.

Gioseph confirmed that the process started January 12, 2011; the revised ToR was submitted on February 18, 2011, to the MOE, with a copy to EFWAC. On March 4, 2011, the MOE approved the ToR as presented and provided correspondence advising that *"This ministry is satisfied that the submission of the Advisory Committee ToR document fulfills the requirement of Condition 8.11 of the Environmental Assessment Act Notice of Approval."* Gioseph also advised that the Project Team indicated that there is a procedure in the ToR that allows the EFWAC to make additional revisions to the ToR. Gioseph also identified that the MOE's obligation for EA Condition 8.9 had a tight timeline for completion: *"The proponent shall hold the first advisory committee meeting within three months of the date of approval. At the first meeting, the advisory committee shall develop a Terms of Reference outlining the governance and function of the advisory committee."* The EA Condition for the EFWAC is prescriptive, indicating what was to be included in the Committee's ToR and including the mandate, scope of activities to be reviewed and some of the roles and responsibilities. The ToR also followed MOE approved templates for other projects such as the South East Collector and 407.

Gioseph confirmed that all EFWAC minutes are provided to the MOE and that it is by this means that MOE staff is made aware of the concerns and conversations at the meetings, including the ToR in 2011.

Ms. Meydam commented that the ToR was not voted on by the Committee. Committee members did not have the opportunity to discuss the revisions made by the Project Team, or to provide input after the comment and response table was compiled and presented to the Committee before it was sent to the Ministry and the rationale behind these revisions to the ToR.

Ms. Meydam also noted that the ToR included a member from Durham and York Regions which she believes was not stipulated as a requirement in the EA Conditions of Approval, Condition 8.3. Ms. Meydam noted that it was not until the fourth meeting until there was difficulty achieving meeting quorum that two Project Team members began to be listed as "members" rather than Project Team or Observers on the list of attendees in the minutes.

The Facilitator summarized that concerns are noted about the method by which staff from the lower tier municipalities were invited to participate in the Committee was questioned, as the Project Team's correspondence was directed to staff at the director level, when it could have been forwarded to invite elected officials or public individual representing those municipalities. In response to questions with regard to EFWAC member representation, Gioseph confirmed that once the Project Team was made aware of the concern that the invitations to participate on the EFWAC were sent to staff at the director level, the correspondence was then forwarded to the Municipal Clerks asking if the municipality wished to change their EFWAC participant.

The Facilitator noted that EFWAC representation has consistently been from the staff of each lower tier municipality since the first meeting.

Ms. Meydam clarified that the public members would have liked the choice, which was not originally provided, quoting the comment and response table with respect to this concern: *"A letter will be sent to all the municipal clerks advising them of the committee and how the membership was determined. Due to the technical nature of the documents in need of review the Project Team selected municipal managers and directors with in depth waste and/or environmental services knowledge. If the municipalities decide they would prefer to choose a member, they are welcome to do so and advise the Facilitator of their contact information."*

Discussion ensued with regard to the correspondence referenced in the comment and response table which was sent to the lower tier municipalities Clerks. It was confirmed that the letter is on the public record. A copy of the correspondence will be forwarded to EFWAC members.

Ms. Gasser addressed additional concerns including that the first meeting was not open to the public, that there was little discussion on the ToR, and that most comments on the draft ToR were provided from the public EFWAC representatives. Further, that at the second meeting, it was inappropriate for the Project Team to bring in legal counsel to confirm that they are following Condition 8. Ms. Gasser feels that it is up to this Committee to determine if the ToR is appropriate with the MOE having the final say, and the EFWAC ToR was sent to the MOE for approval before the Committee ever met a second time, while she feels that there were still outstanding issues.

The Facilitator summarized the key areas of concern from Ms. Gasser and Ms. Meydam which would be considered by the Project Team as follows:

- Membership – clarification of composition and consideration of the discussion on more public members.
- Mandate – noting clarification on the terms of reference scope of activities and role of EFWAC. Clarification of the role of the Committee and their mandate as identified by the Minister in the EA Conditions of Approval, covering letter, press releases, etc. versus the Project Team identifying the Committee as a type of technical forum. Specifically, how this Committee is achieving the mandate for addressing public concerns during the design, build and operation.
- Meeting Schedule – noting importance of carrying forward with the schedule of meetings (every quarter), consideration of evening meetings and advertising of meetings. Ms. Cumming clarified that the Committee agreed to canvass

Project Team to forward 2011 correspondence sent to lower tier municipalities with regard to EFWAC membership.

Project Team to provide response and rationale memorandum to EFWAC members to address items identified as they relate to the ToR.

members for their availability of an afternoon and evening meeting option, and that members agreed to make available evenings however, when replies are received, quorum cannot be obtained for an evening meeting. Ms. Cumming further noted that the Project Team does not have involvement in when the meetings are scheduled, it is up to the members of the Committee only, based on their availability.

- Voting procedures – noting review and consideration of what are the appropriate voting procedures and how these should be described in the ToR. A second issue relates to the status of the two Project Team members as voting members. Neither Ms. Gasser nor Ms. Keydam agree that the Project Team members (two) should be voting members and instead should only be present to provide and address information.
- Facilitator ability to task the Project Team – noting the role of the Facilitator in tasking Project Team on follow-up items be reviewed and considered.
- Minutes – Ms. Cumming noted that there have been problems, which are regrettable, and that the Project Team is working to ensure that all future minutes are provided two weeks from the meeting.
- Public notification of meetings and timing to be considered.

In response to the Facilitator's request for any further comments and concerns as they relate to the discussion around the ToR, including how the Committee would like to move forward to address these concerns from Ms. Gasser, it was confirmed that the Project Team would review and consider the concerns raised.

Ms. Gasser requested that the concerns be captured in the minutes, in their entirety. Further, the responses from the Project Team, it would need to be in writing and include a response and rationale, and should be brought forward as a memo to this Committee, to ensure that the public and Regional Council is made aware of issues.

Ms. Gasser noted that in the comment/response table dated February 18, 2011, there was a commitment that minutes would be forwarded to municipal clerks for information and to Regional Council. Ms. Gasser would like to confirm if the commitment in this table is being acted upon.

It was confirmed that Mirka will verify this distribution and include the update in the memorandum from the Project Team.

It was determined that the memorandum from the Project Team is to be provided to the EFWAC members on July 31, 2013.

Project Team to confirm to whom EFWAC minutes are provided.

Project Team memorandum in response to the Terms of Reference Item 2 discussion due to the members of EFWAC by July 31, 2013.

3. PRESENTATION ON EFW UPDATE

An EFW Update presentation including construction update, schedule progress, EA and CofA Conditions, and work to date was provided by Greg Borchuk, EFW Project Manager.

Greg Borchuk advised that the project is well into construction and that there is just over one year left on the project schedule. In terms of construction, the project is in month 24 of a 40 month schedule, and the engineering design portion surpassed the 75% completion milestone in March and 100% design completion is anticipated by the end of the summer.

The site civil works such as roads, sewer, water, and underground type work, is approximately 90-95% complete. Erection of the structural steel is well beyond 80% in most of the project. All major buildings are well under way with only minor outbuildings outstanding. Greg advised that the electrical work, currently at approximately 20%, is scheduled to be completed near the end of the project, with the bulk of the works commencing this summer and into the fall. Greg noted that the step up transformer and switch yard foundations have been installed and that the boiler pressure parts were in fabrication now, with most in final fit and ready for installation. The major equipment, including all key components, has been procured and is either on site or installed in the structure.

Greg provided an overview of the facility including the tipping hall, refuse pit, air pollution control equipment and residue handling facility, pointing out construction details in aerial pictures taken of the site in August 2012, March and April 2013.

A time lapse photography video of the site construction at an angle from the northeast corner of the site taken from early summer 2012 to the end of May 2013 was presented to the Committee. Greg later confirmed that the camera takes a picture every 11 minutes, from approximately 5 AM to 9 PM, season dependent, and that this video belongs to Covanta Energy Corporation.

To date, Greg confirmed that the project is 40 to 50% complete and still progressing to a commercial operation date of late summer, early fall 2014. Greg advised that 30 building permit applications have been submitted to and approved by the Municipality of Clarington, with no outstanding issues, and that the TSSA applications have also all been submitted and approved. The project has recently passed the 200,000 cumulative hours of work on site, and it is important to note that in this time, there have been zero lost time incidents with approximately 200-250 workers on site.

Greg reviewed the EA and CofA documents submitted and approved since the last meeting as follows:

- Soils Monitoring Plan, revised, was approved on March 15, 2013
- Activities for the Ambient Air Monitoring Plan, which was approved in May 2012, commenced with first samples taken in early April 2013
- Air Emissions Monitoring Plan, revised, was approved on April 9, 2013
- Third Party Audit #2 (of five audits in total) was completed April 5, 2013, with the report submitted on April 15, 2013
- Groundwater and Surface Water 2012 Annual Monitoring Reports submitted on April 30, 2013, following a full year of site monitoring

On the Community Communications Plan comments were received up to March 30, 2013, and a comment and response table together with revisions to the draft is currently being compiled and reviewed.

In response to a question from Ms. Langmaid regarding the timing of the private lane access along the railway, Greg confirmed that this is being submitted to the Finance Department (Purchasing) this week, noting that construction cannot start until September 1 but it is anticipated that the works will be done by the end of the construction season.

In response to a question from Ms. Gasser regarding what section of the Project Agreement relates to the statement made by Joey Neuhoﬀ in an article in the Oshawa Express that per the Project Agreement, Covanta Energy Corporation, that they must have 75% local labour, Greg confirmed that he cannot speak to this article nor any statements made by Mr. Neuhoﬀ, but noted that there is no percentage detailed in the Project Agreement, however, believes that Covanta Energy Corporation has made a commitment to Durham Regional Council and Durham's Regional Chair to try to achieve 75% local labour.

4. PRESENTATION ON THIRD PARTY INDEPENDENT AUDIT #2

A Third Party Independent Audit #2 presentation was provided by Kristy Brooks, Technical Assistant.

Kristy advised that the third party audits are required by EA Condition 16 and CofA Condition 15, Items 2 and 3, which link back to the EA, and that the Construction Phase Audit Plan was approved by the MOE, as submitted, which outlined the method by which the audits were to be completed, and by whom. The auditors are two members from Malroz Environmental Scientists and Engineering.

Kristy advised that the purpose of the audits is to confirm that the project is proceeding in compliance with various legislations including the EA and CofA, site plan permits, etc., but also confirm that the project conforms to the commitments made throughout the EA process.

Kristy noted that there will be five audits throughout this project, with the first audit having been completed in June 2012. This first audit noted two administrative deficiencies, both corrected prior to submission of the audit, and an addendum submitted to the MOE by the auditors to address comments from the EFWAC related to EA Condition 12.5 (Air Emissions Monitoring Plan) – this item was added to the checklist for the second audit to address those comments.

Kristy advised the members of the Committee that the audit scope is intended to be linked to the project milestones. The Third Party Audit #1 was linked to the completion of site preparation, while Audit #2 is linked to foundations. These audits also serve as a "snapshot in time".

With respect to Audit #2, the auditors noted four observations/areas requiring improvement as follows:

- Site Specific Environmental Health & Safety Plan (binder) – a section was revised but the older section had not been removed from the binder further to the addition of the new section. This was immediately corrected following the audit.
- There were exposed soils on site with little or no protective cover. These soils were the result of ongoing grading at the site, and site staff advised the

auditors that excess soils would be removed following the removal of the municipal weight restrictions. This was rectified in May.

- Some fencing had degraded around a spruce tree which during the EA process was identified as needing to be protected. This was fixed the next day following the audit. Pictures were provided to the auditors and included in the report prior to submission.
- Signage had to be replaced. This was done and Covanta Energy Corporation staff committed to reinforcing the matter of storage of flammable liquids and compressed gases in future safety meetings.

Kristy advised that the Third Party Audit #2 was submitted to the MOE on April 5, 2013, posted to the project website and provided to the members of the EFWAC. Kristy also mentioned that the auditors noted in their report that the project is working well to obtain and maintain compliance with all approvals and authorizations. The next audit is scheduled for October 2013.

Discussion ensued following a comment from Ms. Gasser that Section 1.0 Introduction and Overview, 1.1 Introduction, found on page one of the report, reads as an endorsement of the Regions' position on waste. Ms. Gasser noted that if references are made to certain Regional decisions, the auditors should clarify that these are Regional decisions and that the auditor's comments are not intended to be an endorsement of Regional decisions. Ms. Gasser felt that the way that the report is written, it appears that the auditor endorsed that position. The example provided was Section 1.0, Subsection 1.1 which reads: *"Durham and York Regions developed independent long-term Waste Management Strategy Plans to effectively address future residential waste management demands from their jurisdictions. Limited landfill capacity in Ontario – combined with the general public's growing opposition to landfills – has increased the desire to develop alternatives to traditional waste disposal methods in an environmentally safe and sustainable manner."*

The Project Team confirmed that this will be relayed to the auditor.

Discussion also ensued with regard to what the Site Specific Environmental; Health & Safety Plan was, as referenced on page three of the audit, and if it was posted publicly. Greg confirmed that all contractors must follow the Health and Safety Act and can have their own corporate plan, while also following Regional rules. A site specific Plan which is specific to the nature of work being completed, at the time, is required by the Ministry of Labour. This Plan is the contractors' document, and liability, and must be maintained on site. Further, this is for the workers on-site, and this Plan is not the Regions, and therefore not the Regions' to post.

Kristy confirmed that the Project Team will review the documents listed on the last page of the report, as they relate to the current statement "documents available on the project website" and clarify with the auditor what the information this page should convey and if what it conveys, meets its purpose. This information will be communicated to the Committee.

Project Team to advise auditor on comment from EFWAC member regarding references to Regional decisions

Project Team to confirm and clarify documents listing and its purpose.

5. PRESENTATION ON GROUNDWATER AND SURFACE WATER 2012 ANNUAL MONITORING REPORTS

A Groundwater and Surface Water 2012 Annual Monitoring Reports presentation

was provided by Lyndsay Waller, Operations Technician.

Lyndsay advised that the Groundwater and Surface Water Monitoring Reports are a requirement of EA Condition 20 and CoFA 7(14), and that the MOE had approved the Groundwater and Surface Water Monitoring Plan on October 14, 2011, following its submission on September 15, 2011. The requirement for annual reporting falls under EA Condition 20.8.

Lyndsay noted that some objectives of the approved plan are to provide an understanding of both groundwater and surface water quality during the construction and operation phases of the project, and to ensure the ongoing environmental management of the site. Lyndsay advised as it relates to groundwater, the background is reviewed, and during the operation of the facility, they ensure no impacts are occurring from facility operations. While with surface water, they ensure that the sediment and erosion control plans are working, and that the stormwater management ponds are also working properly.

Lyndsay reviewed the map provided in the presentation and advised that there are currently four groundwater wells installed, and that there is a fifth well still to be installed after completion of the construction. Further, there are four surface water monitoring stations, two in Tooley Creek and two just below the site, in the CN rail swales. Lyndsay noted that the groundwater flows to the southwest, and that there are two up gradient and two down gradient groundwater monitors.

Lyndsay advised that groundwater is sampled three times per year in the spring, summer and fall, while surface water will be monitored on a weekly basis.

As detailed in the presentation, the following report observations were presented to the Committee:

Groundwater report notes the following observations:

- Groundwater quality at each monitoring location is influenced by various factors including soil type and historical land uses.
- The parameter concentrations in groundwater are considered to be representative of natural (background) water quality conditions or associated with upgradient land uses.
- Groundwater quality at the Site satisfies the Ontario Drinking Water Quality Standards (ODWQS), O. Reg. 169/03
- Results suggest construction activities have not had an adverse influence on the shallow groundwater quality

Surface water report notes the following observations:

- Sampling results compared to Provincial Water Quality Objectives (PWQO) and Canadian Water Quality Guidelines (CWQG)
- 2 spills were noted as reported to the MOE Spills Action Centre.
 - Spills were immediately contained and soil was excavated (for proper disposal).
 - Neither spill entered any drainage system or waterway.

- Follow up inspection showed no notable concerns on Site or receiving swales and waterways.
- Sampling results indicate that there are no significant concerns with any Site influence on surface water conditions in the CN rail swale and further downstream Tooley Creek.

Lyndsay also mentioned that it is important to note that there are spill protocols at the site in the Site Specific Health & Safety Environmental Plan, and that on-site staff are aware of the appropriate procedure to be taken should a spill occur.

Lyndsay advised that the reports were submitted to the MOE on April 30, 2013, posted to the project website and made available to the members of EFWAC. The MOE has advised that they have no concerns with the monitoring program to date. The next report is due April 30, 2014.

In response to a question from Ms. Langmaid with regard to the change to CofAs, Lyndsay clarified that the Project Team did not want to cause confusion with the MOE's recent change in terminology to ECA (from CofA), and that at this time, they will continue to use CofA.

At this time, Ms. Meydam requested that her alternate, Ms. Bracken, come to the table to ask a question about these reports. The Facilitator confirmed that the alternate could replace the member for Durham Environment Watch.

In response to Ms. Bracken's question about the guideline for sodium in the groundwater report where the guideline showed a value of 20 and 200, with a number of values reported above 20, Lyndsay confirmed that if the value is over 20, there is no problem, as it is used as a flag for any down gradient well water users on a sodium reduced diet, advising that those residents must be notified. Lyndsay confirmed that the value of 200 is the upper limit.

6. NEXT MEETING

The Project Team confirmed that there was no new information to be presented to EFWAC members on June 24.

The Committee determined that the meeting of June 24, 2013, would be cancelled.

Discussion ensued with regard to Durham's enhanced monitoring report scheduled to a Durham Region Tri-Committee meeting in September 2013 – note, the Project Team confirmed that the meeting date in September was still to be decided. It was determined that further to the request of Ms. Gasser as it relates to the mandate of the EFWAC to comment on monitoring matters, the members of EFWAC will be provided with a copy of the report on enhanced monitoring options once made publicly available by Legislative Services, for information and prior to the meeting at which it will be presented.

Further discussion ensued with regard to the timing of the next meeting, with consideration made to the timing of Durham's Tri-Committee Meeting, Project Team memo addressing the Terms of Reference, and the Emergency Response Plan. Ms. Gasser requested that an EFWAC meeting be held in mid to late September.

Notification to be sent to the members of EFWAC advising that June 24 meeting is cancelled.

Committee report on Durham's enhanced monitoring to be provided to EFWAC members once made available publicly.

The Facilitator confirmed that a meeting in mid to late September could be arranged, and that afternoon and evening meeting options will be provided to the members to find out their availability for this meeting. This could affect the necessity for the scheduled October meeting. Ms. Cumming asked that members consider an evening meeting and requested confirmation of availability from each member once this correspondence was received. Ms. Cumming confirmed that EFWAC members will be provided with evening dates

Ms. Gasser commented that the Emergency Response Plan is of importance and interest to the members of the public, and that the EFWAC needs to ensure that the public have an opportunity to see a draft of this Plan, if posted before the next meeting, so that they may ensure that any questions are asked. .

Discussion ensued with regard to the Emergency Response Plan, and the Project Team confirmed that this Plan is submitted to the MOE, as previously done via the EFWAC for other plans where the draft is provided, comments are requested, and the report is finalized. Further, the Project Team confirmed that the Durham Emergency Management Office (DEMO) is involved in the development of this Plan as well as Clarington Fire Services.

The meeting adjourned at 3:46 PM - motion to adjourn Ms. Langmaid, and seconded by Mr. Flindall.

Dates to be provided to EFWAC members to confirm a mid to late September 2013 meeting, with inclusion of consideration to evening meeting.

PRESENT

EFWAC

Mirka Januszkiewicz, Director, Waste Management, The Regional Municipality of Durham (Member)
Laura McDowell, Director, Environmental Promotion and Protection, The Regional Municipality of York (Member)
Ian Roger, Director of Public Works and Parks, Township of Scugog (Member)
Lisamaria Akeson, Solid Waste Analyst, Town of Whitby (Alternate)
Rob Flindall, Director of Engineering and Public Works, Township of King (Member)
Chris Darling, Director of Development Review and Regulation, Central Lake Ontario Conservation Authority (Member)
Nick Colucci, Director, Public Works, Township of Brock (Alternate)
Ben Kester, Director of Public Works, Township of Uxbridge (Member)
Mike Saulnier, Manager, Operations, City of Oshawa (Member)
Faye Langmaid, Manager of Special Projects, Municipality of Clarington (Member)
Linda Gasser, Zero Waste 4 Zero Burning (Member)
Kerry Meydam, Durham Environment Watch (Member) – attended for the first part of the meeting
Wendy Bracken, Durham Environment Watch (Alternate) – attended for the last part of the meeting
Ilmar Simanovskis, Director of Infrastructure and Environmental Services, Town of Aurora (Member)

Project Team

Dave Gordon, Manager, Waste Management Program Planning and Policy, The Regional Municipality of York
Gioseph Anello, Manager, Waste Planning and Technical Services, The Regional Municipality of Durham
Greg Borchuk, Project Manager, Waste Management, The Regional Municipality of Durham
Lyndsay Waller, Operations Technician, The Regional Municipality of Durham
Kristy Brooks, Technical Assistant, The Regional Municipality of Durham

Other

Susan Cumming, Cumming + Company, EFWAC Facilitator
Dave Fumerton, District Manager, Ministry of the Environment (Observer)
Sandra Thomas, District Supervisor, Ministry of the Environment (Observer)
Dianne San Juan, Environmental Health Specialist (Observer)
Melodee Smart, Administrative Assistant (Works)

REGRETS

EFWAC

Derek Bakshi, Senior Project Manager, Township of King (Alternate)
Dan Pisani, Director of Operations and Engineering, Town of Georgina (Member)
Rob Fortier, Operations Manager, Town of Georgina (Alternate)
Rosanne Fritzsche, Waste Management Coordinator, Town of Richmond Hill (Member)
George Flint, Manager of Air Quality, Climate Change and Waste Policy, Town of Richmond Hill (Alternate)
Paul Whitehouse, Director, Public Works, Town of Whitchurch-Stouffville (Member)
Christopher Kalimootoo, Director of Engineering and Environmental Services, Town of East Gwillimbury (Member)
Peter Loukes, Director of Environmental Services, City of Markham (Member)
Claudia Marsales, Manager, Waste Management, Town of Markham (Alternate)
Brian Jones, Director, Public Works Services, Town of Newmarket (Member)
Dave Meredith, Director of Operations and Environmental Services, Town of Ajax (Member)
Thomas Gettinby, CAO and Municipal Clerk, Township of Brock (Member)
Dhaval Pandya, Coordinator of Transportation Engineering, City of Pickering (Member)
David Crome, Director of Planning, Municipality of Clarington (Alternate)
Tracey Ali, Zero Waste 4 Zero Burning (Alternate)

Brian Anthony, Director, Public Works, City of Vaughan (Member)
Michelle Whitbread, Coordinator, Parks and Environmental Services, City of Oshawa (Alternate)
Perry Sisson, Director of Engineering and Field Operations, Central Lake Ontario Conservation Authority (Alternate)
Jacob Mantle, Councillor Ward 4, Township of Uxbridge (Alternate)
Doug Anderson, DurhamCLEAR (Member)
Suzanne Beale, Director of Public Works, Town of Whitby (Member)
Ken Gorman, Director, Environmental Health, The Regional Municipality of Durham (Observer)
Joe La Marca, Director, Health Protection Division, The Regional Municipality of York (Observer)
Joanne Paquette, Manager, Communications (Works)

EFWAC

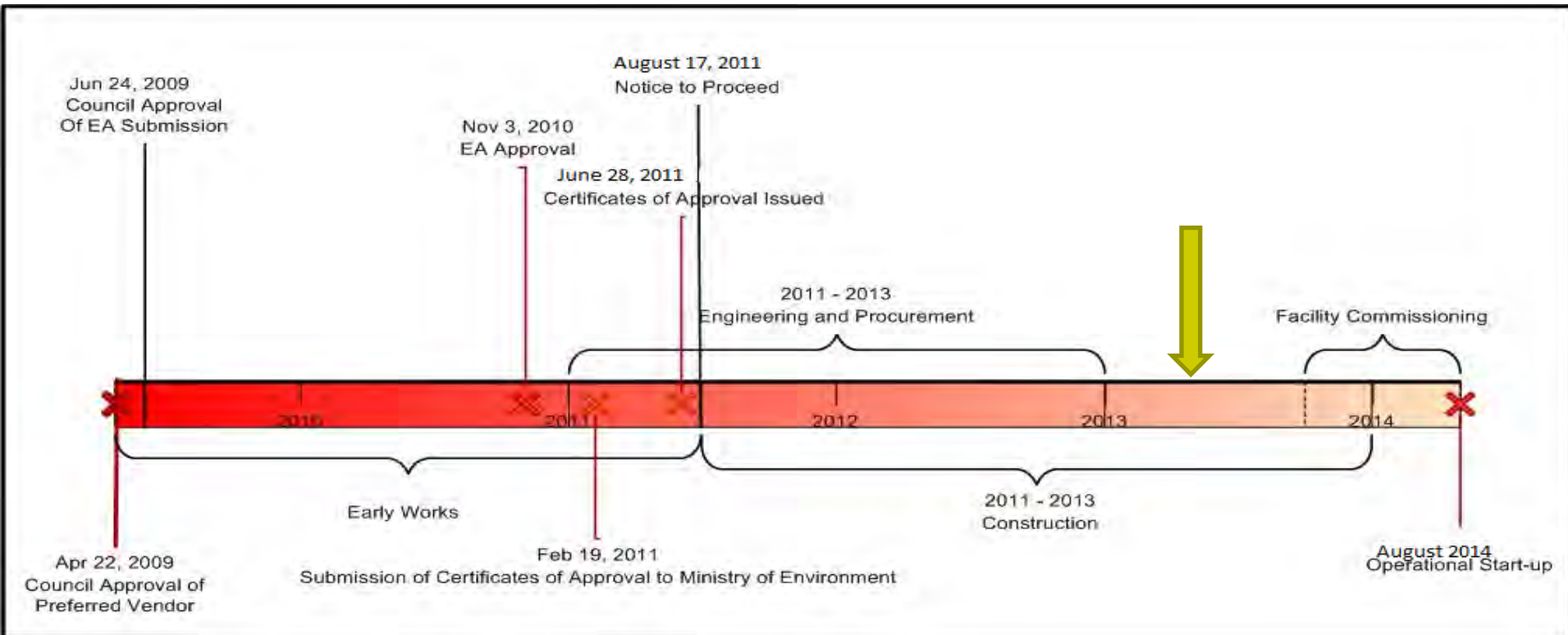
EFW Update

June 10, 2013

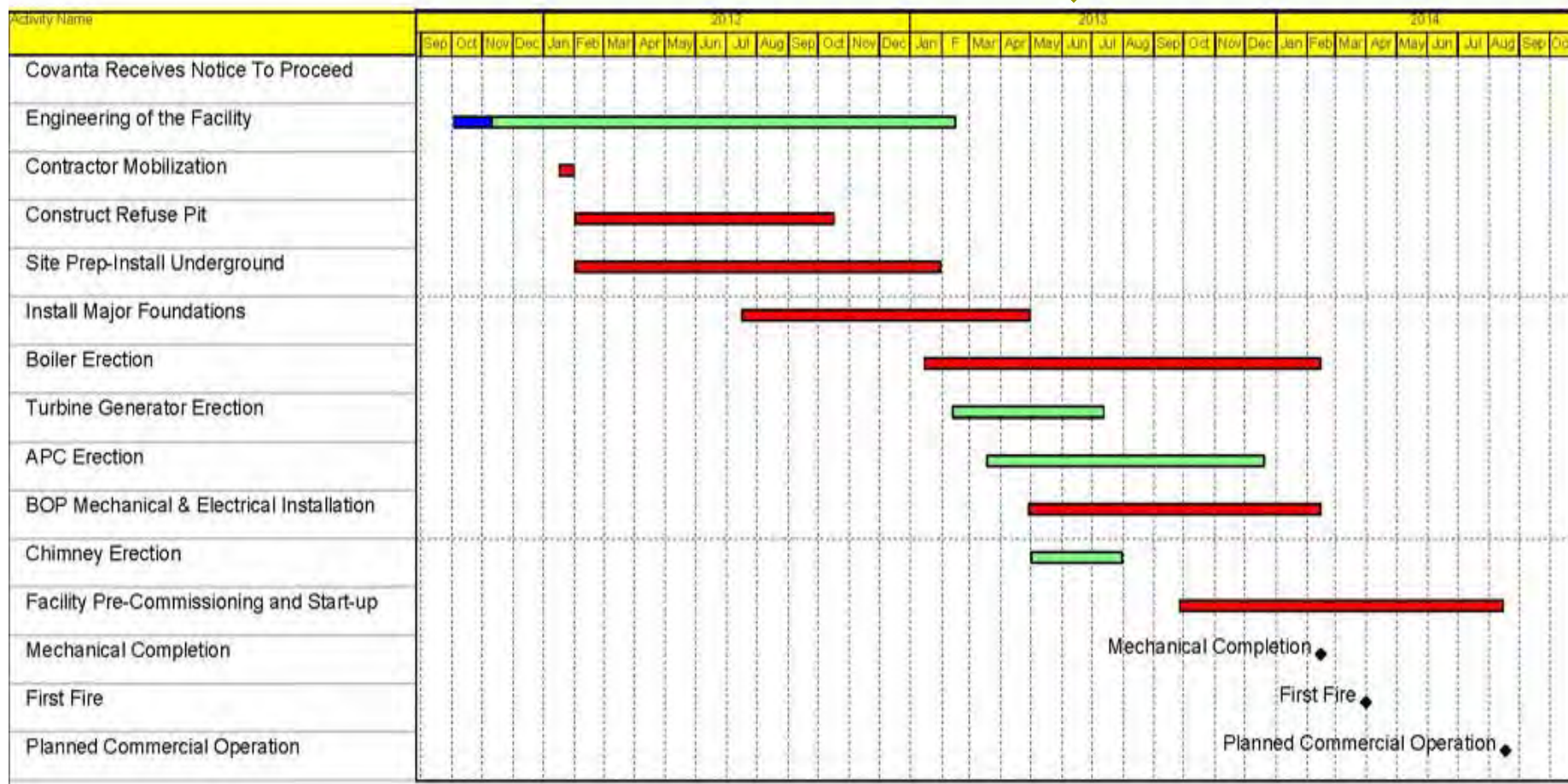
Greg Borchuk, P.Eng.
Project Manager, EFW
Works Department
The Regional Municipality of Durham



Durham/York EFW Project Timelines 2009 - 2014



Construction Plan



Construction Status

- **Engineering** – passed the 75% completion milestone in March
- **Site Civil work** – roads/sewer/water/storm, etc., approximately 90% to 95% complete
- **Structural Steel** – approximately 80% erected; all major buildings well underway
- **Electrical** – approximately 20% complete; step-up transformer and switchyard foundations installed
- **Mechanical** – boiler and pressure parts fabrication/fit-up nearing completion; erection/installation into the boiler building starting this summer;
- **Major Equipment** – all major equip. procured and on site; refuse cranes, Turbine/Generator set, waste feed chutes, feed rams and other stoker equipment installed





Aerial
View
Looking
South –
**August
25, 2012**



Aerial
View
Looking
South –
**April 27,
2013**



Aerial
View
(facing
north
east) –
**March
26, 2013**



Aerial
View
(looking
southeast)
**April 27,
2013**





VIEW OF UNIT 2 BOILER STEEL ERECTION



Video



Construction Summary

To Date:

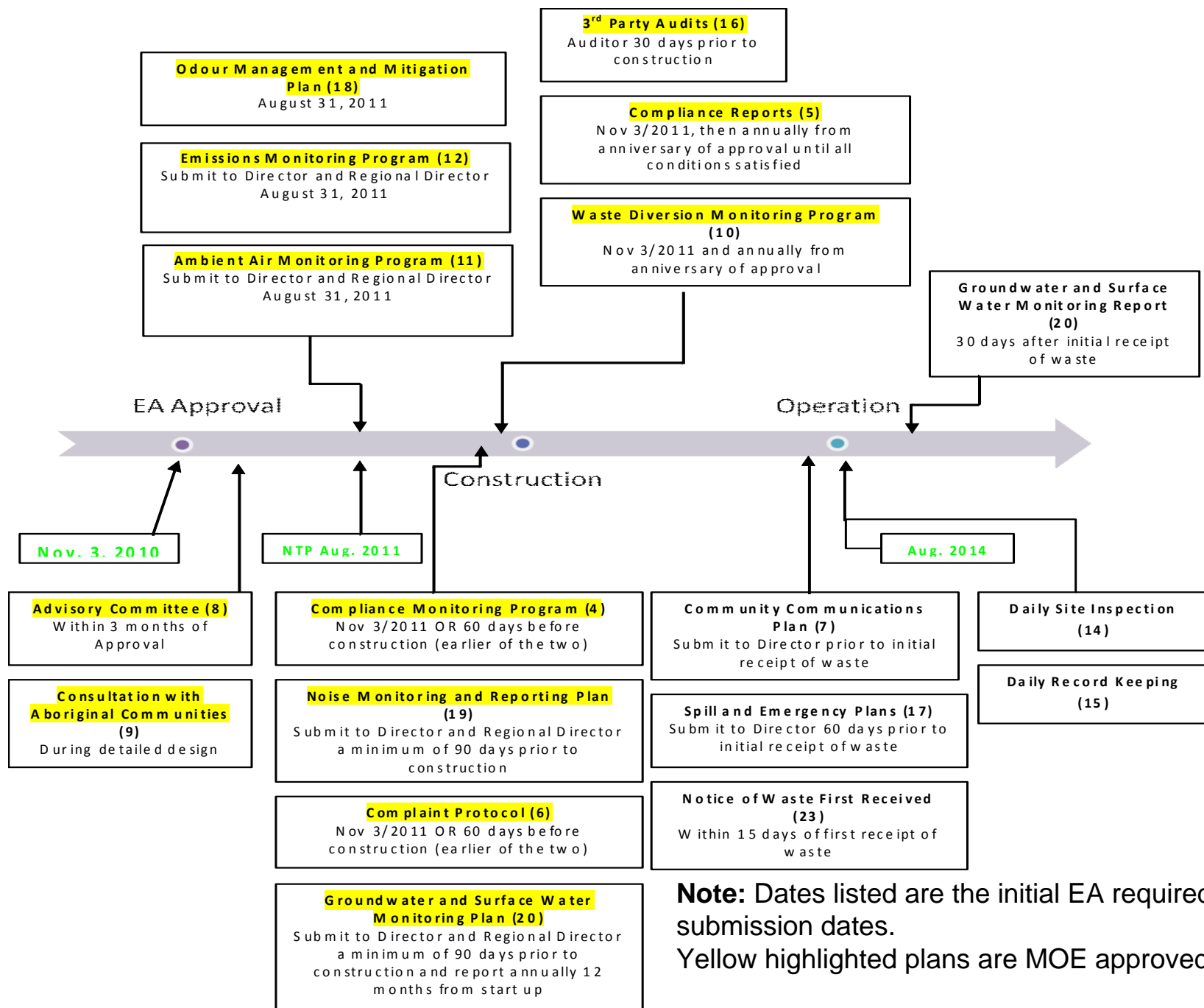
- Overall construction is at about the 40% stage and progressing towards a late summer/early fall 2014 commercial operation date
- 30 building permits issued by the Municipality of Clarington. All applications have been fully approved and have no outstanding issues.
- All TSSA applications have been submitted and approved. There are no further applications anticipated.
- Surpassed 200,000 cumulative hours of work on site with zero lost time incidents. Approximately 205 workers (180 trades workers and 25 administrative) are on site daily.



EA & CofA Compliance Updates from the last meeting held Feb 12, 2013

- **Soils Testing Plan** approved by MOE - March 15, 2013.
 - Linked directly to the AAMP sites via the CofA
 - Testing to begin shortly
- **Ambient Air Monitoring** commenced in April 2013.
 - (plan approved May 2012)
- **Air Emissions Monitoring Plan** approved by MOE – April 9, 2013.
- **Third Party Audit** – 2nd audit undertaken April 5th and report submitted to MOE on April 15th.
- **Groundwater & Surface Water** - 1st annual report submitted to MOE April 30, 2013.
- **Community Communication Plan** – revisions and Comment Response table are being developed based on comments received up to March 30, 2013.





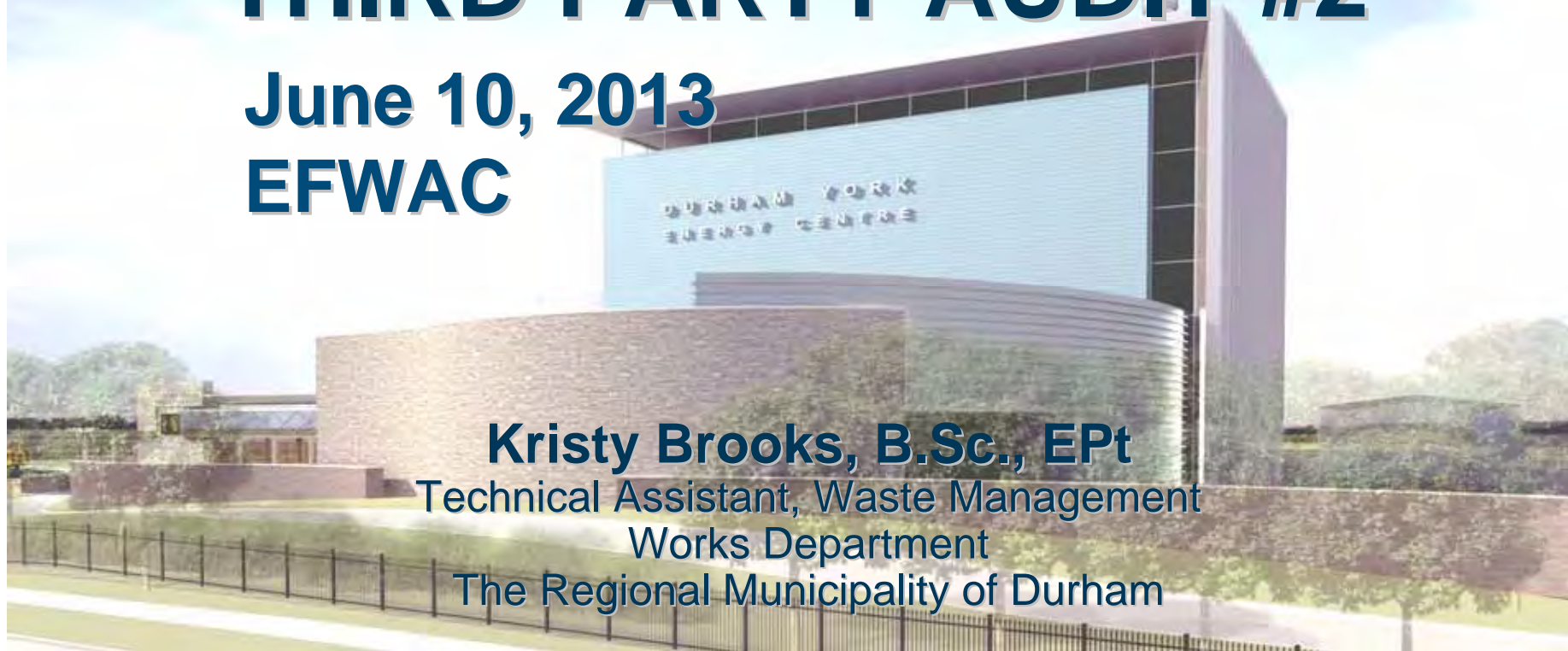
Questions?





THIRD PARTY AUDIT #2

June 10, 2013
EFWAC



Kristy Brooks, B.Sc., EPT
Technical Assistant, Waste Management
Works Department
The Regional Municipality of Durham



Audit Background

- EA Condition 16 and CofA Condition 15.
(2),(3)
- MOE approved Audit Plan and Auditor:
MALROZ Environmental Scientists & Engineers
 - Mr Steve Rose, MSc., PEng., PGeo.
 - Mr John Pyke, PGeo.



Audit Objectives

- Compliance with applicable legislation;
- Compliance with applicable approvals and permits such as the Certificate of Approval and site plan permit;
- Records verifying visual sweep for species of concern; and
- Records demonstrating adherence to protocols for archaeological aspects.



Audit Objectives (continued)

- Conformance with EA commitments;
 - Employment of controlled entrances and exits at the construction site to minimize the offsite tracking of mud.
 - Temporary and permanent grassing in disturbed areas.
 - Dust control during dry periods.
 - Possible implementation of an idling protocol as required.
 - Adherence to an equipment maintenance program.
 - Ambient air quality monitoring for particulate matter may be undertaken to monitor the effectiveness of the mitigation measures.



Previous Audits

- The first audit was completed in June 2012
- Two administrative deficiencies were noted and corrected prior to submission of the report
- An addendum was submitted in July 2012 to address EFWAC's comments related to EA Condition 12.5



Audit 2 Scope

- Audits are linked to milestones – Audit 2 Foundations
- The time span of audit 2 is from the date following audit 1 June 2, 2012 to April 5, 2013.



Audit Observations

- Revised Site Specific Environmental Health and Safety Plan was not secured in place of the superseded section;
 - Following the audit, staff replaced the superseded section and secured in the relevant binder.
- Exposed soils with little to no protective cover;
 - Site Construction staff advised stockpiled soils as a result of site grading would be removed once municipal weight limits are removed from the site in May.



Audit Observations (continued)

- Degraded protective fencing and silt curtain around a protected tree;
 - April 6, 2013, action was taken to prevent encroachment of construction activities and secure silt fence. Pictures were provided to the auditor on April 9, 2013;
- Replace a waste bin sign and ensure contractor staff adheres to signage posted for compressed gas and storage of flammable liquids;
 - Site personnel advised they would reinforce the proper material storage requirements in future safety meetings and replace signage.





Audit Report

- Submitted to MOE: April 15, 2013
- Posted to Website:
www.durhamyorkwaste.ca
- Made available to EFWAC for information





Questions?

Thank you.



Durham York Energy Centre 2012 Annual Groundwater & Surface Water Monitoring Report

EFWAC – June 10, 2013

Lyndsay Waller, B.Sc, EP

Operations Technician, Waste Planning and Technical Services

Works Department

The Regional Municipality of Durham





Background



- EA Condition 20 and CofA Condition 7(14)
- MOE approved Groundwater & Surface Water Monitoring Plan
 - Submitted September 15, 2011
 - Approved October 14, 2011
- EA Condition 20.8 - Annual Reporting

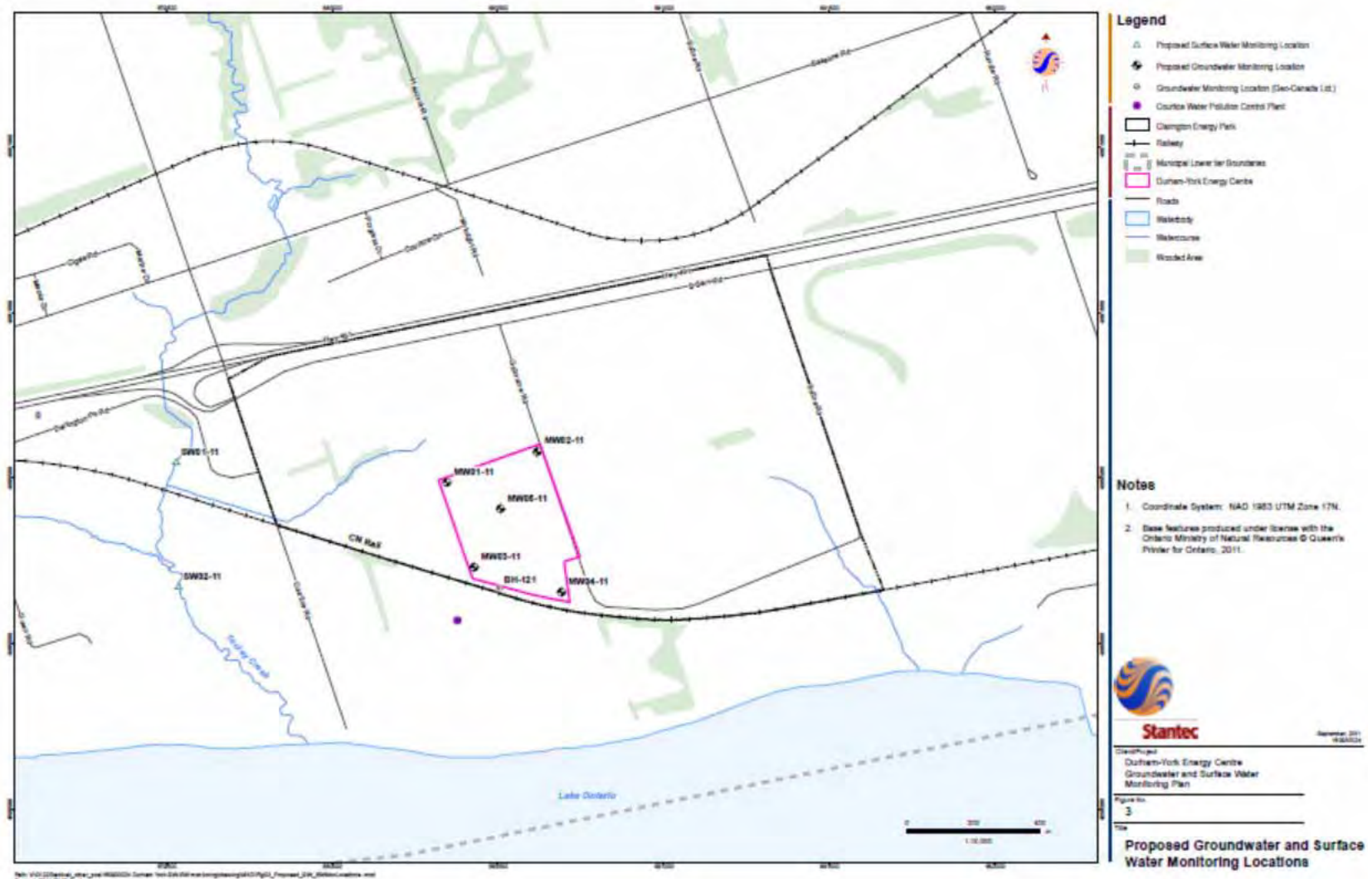


Plan Objectives



- To provide an understanding of both groundwater and surface water quality during the construction and operation phases.
- To ensure ongoing environmental management of the site.

Groundwater & Surface Water Monitoring Locations





Monitoring Parameters & Frequency



Groundwater (3x per year)

| | |
|---------|---|
| Field | Water level, temperature, pH, conductivity, oxidation reduction potential |
| Anions | Carbonate, Bicarbonate, Chloride, Sulphate |
| Cations | Calcium, Magnesium, Potassium, Sodium |
| Metals | Boron, Cadmium, Cobalt, Lead, Mercury |

Surface Water

| | |
|--------------|---|
| construction | Total suspended solids, turbidity, temperature |
| operation | pH, turbidity, temperature, electrical conductivity |



Groundwater Report Observations



- Groundwater quality at each monitoring location is influenced by various factors including soil type and historical land uses.
- The parameter concentrations in groundwater are considered to be representative of natural water quality conditions or associated with upgradient land uses.
- Groundwater quality at the Site satisfies the Ontario Drinking Water Quality Standards (ODWQS), O. Reg. 169/03
- Results suggest construction activities have not had an adverse influence on the shallow groundwater quality.



Surface Water Report Observations



- Sampling results compared to Provincial Water Quality Objectives (PWQO) and Canadian Water Quality Guidelines (CWQG)
- 2 spills were noted as reported to the MOE Spills Action Centre.
 - Spills were immediately contained, soil was excavated.
 - Neither spill entered any drainage system or waterway.
 - Follow up inspection showed no notable concerns on Site or receiving swales and waterways.
- Sampling results indicate that there are no significant concerns with any Site influence on surface water conditions in the CN rail swale and further downstream Tooley Creek.



MOE Correspondence



- MOE acknowledged the Annual Groundwater & Surface Water Report submission in letter dated May 24, 2013.
- MOE acknowledged the monitoring undertaken at the Site was consistent with the MOE expectation and the approved Plan.
- MOE has no concerns with the monitoring program to date.



Annual Groundwater & Surface Water Reports



- Submitted to MOE: April 30, 2013
- Posted to Website:
www.durhamyorkwaste.ca
- Made available to EFWAC for information



Questions?



Meeting #9 Agenda

Advisory Committee Annual Report 2013



AGENDA

Energy from Waste Advisory Committee (EFWAC)

| Energy from Waste Advisory Committee (EFWAC) | |
|---|---|
| SUBJECT | Meeting #9 |
| MEETING DATE/TIME | Wednesday, October 2, 2013 from 6:30 to 8:30 PM |
| LOCATION | The Regional Municipality of Durham Headquarters 605 Rossland Road East, Whitby – Meeting Room LL-C |
| AGENDA OR REMARKS | <ol style="list-style-type: none">Welcome and Introductions (5 minutes)Energy from Waste Project Update (25 minutes) <i>(Presentation by Gioseph Anello, Manager, Waste Planning and Technical Services, The Regional Municipality of Durham)</i><ol style="list-style-type: none">Schedule UpdateConstruction UpdateCompliance Update<ul style="list-style-type: none">Community Communications PlanDurham York Energy Centre Third Party Audit #3 (20 minutes) <i>(Presentation by Kristy Brooks, Technical Assistant, Works Department, The Regional Municipality of Durham)</i>Durham York Energy Centre Draft Spill Contingency and Emergency Response Plan (60 minutes) <i>(Presentation by Howard Titus, Facility Manager, Covanta Energy Corporation)</i>Next Meeting (10 minutes) Discussion of schedule and timing for next meetingsMeeting Adjourns |
| Please contact Facilitator Sue Cumming, MCIP RPP, Cumming+Company at 866 611-3715 or cumming1@total.net with any questions. | |

Meeting #9 Minutes and Presentations

Advisory Committee Annual Report 2013



**Energy from Waste
Advisory Committee (EFWAC)
Meeting #9**

MINUTES (Approved)

| SUBJECT: | Energy from Waste Advisory Committee Meeting #9 | |
|---|--|--------|
| ATTENDEES: | Please refer to pages 10 and 11 for complete listing. | |
| LOCATION: | The Regional Municipality of Durham, Meeting Room LL-C 605 Rossland Road East, Whitby | |
| DATE AND TIME: | Wednesday, October 2, 2013 at 6:30 p.m. | |
| ITEM | | ACTION |
| 1. <u>WELCOME AND INTRODUCTIONS</u> Ms. Sue Cumming, independent Facilitator, welcomed the members of the Committee and the members of the public to the ninth meeting of the Energy from Waste Advisory Committee (EFWAC). The Committee members introduced themselves. The Facilitator confirmed quorum was not obtained, and thanked members for their attendance. The Facilitator requested if members had any further additions or verifications to the agenda, further to review of the agenda as follows: <ul style="list-style-type: none">• Welcome and Introductions (Item 1)• Energy from Waste Project Update (Item 2)• Durham York Energy Centre Third Party Audit #3 (Item 3)• Durham York Energy Centre Draft Spill Contingency and Emergency Response Plan (Item 4)• Next Meeting (Item 5) Ms. Linda Gasser noted that two of the items she formally requested for inclusion on this agenda, prior to the distribution and posting of the agenda, did not get included and which were: 1) The Joint Finance and Administration, Health and Social Services and Works Committee report 2013-J-26 (previously circulated to the Committee), and 2) The Project Team's Terms of Reference Memorandum dated July 31, 2013. Ms. Sue Cumming advised that with regard to 1) above, Joint Committee Report 2013-J-26, Mr. Gioseph Anello will be providing an update under Item 2, as appropriate, and confirmed for the members that this report was still scheduled to be presented before Durham Regional Council. Further discussion ensued, and Ms. Mirka Januszkiewicz advised that as this report is before Council on October 9, and following confirmation from Legislative Services, this report cannot be discussed at | | |

this meeting. Ms. Cumming clarified that this report was presented to the Joint Committee on behalf of Works Commissioner Curtis, and noted that members' objections and concerns of this item not being included on this agenda will be noted, including discussion that the EFWAC reviewed the Air Emissions Plan as a part of their mandate, and that this Joint Committee report deals directly with this Plan.

Ms. Cumming advised that no comments from members were received with regard to the Terms of Reference Memo issued in July and clarified that the format of the memo provided to members was at the discretion of the Project Team.

Ms. Gasser noted that a process had not been identified to formally address EFWAC concerns regarding the Project Team's memo and ensure that this exercise would not be just a circular argument. Ms. Gasser questioned the process for next steps as previously she had been advised to have the discussion at the table and was not able to successfully to do at this meeting with regard to memo follow up.

Mr. David Crome suggested that this item be included on an agenda, if not at tonight's meeting, then at the next meeting to provide an opportunity for additional discussion on the comment/response summary provided by the Project Team.

The Facilitator confirmed that if time allowed at the end of this meeting, concerns could be documented, however, if it was not possible, then members are to document their concerns for submission to the Facilitator and Project Team, and inclusion on a future agenda.

**EFWAC members
to submit
documented
questions /
concerns with
regard to the
Project Team's
memo on the
Terms of
Reference
provided July 2013.**

2. PRESENTATION ON EFW UPDATE

An EFW Update presentation addressing Schedule Update, Construction Update and Compliance Update including Community Communications Plan was provided by Gioseph Anello, Manager, Waste Planning and Technical Services.

Mr. Anello confirmed that from the Notice to Proceed, the contractual obligation for operational startup is 1,215 days which takes the project to December 2014, and advised that it is anticipated that the project will meet an earlier startup being the end of August 2014.

Currently, works are being completed on the boiler, air pollution control building, and the balance of plant (BOP) for mechanical / electrical installation, and the project is moving into a mechanical / electrical construction phase.

Aerial construction photographs included in the presentation were reviewed and Mr. Anello pointed out the facility's stack, residue building, fly ash stabilization pits, ammonia tank, powder activated carbon tank, and fire water tank and building. Mr. Anello also pointed out the locations of the maintenance building, turbine generator building, air cooled condenser, Covanta Energy Corporation administration building, tipping building, refuse building, boiler and air pollution control equipment.

Mr. Anello noted that the curved feature brick wall is almost complete, and pointed out where the Visitors' Centre and public parking will be located. Also shown was the stormwater retention pond, scale house location, and road showing the route for delivery of waste to the site.

Mr. Anello noted that all plans have been submitted to the Ministry of the Environment (MOE). The draft Spill Contingency and Emergency Response Plan was submitted last week along with the revised final Community Communications Plan (CCP) and comment/response table. Further to consultation with the MOE, the Project Team is satisfied that they have answered related questions and that all appropriate revisions have been made. Mr. Anello advised that there will be an opportunity for EFWAC's submission of comments on the Spill Contingency Plan.

In response to questions about the facility, Mr. Anello advised that the stack height is 86.7 metres from ground level, and confirmed that the Continuous Emissions Monitoring (CEM) components have not been installed, and that the CEMs building is located in between the stack and air pollution control building, and that the Data Control System (DCS) has not yet been installed. Mr. Anello confirmed that all the equipment has been ordered and that the makes and models are not included in the schedules of the Certificate of Approval (CofA), however, confirmed that they must be EPA and MOE approved equipment. Mr. Anello further confirmed that the visual 'spin wheel' opacity inspection is old technology, and that as required by the CofA, there must be an opacity monitor that provides data once per minute, and is averaged every six minutes with 10 per cent or less limit. Mr. Anello advised that all CEM for particulate matter provides a surrogate reading (i.e. light scattering, beta attenuation), which is correlated back to a particulate reading.

In response to a request from Ms. Wendy Bracken to describe the opacity monitor and display in detail, Mr. Anello advised that it is a light extinguishing technology which incorporates two measuring parameters, the first is every six minutes and the other is every two hours which is described in the CofA on page 48.

Mr. Anello further advised that there is a paper which correlates opacity and particulate matter and how the equation is achieved. He confirmed how opacity readings are used for operations and that this data is provided to indicate to the operators that the bag house is operating correctly. There are another 1,900 data points into the DCS that also provide information that all systems are working properly. As stated by the MOE, it is not one reading in isolation, but the entire suite of information into the control centre that is required. Mr. Anello confirmed that the CofA details the information about opacity, and the Ambient Air Monitoring Plan details how the ambient air station reads continuous particulate. Further discussion ensued with regard to condensables and filterables.

At this time, the Committee took a five minute break.

When the meeting resumed, Ms. Januszkiewicz confirmed for EFWAC members that she and Mr. Borchuk would be addressing questions in Mr. Anello's absence.

The Facilitator advised that the questions regarding the facility equipment being used for air emissions monitoring posed by Ms. Bracken which Ms. Bracken indicated directly relate to the upcoming Regional Council meeting of October 9 be put in writing to the Project Team who will respond as appropriate, prior to the meeting. Ms. Mirka Januszkiewicz advised that depending on the extent of the questions and tight timelines, reference might be made to CofA pages only, although as much information as possible will be provided. It was also determined that the paper on the opacity calculation, referenced by Mr. Anello, be provided to Ms. Bracken. The Facilitator confirmed that detailed questions can be posed to the

Paper on opacity calculation to be provided to Ms. Bracken; Project Team to respond to EFWAC questions prior to Durham Council of October 9, as appropriate.

Project Team directly, and do not need to wait until the EFWAC meetings.

There were no further questions on the Construction Update.

The Facilitator confirmed that the Community Communications Plan (CCP), listed under the Compliance Update, has been finalized and submitted in accordance with the established process to the MOE and sent to the members of EFWAC (the CCP and comment/response table) further to the extended consultation period. Ms. Bracken asked the Project Team if those members of the public who submitted comments were notified on how their comments were addressed, how they were made aware of the revised CCP and comment/response table, and how they were advised of its updated scheduled for this meeting.

Ms. Bracken noted that those who commented should have been made aware of how their comments were included in the CCP with an individual response notifying them of how the revised CCP was compiled and when it would be posted. Ms. Bracken also questioned if this followed the Complaint Protocol procedure, as replies are sent to those submitting comments to the Project Team.

Mr. Greg Borchuk advised that those who submitted comments did not receive an individual response as plan comments are treated as consultation, however, confirmed that these comments were included in the final CCP and comment/response table was sent to this Committee and also made public via posting on the project website in accordance with the established process for all plans provided to EFWAC.

Ms. Bracken requested that as the public were not made aware of the status of their comments, another opportunity be provided to EFWAC and members of the public to provide further comments on the revised CCP. The Facilitator clarified that this was a final document submitted to the MOE, however, Ms. Januszkiewicz advised that although the process is concluding, comments can be submitted to the Project Team following the same procedures as done for previous submission of comments.**

****NOTE: Following submission of the revised CCP and related comment/response table to the MOE on September 23, 2013, MOE approval of the CCP was issued to the Project Team by standard mail on October 4. Please see attached MOE approval correspondence. Please be advised that any additional comments on the CCP are to be submitted to the MOE directly.**

Ms. Gasser quoted the CCP submission cover letter “based on community and MOE comments/input, the draft Plan has been revised into this final version” and requested that correspondence regarding consultation with the MOE relating to the CPP be provided or posted on-line.

Ms. Gasser also mentioned that the revised wording found in box two on page 18 of 42 of the CCP comment/response table relating to the mandate of this Committee, as determined by the Project Team for EFWAC to promote the incinerator in accordance with the Committee’s Terms of Reference is an incorrect statement and should be corrected. Ms. Gasser pointed out that she feels that it is not the mandate of the EFWAC to support the Regions’ consultation efforts/initiative. The Facilitator

****Please See Note and Attached Correspondence**

No action required. The Project Team does not post teleconference / meeting consultation details for any plans and any changes to the plan resulting from consultation are

| | |
|--|--|
| <p>confirmed that the Project Team will respond to this request.</p> <p>Ms. Bracken advised that with respect to the CCP, the Project Team has been requested by the three public EFWAC members to remove any promotion as it was not set out in the MOE's Condition 8 of the Approval Conditions, along with removal of the fourth R, referenced as recovery of energy, when it is believed that the fourth R is redesign. Ms. Bracken further stated that the Ontario curriculum does not include Recovery as the fourth R and are requesting that this reference be removed. Ms. Bracken further advised that the three EFWAC public groups do not endorse the revised CCP, have strong objections to the CCP submitted to the MOE and are not satisfied with the Project Team's responses to the public comments.</p> <p>Ms. Laura McDowell advised that on behalf of York Region, York Council has endorsed the fourth R as Recovery, not only through the partnership with Durham Region with the Durham York Energy Centre, but with the completion of a Master Plan which focuses on Reduction, keeping residual waste out of the waste stream, and which follows the hierarchy of Reduction, Reuse, Recycle, and only when all diversion efforts are met, the focus can be on the fourth R.</p> <p>Ms. Gasser discussed that the three Rs is Ontario waste policy, and not the four Rs. The Waste Reduction Act clearly commits to the three Rs and is the policy recommended in the Act.</p> <p>Ms. McDowell clarified that York Council asked York Region staff to include that specific comment with regard to the three Rs regarding the pending legislation around Bill 91 and the Waste Reduction Act, and has been included in correspondence to the MOE with comments on Bill 91 have been submitted for reconsideration of the fourth R.</p> | <p>reflected in the final plan.</p> <p>No action required.</p> <p>The statement questioned below is factual and does not imply support for incineration.</p> <p>"These two committees will support the ongoing consultation efforts of the Regions in accordance with their individual Terms of Reference."</p> |
| <p>3. <u>PRESENTATION ON THIRD PARTY INDEPENDENT AUDIT #3</u></p> <p>A Third Party Independent Audit #3 presentation was provided by Kristy Brooks, Technical Assistant.</p> <p>Ms. Kristy Brooks advised that the third party audits are required by EA Condition 16 and CofA Condition 15, Items 2 and 3, which link back to the EA, and that the Construction Phase Audit Plan was approved by the MOE, as submitted, which outlined the method by which the audits were to be completed, and by whom. The auditors are two members from Malroz Environmental Scientists and Engineering.</p> <p>Ms. Brooks advised that the objective of the audits is to confirm that the project is proceeding in compliance with any applicable legislation and approvals, and that the commitments made throughout the EA process are being addressed.</p> <p>Ms. Brooks noted that there will be five audits throughout this project, with the first audit having been completed in June 2012. This first audit noted two administrative deficiencies, both corrected prior to submission of the audit to the MOE. An addendum was also submitted in July 2012 to the MOE by the auditors to address comments submitted by EFWAC.</p> <p>With respect to Audit #2 which was completed in April 2013 and as presented at the last EFWAC meeting, the auditors noted four observations/areas requiring improvement. All issues were rectified and are included in Audit #3 as being</p> | |

addressed.

Following the last meeting, there were two items the Project Team committed to reporting back to the EFWAC following discussion with the auditors. The first relates to Section 1.0 Introduction and Overview, 1.1 Introduction, and the auditors confirmed that it was not intended to read as an endorsement of decisions made by Regional Council but instead as background information only. Changes have been made to the introduction found in Audit #3. Further, the auditors confirmed that the web check list, included as an appendix in all audit reports, is intended to be a list of only the documents listed in the EA or CofA to be posted to the project website, and not all documents or correspondence that the Regions post. The auditors feel that the list serves its purpose, and no changes were made to the checklist.

Ms. Brooks identified that Audit #3 submitted to the MOE on September 20, from the original submission date of October 15 which had to be approved by the MOE, is linked to the building erection. Audit #3 covers from April 2013 to September 6, on which date the audit was carried out. The auditors did not identify any areas of non-compliance and did not identify any areas requiring improvement, however, did make the recommendation, not required by legislation, that EFWAC minutes be kept on site to assist the auditors. Ms. Brooks noted that EFWAC minutes are included as part of the Annual Compliance Monitoring report and those reports are available on site and on the project website. Audit #3 was posted to the project website and provided to EFWAC for information. Ms. Brooks advised that Audit #4 is due March 15, 2014, and addresses equipment installation.

Ms. Gasser noted that she did not understand the rationale in Appendix E of not including the Air Emissions Monitoring Plan and Soil Monitoring Plan, which is also referenced in Audit #3. Ms. Brooks confirmed that the Project Team will follow up with the auditors regarding this inquiry.

**Project Team to
notify the auditor
of the comments
made by EFWAC.**

4. PRESENTATION ON DURHAM YORK ENERGY CENTRE DRAFT SPILL CONTINGENCY AND EMERGENCY RESPONSE PLAN

A Draft Spill Contingency and Emergency Response Plan presentation was provided by Howard Titus, Facility Manager, Covanta Energy Corporation.

Mr. Titus advised that the Plan directly references the sections found in the EA and CofA.

Mr. Titus provided an overview of the Site Plan, and advised that these Site Plans will be updated as the facility construction progresses.

Appendix B1 and Appendix B4 address emergency contacts and contracted services. Mr. Titus advised that contract negotiations are ongoing.

All staff are trained on how to manage a spill or release into the natural environment, and as found on pages 17 and 18 of the Plan, site personnel responsibilities and related reporting structures are outlined. Also defined is essential and non-essential staff, with Appendix D outlining training required by all staff. Mr. Titus advised that this is a strictly regulated profession.

Emergency equipment and testing outlines test schedules, including drills and

devices, as found on page 22 of the Plan. The fire protection system includes a two-level system – external city water pressure and internal diesel fire pump system which will be tested on a weekly basis.

The placement of the fire extinguishers will be implemented with occupancy of the building, and Appendix D1 outlines staff training on the fire extinguishers. Fire systems will be inspected annually, with components inspected throughout the year. Page 22 outlines responsibility, frequency and device.

All emergency drills will be documented, and include a post-mortem review to assist in better managing future events and employee training.

In the event of an emergency requiring evacuation, the co-ordinator is assigned to direct staff and visitors appropriately. In the event of an emergency, it is extremely important that roles of staff are clearly identified. Mr. Titus identified the evacuation locations and advised that an agreement has been made with OPG for use of their cafeteria as a cold weather shelter if required. Strict sign in policies in the administration and Visitors' Centre and control rooms are in effect to ensure control on-site.

Mr. Titus advised that MSW may be delivered six days a week, and provided an overview of the waste procedure, and noted that in Schedule F of the Plan, the Regions' collection practices are outlined. The trucks enter through the scale house, proceed to tipping floor, discharge loads to refuse pit, MSW is fed into the boilers. Unacceptable waste includes biomedical, hazardous, radioactive waste. Random waste checks will be performed on the tipping floor hourly.

Residual waste or treated fly ash is being sent to Niagara Waste Systems, Walkers Industrial or Progressive Ridge Landfills in Ontario. Hazardous waste is being sent to Clean Harbors or Us Ecology. Agreements will be in place with licensed landfills in accordance with HWIN.

A complaint procedure has been determined with first responders at the Regions, no calls are being dealt with by the DBO.

Mr. Titus provided an overview on negative pressure (odour control) and equipment breakdown and control measures as detailed in the table found on page 38 of the Plan.

Mr. Titus further advised that the Distributing Control System (DCS) will monitor the plant at 1900 control points 24/7 with dedicated alarm and monitor streams, and associated inspections.

In the event of a power failure or extreme weather, the facility will continue to operate on back-up power (diesel standby generators) as detailed on page 60 of the Plan. SOPs have been developed to address major and minor fires, along with SOPs in the event of a spill as outlined on page 80.

Mr. Titus advised that this document was prepared in consultation with the MOE, Durham and York Regions, Clarington Emergency and Fire Response, CN and the Municipality of Clarington.

The Facilitator confirmed that this is an overview presentation, and that the document is a draft Plan. The Project Team is requesting that comments from EFWAC be submitted in writing by October 31.

Mr. Borchuk advised that following receipt of EFWAC comments, a comment/response table will be submitted to the MOE. Ms. Januszkiewicz confirmed that due to the timing of this Plan, that comments be submitted by October 31. It was further clarified that in accordance with the CofA, this Plan is due within 120 days prior to receipt of waste as detailed in CofA Condition 11.3.

In response to Ms. Gasser's questions, Mr. Borchuk advised that the City of Oshawa Fire Services was not included in the Plan's consultation and were not mandated to comment on the Plan. Mr. Borchuk advised that Fire Departments work together in multiple alarm fires, however, this is a Clarington facility and Clarington has jurisdiction. Mr. Borchuk further advised that Durham and York Regions and Covanta Energy Corporation staff developed the draft Plan, in consultation with the MOE, the Municipality of Clarington, the Clarington Fire Department and CN.

Ms. Gasser asked for the original letters relating to the pre-requisite consultation as referenced in the covering letter of the Plan. Mr. Borchuk confirmed that the consultation included emails and conversation, but that there are no formal letters.

The Facilitator asked if the correspondence referenced above could be made available to the Committee members. The Project Team confirmed they will look into the availability of this correspondence with Covanta Energy Corporation.

The Project Team confirmed that there was no official correspondence from the MOE regarding the pre-consultation of the Plan.

Ms. Gasser asked if consideration was made for an expert review of the Plan.

Mr. Titus confirmed that Clarington Planning Department reviewed the document on aspects during the development of the Plan and the draft document. Mr. Titus also confirmed that the SOP for the stormwater pond inspection for the operations phase is currently being developed. Ms. Januszkiewicz confirmed that emergency measures in such events comes to the Works Department in consultation with Durham Emergency Management Office, however, will confirm on the procedure.

In response to Ms. Bracken's question about possible high risks specific to incinerators, Mr. Titus advised that the greatest risk would be boiler tube failure where the operator must control the situation, maintain the water level in the unit and then bring down the temperature appropriately. Ms. Bracken asked if Mr. Titus could provide an example of a lesser risk incident to which Mr. Titus responded that a can of paint might get spilled and an employee could slip on the paint. Discussion ensued with regard to failure of air pollution control equipment and its details in the Plan as found on pages 48 to 58 (CEMs Risk Analysis). Mr. Titus advised that emissions regarding dioxins and furans would not be considered an emergency as a response is not required immediately and that the result would be sent out for testing. Mr. Titus reviewed the procedure of any exceedance advising that it is reported to the MOE and investigated by facility staff.

Ms. Gasser noted that "call 911" found on page 60 should be considered a higher

**EFWAC members
to submit
comments to the
Project Team on
the Emergency
Response Plan by
October 31.**

**No action required.
The Project Team
does not post
teleconference /
meeting /
correspondence
consultation
details for any
plans and any
changes to the
plan resulting from
consultation are
reflected in the
final plan.**

priority, discussed consideration to dump stacks and the process to address natural gas leaks in the Plan. Mr. Titus confirmed that dump stacks were not included in the facility design.

Ms. Bracken noted that on page 16 of the Plan, the statement at the bottom right of the page as it relates to the Notification Protocol reads “residents if release impact is significant” and questioned the definition/criteria of the word “significant”.

Ms. Gasser further requested that it be noted that there is concern that they are being requested to comment on a Plan that is only in draft and questioned the opportunities to comment once complete. The Project Team confirmed that the established procedure for all plans provided to EFWAC will be followed.

5. NEXT MEETING

The Facilitator confirmed that the meeting of October 23 was replaced by that of October 2, 2013.

Ms. Cumming advised that the members of EFWAC will be provided with dates to determine the schedule of future meetings, which will include consideration to afternoon and evening meetings, as this project moves from the construction to operations phase.

Ms. Cumming also advised that the Terms of Reference Memo will be included on the next agenda.

The meeting adjourned.

Notification to be sent to the members of EFWAC confirming that October 23 meeting is not taking place as it was replaced by the meeting of October 2.

Dates to be provided to EFWAC members to confirm a meeting schedule with inclusion of consideration to evening meetings.

Terms of Reference Memo from Project Team to be included on the next agenda.

PRESENT

EFWAC

Mirka Januszkiewicz, Director, Waste Management, The Regional Municipality of Durham (Member)
Laura McDowell, Director, Environmental Promotion and Protection, The Regional Municipality of York (Member)
David Crome, Director of Planning, Municipality of Clarington (Alternate)
Ben Kester, Director of Public Works, Township of Uxbridge (Member)
Mike Saulnier, Manager, Operations, City of Oshawa (Member)
Nick Colucci, Director, Public Works, Township of Brock (Alternate)
Perry Sisson, Director of Engineering and Field Operations, Central Lake Ontario Conservation Authority (Alternate)
Linda Gasser, Zero Waste 4 Zero Burning (Member)
Wendy Bracken, Durham Environment Watch (Alternate)
Doug Anderson, DurhamCLEAR (Member)

Project Team

Dave Gordon, Manager, Waste Management Program Planning and Policy, The Regional Municipality of York
Luis Carvalho, Senior Project Manager, Capital Planning and Delivery, The Regional Municipality of York
Gioseph Anello, Manager, Waste Planning and Technical Services, The Regional Municipality of Durham – *attended for the first part of the meeting*
Greg Borchuk, Project Manager, Waste Management, The Regional Municipality of Durham
Lyndsay Waller, Operations Technician, The Regional Municipality of Durham
Kristy Brooks, Technical Assistant, The Regional Municipality of Durham

Other

Susan Cumming, Cumming + Company, EFWAC Facilitator
Howard Titus, Facility Manager, Covanta Energy Corporation
Dave Fumerton, District Manager, Ministry of the Environment (Observer)
Sandra Thomas, District Supervisor, Ministry of the Environment (Observer)
Ken Gorman, Director, Environmental Health, The Regional Municipality of Durham (Observer)
Kerry Meydam, Durham Environment Watch (Member)
Tracey Ali, Zero Waste 4 Zero Burning (Alternate)
Melodee Smart, Administrative Assistant (Works)

REGRETS

EFWAC

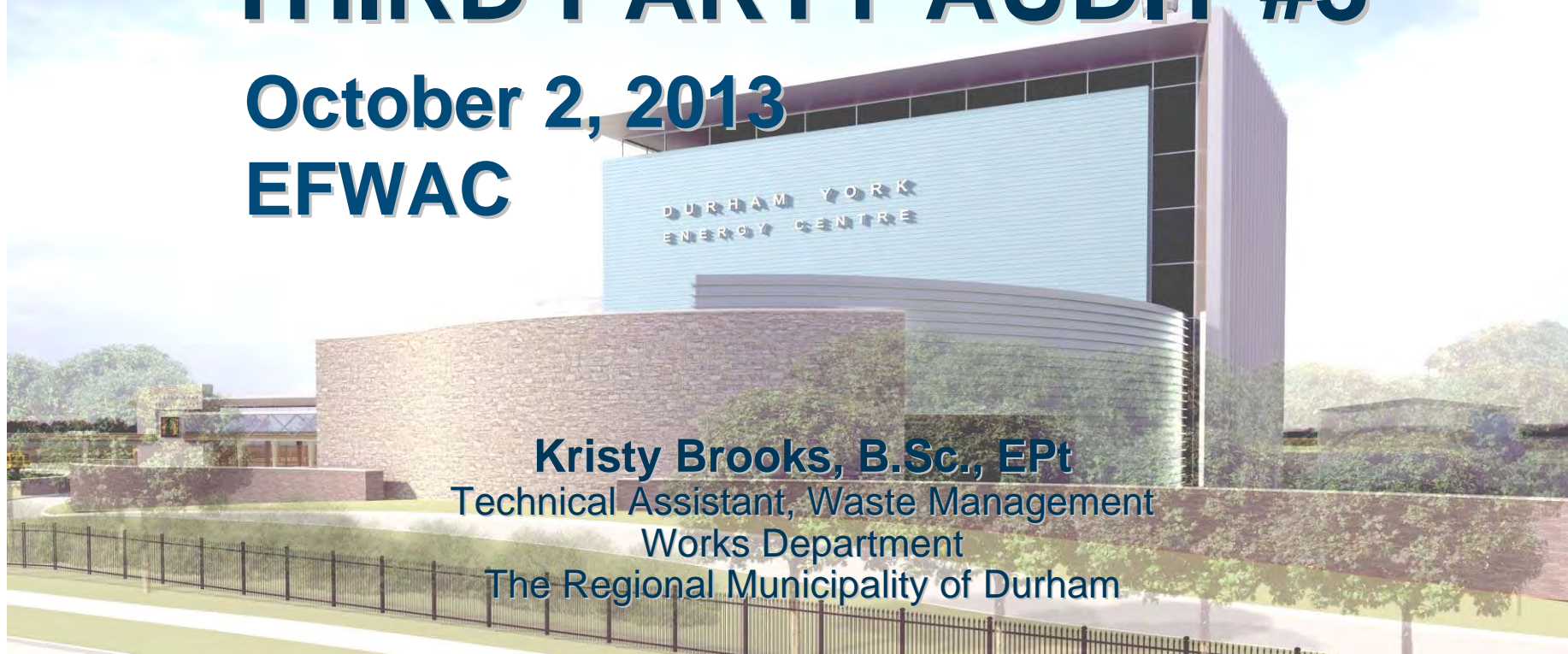
Derek Bakshi, Senior Project Manager, Township of King (Alternate)
Dan Pisani, Director of Operations and Engineering, Town of Georgina (Member)
Rob Fortier, Operations Manager, Town of Georgina (Alternate)
Rosanne Fritzsche, Waste Management Coordinator, Town of Richmond Hill (Member)
George Flint, Manager of Air Quality, Climate Change and Waste Policy, Town of Richmond Hill (Alternate)
Paul Whitehouse, Director, Public Works, Town of Whitchurch-Stouffville (Member)
John Hannah, Manager, Operations and Environmental Services, Town of East Gwillimbury (Member)
Peter Loukes, Director of Environmental Services, City of Markham (Member)
Claudia Marsales, Manager, Waste Management, Town of Markham (Alternate)
Christopher Kalimootoo, Director, Public Works Services, Town of Newmarket (Member)
Rod Smith, Manager of Operations, Town of Newmarket (Alternate)
Brian Anthony, Director, Public Works, City of Vaughan (Member)
Rob Flindall, Director of Engineering and Public Works, Township of King (Member)
Ilmar Simanovskis, Director of Infrastructure and Environmental Services, Town of Aurora (Member)
Joe La Marca, Director, Health Protection Division, The Regional Municipality of York (Observer)

Dave Meredith, Director of Operations and Environmental Services, Town of Ajax (Member)
Thomas Gettinby, CAO and Municipal Clerk, Township of Brock (Member)
Dhaval Pandya, Coordinator of Transportation Engineering, City of Pickering (Member)
Michelle Whitbread, Coordinator, Parks and Environmental Services, City of Oshawa (Alternate)
Jacob Mantle, Councillor Ward 4, Township of Uxbridge (Alternate)
Suzanne Beale, Director of Public Works, Town of Whitby (Member)
Lisamaria Akeson, Solid Waste Analyst, Town of Whitby (Alternate)
Faye Langmaid, Manager of Special Projects, Municipality of Clarington (Member)
Chris Darling, Director of Development Review and Regulation, Central Lake Ontario Conservation Authority (Member)
Ian Roger, Director of Public Works and Parks, Township of Scugog (Member)
Joanne Paquette, Manager, Communications (Works)



THIRD PARTY AUDIT #3

October 2, 2013
EFWAC



Kristy Brooks, B.Sc., EPT

Technical Assistant, Waste Management
Works Department

The Regional Municipality of Durham



Audit Background

- EA Condition 16 and ECA Condition 15.
(2),(3)
- MOE approved Audit Plan and Auditor:
MALROZ Environmental Scientists & Engineers
 - Mr Steve Rose, MSc., PEng., PGeo.
 - Mr John Pyke, PGeo.



Audit Objectives

- Compliance with applicable legislation;
- Compliance with applicable approvals and permits such as the Certificate of Approval and site plan permit;
- Records verifying visual sweep for species of concern; and
- Records demonstrating adherence to protocols for archaeological aspects.



Audit Objectives (continued)

- Conformance with EA commitments;
 - Employment of controlled entrances and exits at the construction site to minimize the offsite tracking of mud.
 - Temporary and permanent grassing in disturbed areas.
 - Dust control during dry periods.
 - Possible implementation of an idling protocol as required.
 - Adherence to an equipment maintenance program.
 - Ambient air quality monitoring for particulate matter may be undertaken to monitor the effectiveness of the mitigation measures.



Previous Audits

- The first audit was completed in June 2012
- Two administrative deficiencies were noted and corrected prior to submission of the report
- An addendum was submitted in July 2012 to address EFWAC's comments related to EA Condition 12.5



Previous Audits (continued)

- The second audit was completed in April 2013
- Two administrative deficiencies were noted
- Exposed soils with little to no protective cover
- Protective fencing and silt curtain around the tree
- All issues have been addressed



Previous Audits (continued)

Follow up to EFWAC Comments:

- Introduction
- Web Checklist



Audit 3 Scope

- Audit 3 is linked to Building Erection
- Alternate submission date from Oct 15 to Sept 20 approved by MOE on Aug 12
- The time span of audit 3 is from the date following audit 2 (April 5, 2013) to September 6, 2013



Audit Observations

- No areas of non-compliance or requiring improvement were identified
- Recommend keeping EFWAC minutes on site for review
- Working well to obtain and maintain compliance with all approvals and authorizations





Audit Report

- Submitted to MOE: September 20, 2013
- Posted to Website:
www.durhamyorkwaste.ca
- Made available to EFWAC for information





EFWAC

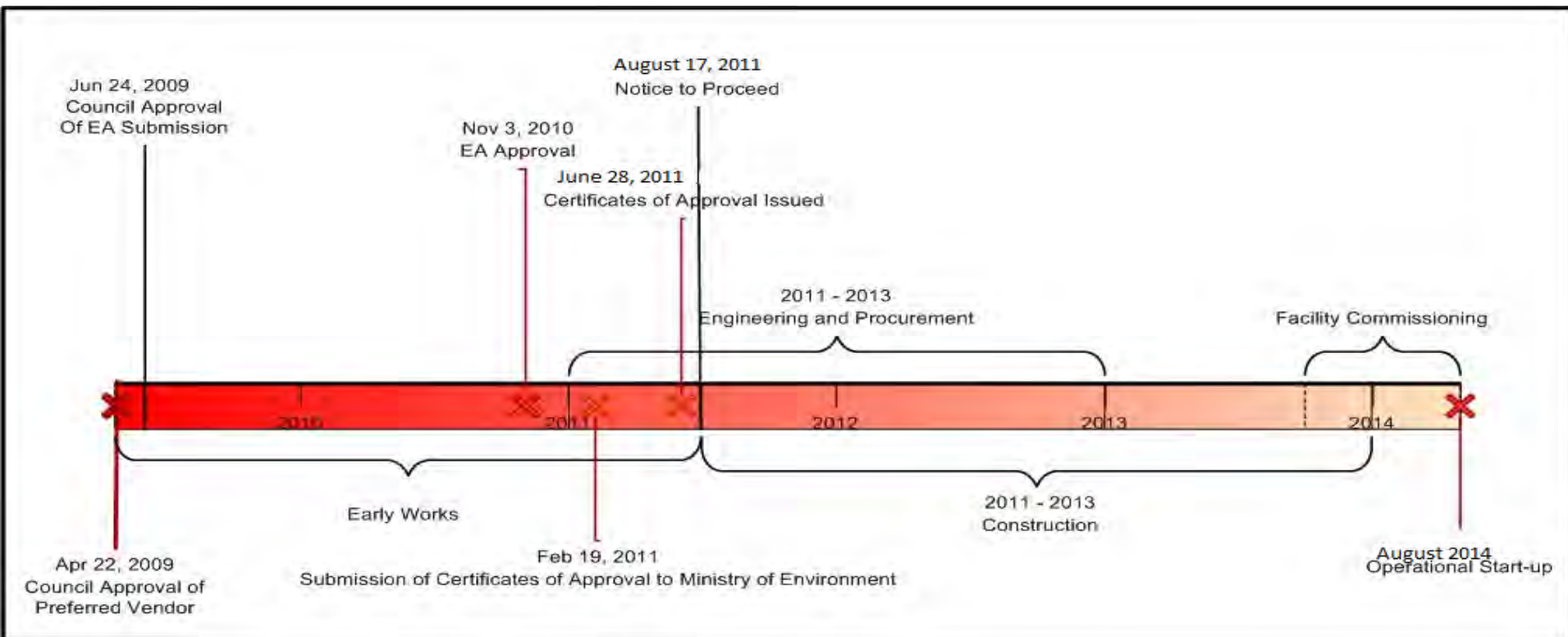
EFW Update

October 2, 2013

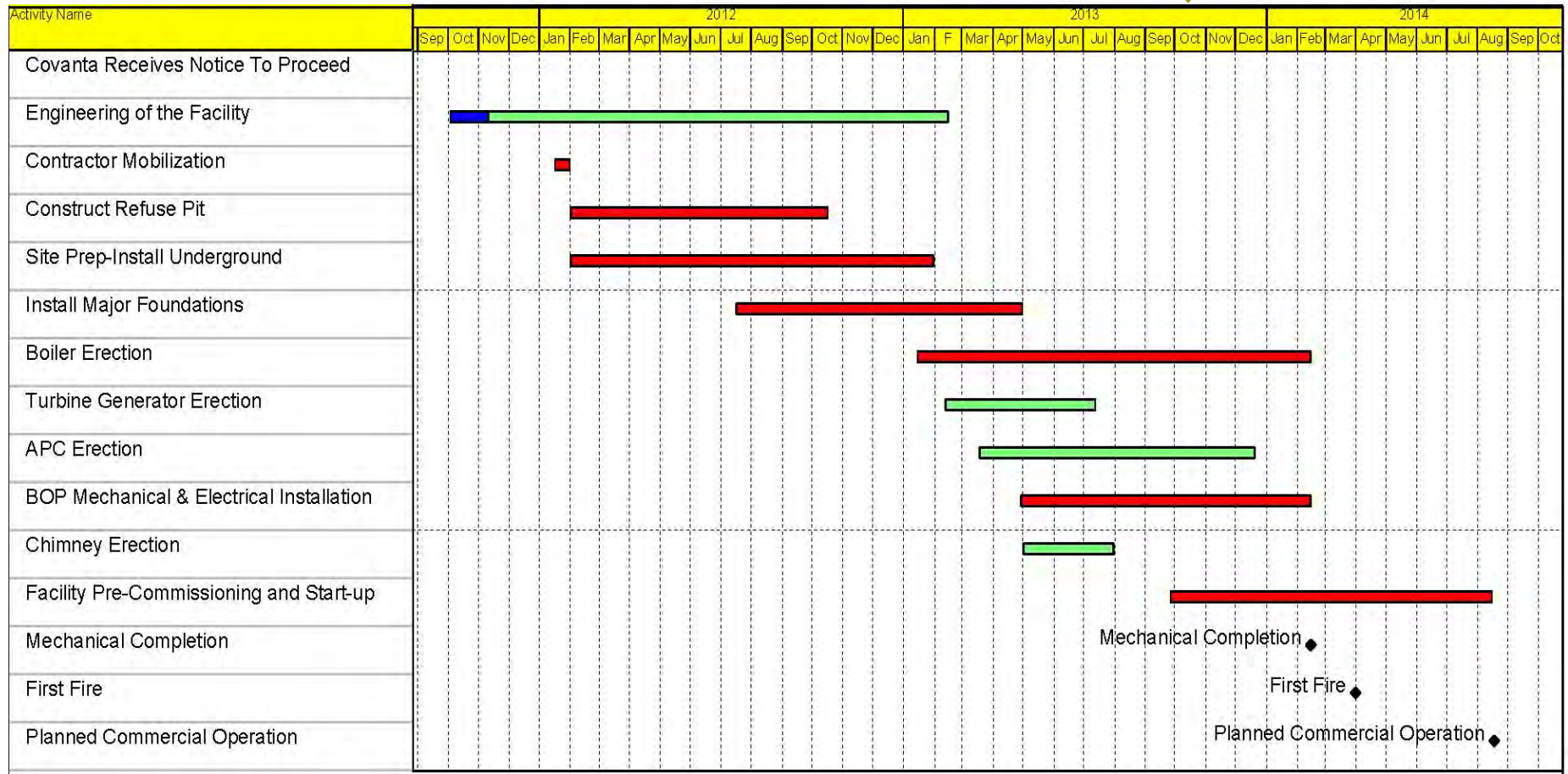
Gioseph Anello, M.Eng., P.Eng., PMP
Manager of Waste Planning and Technical Services
Works Department
The Regional Municipality of Durham



Durham/York EFW Project Timelines 2009 - 2014



Construction Plan



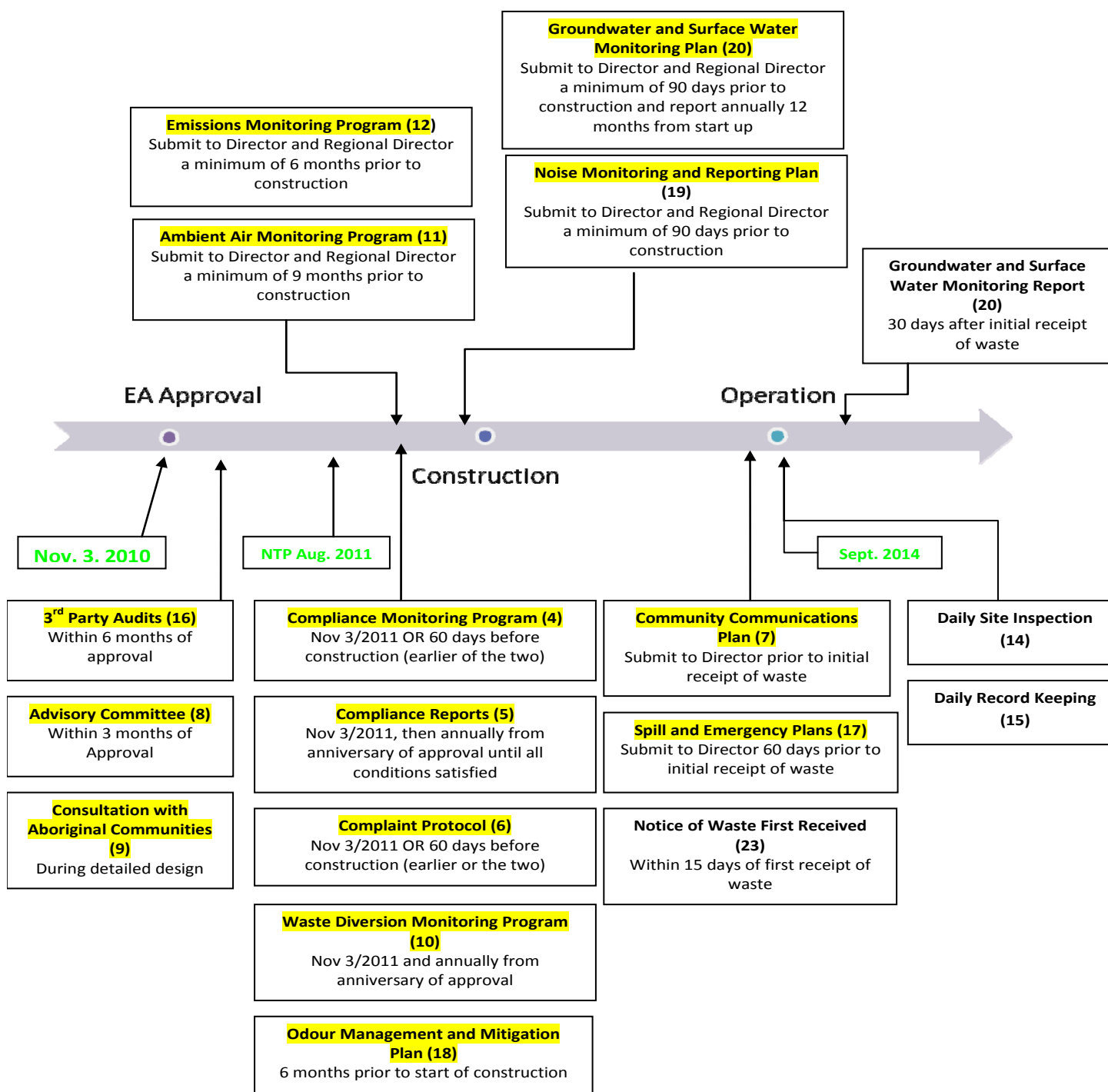












Questions?



COVANTA™
ENERGY
for a cleaner world



Durham York Energy Centre

Spill Contingency & Emergency Response Plan





Covanta Durham York Energy Centre

Objective:

- Safeguard company personnel, visitors and contractors
- Protect the general public and community
- Mitigate adverse safety/environmental impacts
- Protect property
- Ensure timely return to normal operations after an emergency.



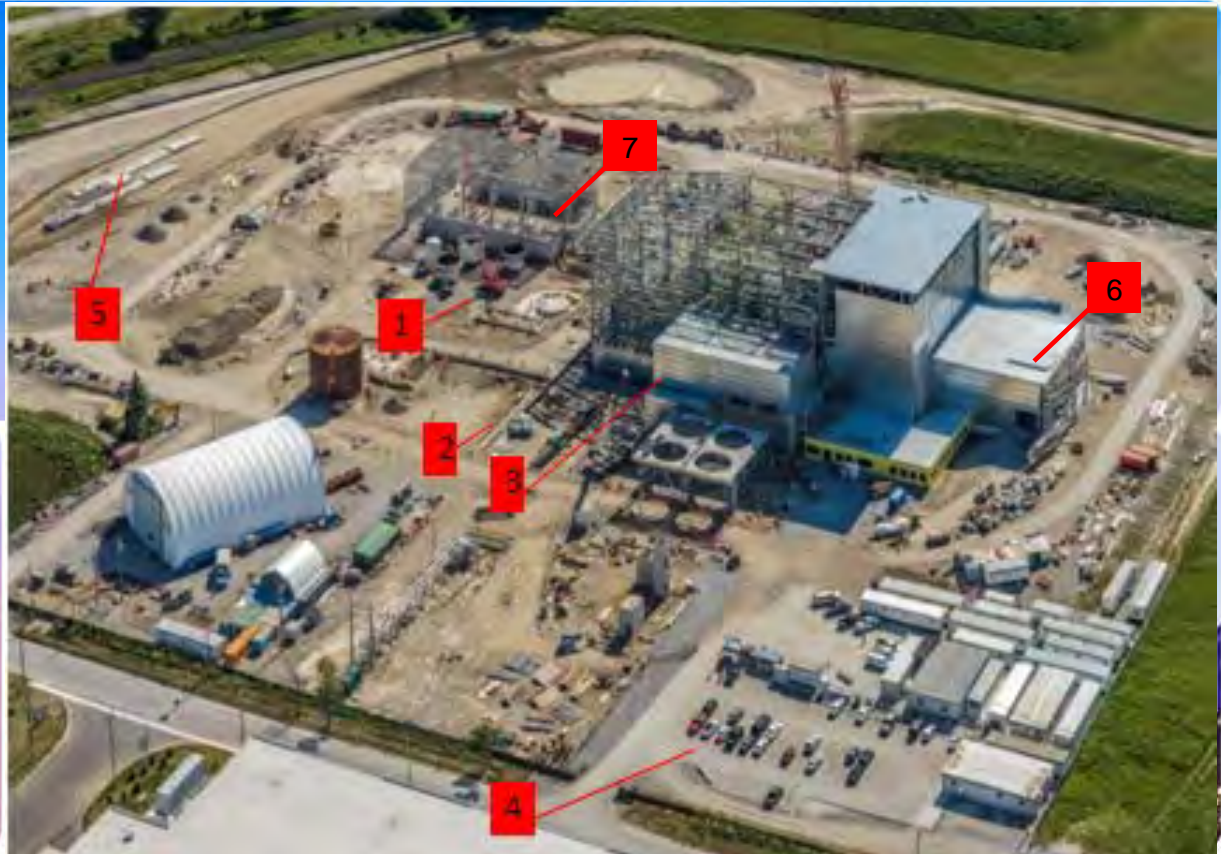


Site Plan



Site Plan

1. NH₃ Storage
2. Lime storage
3. Carbon Storage
4. Assembly Area #1
5. Assembly Area #2
6. Tipping Building
7. Ash Residue Storage





Contact Information



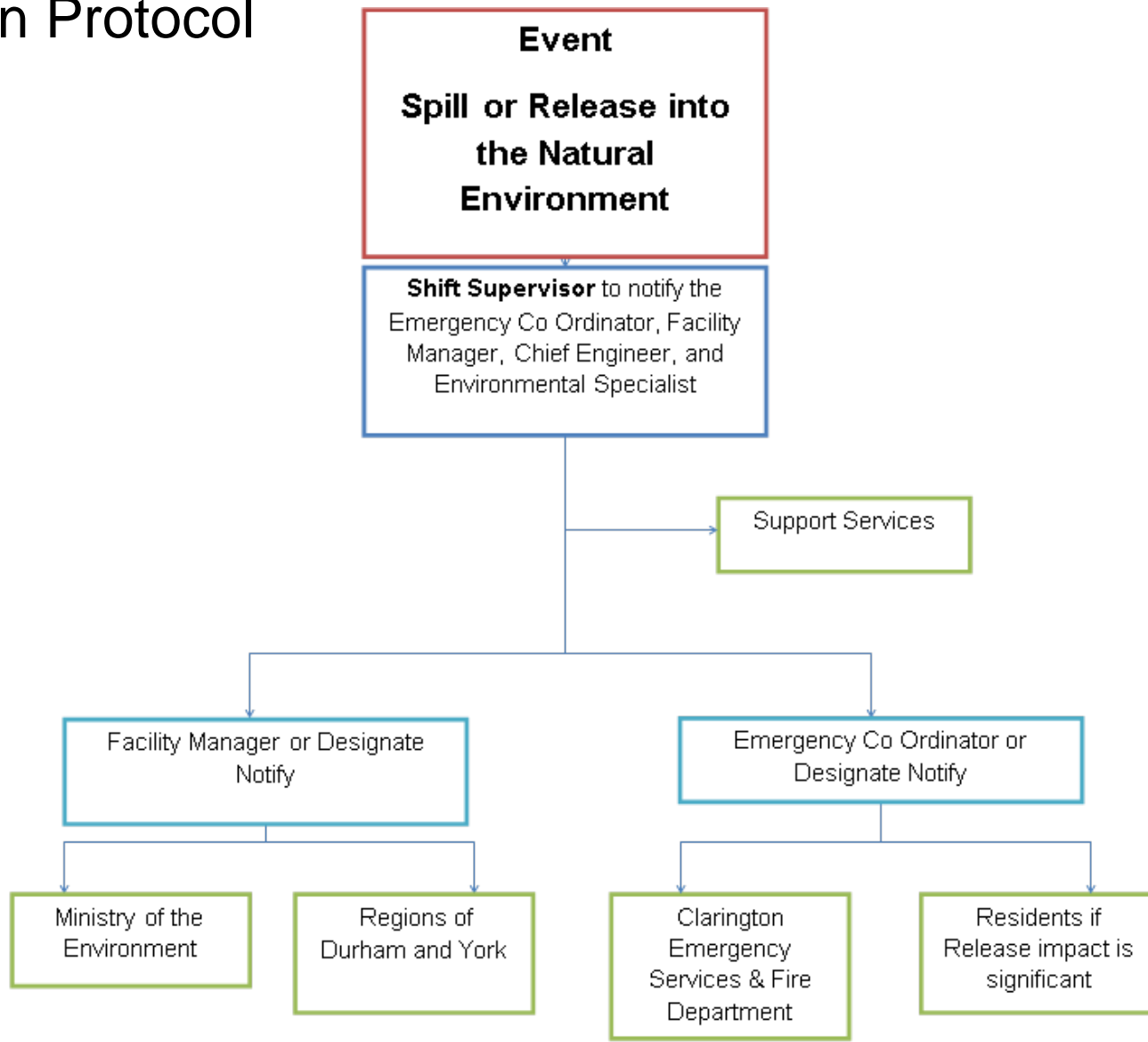
Contact Information

Key On Site & Off Site Contact information will be displayed in the Control Room:

- Fire, Police & Medical
- Key Site Personnel
- MOE
- Municipalities
- Material Suppliers/Vendors
- Spill & Waste Disposal Contractor



Notification Protocol

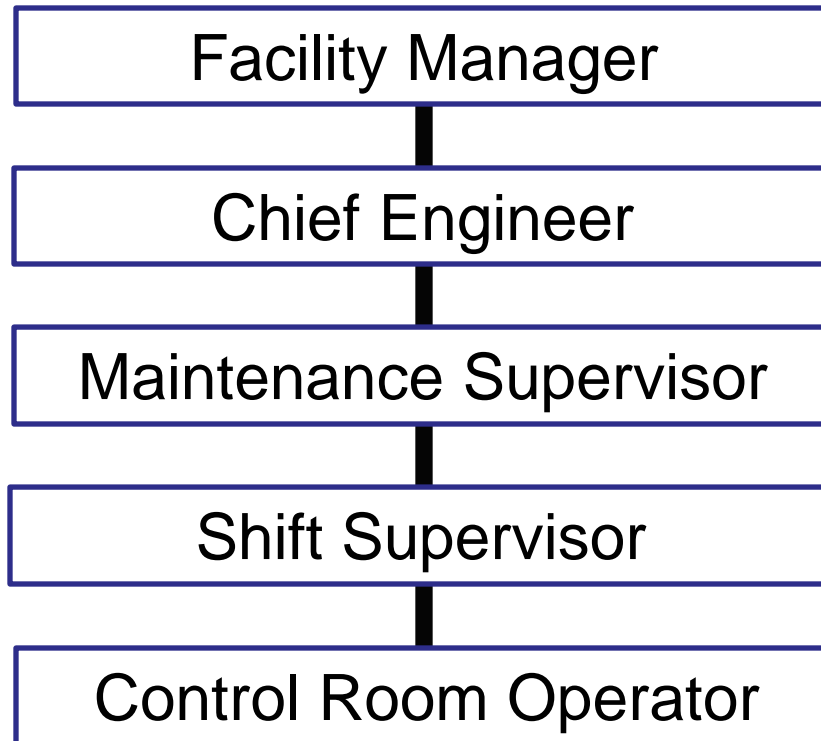




Site Personnel



Reporting Structure for the Plan



Training — for ALL employees working on site

Initially:

- Company History
- Policies & Procedures
- Safety Procedures
- WHMIS
- Facility Systems & Equipment Training
- Environmental Affairs



Additional training will be provided on a job specific basis as outlined in the plan.



Emergency Procedures



Emergency Equipment & Testing



- Engineering Safeguards
- Fire Extinguishers
- Testing & Inspections of the Fire Systems Schedule
- Emergency Drills
- Emergency Procedures

Engineering Safeguards

- Piped Fire System
- Hydrants & Hose Stations
- Sprinkler System
- Standpipes

Fire Extinguishers

- Portable Extinguishers
 - Labeled to indicate the class and relative size of the fire



Testing & Inspections of the Fire System



- Full Fire System
Inspected annually
- Individual components
inspected multiple
times throughout the
year
- Fire System
Components
Schedule on Page 22

Emergency Drills

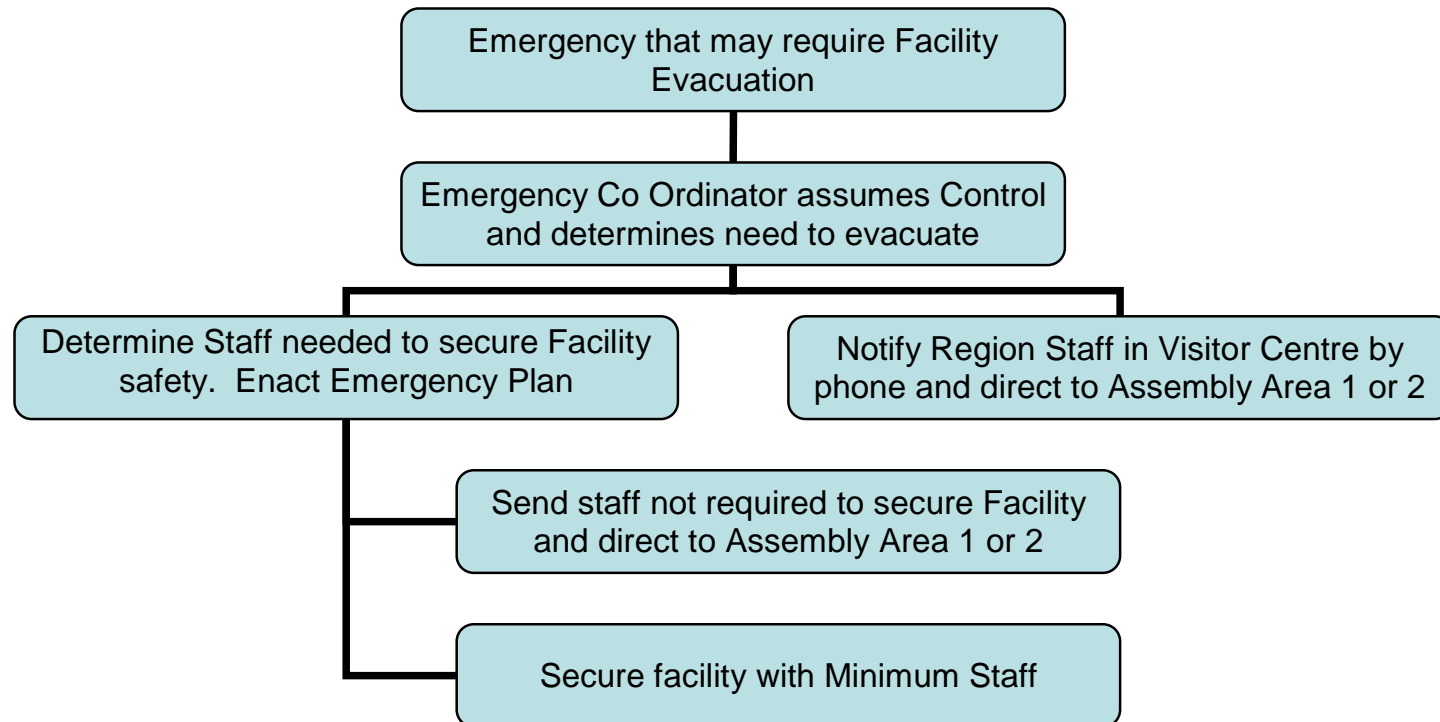
- Documented drill or practice
- At least Annually
- Coordinated with outside Emergency Response



**Emergency
Drill**

Emergency Procedures

- Notify all personnel and visitors on site
- Account for all personnel & visitors



Critical Operations

- During some emergency situations, it may be necessary to perform critical/shutdown of operations

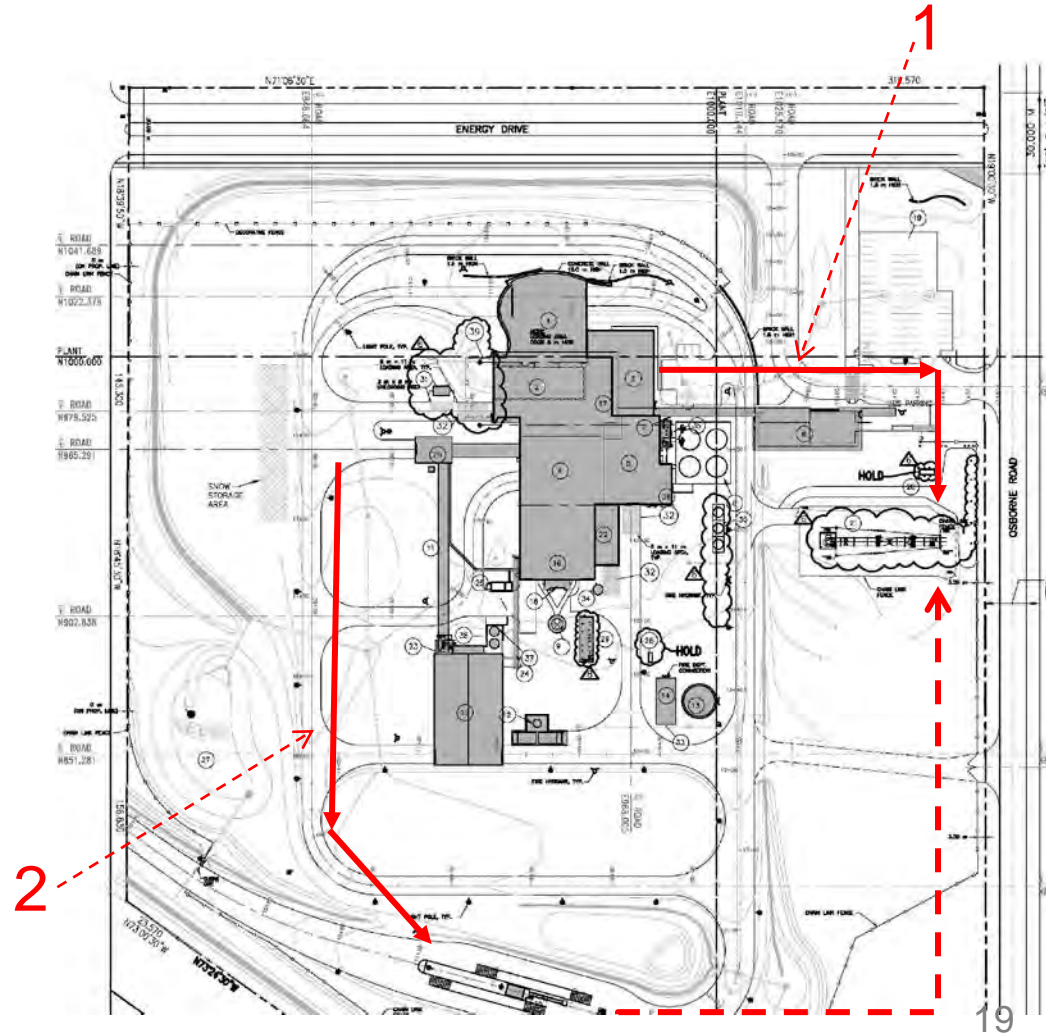
| | |
|----------------------------|---------------------------------|
| Work Area: | Fire Pump House |
| Assignment: | Sets / Monitors Fire Pump Start |
| Assigned Personnel: | Assistant Shift Engineer |

| | |
|----------------------------|------------------------------|
| Work Area: | Crane Pulpit |
| Assignment: | Sets Fire Cannon as required |
| Assigned Personnel: | Crane Operator/Field Aux |

| | |
|----------------------------|---|
| Work Area: | Control Room |
| Assignment: | Central Communications and trips breakers or Turbine Generators as required |
| Assigned Personnel: | Control Room Operator |

Evacuation Assembly Locations

- Evac. Centre 1 – Visitor Centre
- Evac. Centre 2 – Scale House
- Off Site Evac. Centre – Across the road at the Ontario Power Generation building in their Cafeteria.





Waste Procedures



Waste Procedure Overview

- MSW may be delivered 6 days a week
- Trucks will enter through the scale house
- They will proceed to the tipping floor and discharge load into the refuse pit
- MSW is fed into the boiler by two refuse cranes



Waste Screening



- Waste is screened by the regions before reaching the site (Appendix F)
- Unacceptable waste
 - Hazardous material
 - Radioactive material
 - Bio-medical (sharps etc.)
- Radiation detection
- Random hourly inspection

Handling of Unacceptable Waste

Not leaking or non-hazardous

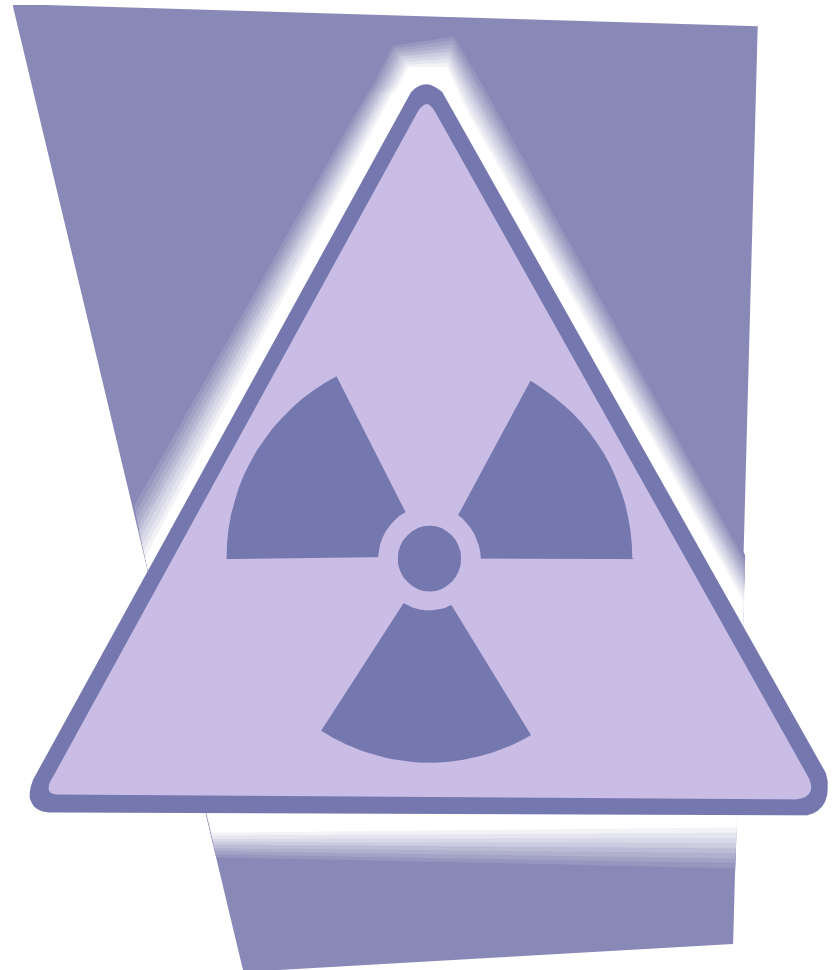
- If discovered after tipped onto floor, the contents will be moved to a separate area and transported for disposal at an appropriate facility.

Hazardous

- **SOP U RES 001 Unacceptable Waste Receiving Handling Storage and Disposal** will identify the measures to be taken upon finding Unacceptable Waste and how it is stored, reported, and shipped off site to an approved receiver.

Handling of Radioactive Waste

- Radiation detection equipment
- Isolate trucks that register a reading
- Sent back or isolated
- All instances documented and reported



Handling of Rejection Material & Bulk Waste

- Treat only household waste and authorized solid waste
- Multi-layered plan for controlling untreatable and unacceptable waste
- Fugitive dust, odour, noise and debris emissions will be minimized by the Facility



Residual Waste Disposal & Contingency Plan

- Non-hazardous
 - Niagara Waste Systems Landfill – Thorold, Ontario
 - Walkers Industrial Landfill – Welland, Ontario
 - Progressive Ridge Landfill – Chatham Ontario
- Hazardous
 - Clean Harbors - Lambton Ontario Landfill
 - Us Ecology - Blainville Quebec Landfill

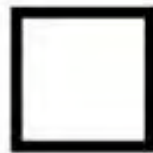
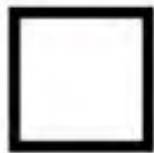
There will be agreements in place with licensed landfills in accordance with HWIN.

Complaints



Complaints

- Complaint Protocol
 - Recording or logging the complaint
 - Investigation into the complaint
 - Resolution of the complaint
 - Closing out of the complaint



Negative Pressure (Odour Control)



Negative Pressure (Odour Control)

- Draws air for combustion from the Refuse Building
- Maintained at all times when at least one Train is running
- Prevents odour from escaping offsite
- Ensures odour destroyed through combustion



Risk Analysis & Preventative Maintenance



Equipment Breakdown & Control Measures



- Risks
- Frequency/Magnitude Relationship
- Control Measure
 - Closed systems & SOPs
- How to reduce the risk potential
- Table starting on page 38

Containment Evaluation and Inspection

- Containment enclosures
- Mechanisms of Containment
- Initial Inspection
- Periodic Inspection and Testing





Preventative Measures

- Air Pollution Control Processes integrated with DCS
 - Alarm system
 - Control emissions
 - Dust collector
 - Ponds
- Secondary Containment

Maintenance and inspection logs will be maintained to document the preventative measures.

Storage

- Waste
 - Refuse Building
- Carbon
 - Silo
- Lime
 - Silo
- Pozzolan & Cement
 - Silos
- Ammonia
 - Storage tank
- Diesel
 - Storage Tank



Refer to Appendix A (1 – 5) for locations of the storage tanks and silos.

Power Failures

- The Facility is equipped to continue processing
 - Turbine generator
 - Electric Grid
 - Steam driven Boiler Feed Pump
 - Standby Diesel generator
 - Battery Distribution System



Fires & Explosions

- Minor fire
- Major fire
- Explosions
- Follow SOP's

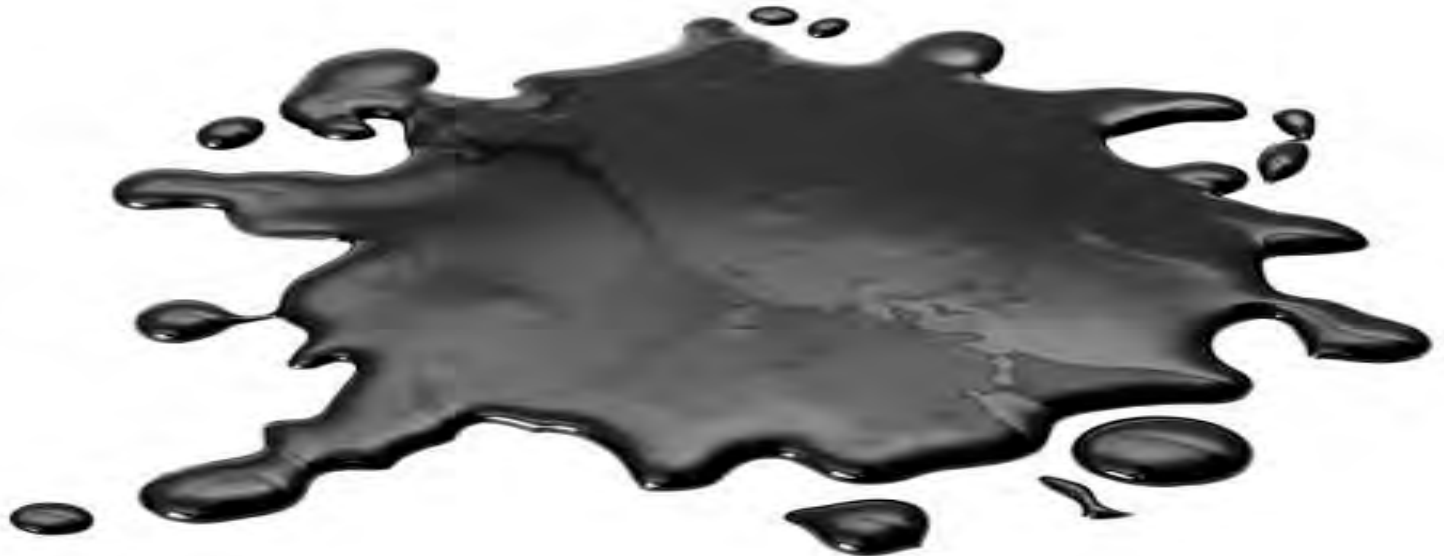
Spills





Spills

- Accidental, abnormal or unintentional release of a pollutant into the natural environment
- SOP S ENV 002 Spills Clean up and Disposal





Shut Down of the Facility





Shut Down

- Cut off Feed
- Initiate Emergency Shut down
- Maintain temperature of 1000⁰C as practicable
- SOPs for Shut Down





Document Review



Document Review

- Developed in consultation with:
 - MOE
 - The Owners
 - Clarington Emergency & Fire Response
 - CN
 - Clarington Building Department



Review Schedule



Review Schedule

- Minimum annual review
- Report provided to Local Municipality, MOE & fire department





Document Control



Document Control

- Amended from time to time for updates
- Revisions shared with agencies with jurisdictional agreements and mandates



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Thank you.

Meeting #9 Correspondence

Advisory Committee Annual Report 2013

**Ministry of
the Environment**

Environmental Approvals
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September 30, 2013

TO: Ms. Mirka Januszkiewicz
Director, Waste Management
The Regional Municipality of Durham
605 Rossland Road East
Whitby ON L1N 6A3

Ms. Laura McDowell
Director, Environmental Promotion and Protection
The Regional Municipality of York
17250 Yonge Street
Newmarket ON L3Y 6Z1

RE: Durham and York Residual Waste Study Amended Environmental Assessment
Community Communications Plan

Dear Ms. Januszkiewicz and Ms. McDowell:

Thank you for your letter dated September 18, 2013 advising the Ministry of the Environment on the status of the requirements under Condition 7 of the Notice of Approval for the Durham and York Residual Waste Study Amended Environmental Assessment and the submission of the Community Communications Plan.

The Ministry of the Environment has completed its review of the Community Communications Plan and is satisfied that the submission of the document fulfills the requirement of Condition 7.2 of the Environmental Assessment Act Notice of Approval.

Should you have any questions please contact Mr. Gavin Battarino, Project Officer of this Branch at telephone 416-212-4279 or by e-mail at gavin.battarino@ontario.ca.

Yours sincerely,

Agatha Garcia-Wright
Director
Environmental Approvals Branch

c. D. Goyette, Director, Central Region, Ministry of the Environment

