



Regional Municipality of Durham  
Regional Municipality of York

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# Durham York Energy Centre 2021 Compliance Monitoring Report

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

**Date:** November 03, 2021

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# 1.0 Introduction

## 1.1 Purpose

The *Durham York Energy Centre 2021 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 Conservation and Parks EAB File Number EA-08-02). Annual compliance reports are based on a reporting period ending November 3<sup>rd</sup> of each year, corresponding to the anniversary date of the Notice of Approval. This annual compliance report covers the period from November 3, 2020 to November 2, 2021.

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.

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 located in the Municipality of Clarington, Ontario. The facility began receiving waste on February 9, 2015. Commissioning was completed in the fall of 2015, followed by Acceptance testing which led to commercial operations starting on January 28, 2016. Owned by the Regional Municipality of Durham and the Regional Municipality of York ("the Regions"), the facility processes up to 140,000 tonnes of solid, non-hazardous, municipal solid waste per year. Heat generated by waste combustion is used to generate electricity and steam. Recyclable metals are also recovered from the ash. The facility is 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 Environmental Compliance Approval for waste, air and noise, and stormwater was issued on June 28, 2011 (#7306-8FDKNX). Facility construction commenced in January 2012 and full commercial operations commenced in January 2016 with the issuance of the Facility Acceptance Test certificate.

# Appendix A

## EA Notice of Approval Compliance Table

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**EA Notice of Approval Compliance Table**  
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<b>Condition No.</b>	<b>Requirement</b>	<b>Status Remarks</b>	<b>Actual or Estimated Completion Date</b>	<b>Complete?</b>
<b>1.</b>	<b>Definitions</b>			
	N/A	N/A	N/A	N/A
<b>2.</b>	<b>General Requirements</b>			
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"> <li>• Commitments in the EA are carried forward in the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes
2.2	These conditions do not prevent more restrictive conditions being imposed under other statutes.	<ul style="list-style-type: none"> <li>• Agreed</li> </ul>	N/A	Yes
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"> <li>• Submissions under the EA have included identification of each Condition being satisfied.</li> </ul>	N/A	Yes
<b>3.</b>	<b>Public Record</b>			
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"> <li>• Required by Condition 16 (1) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
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: <ol style="list-style-type: none"> <li>a) Regional Director;</li> <li>b) District Manager;</li> <li>c) Clerks of the Regional Municipality of Durham, the Regional Municipality of York, and the Municipality of Clarington; and,</li> <li>d) Advisory Committee (as required in Condition 8 of this Notice of Approval).</li> </ol>	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>	Carried into the ECA	Yes
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"> <li>• Ongoing</li> </ul>	N/A	Yes
<b>4.</b>	<b>Compliance Monitoring Program</b>			
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"> <li>• The Compliance Monitoring Program was submitted to the Director and Advisory Committee via letter dated October 14, 2011.</li> </ul>	October 2011	Yes

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<b>Condition No.</b>	<b>Requirement</b>	<b>Status Remarks</b>	<b>Actual or Estimated Completion Date</b>	<b>Complete?</b>
4.2	A statement shall accompany the submission of the Compliance Monitoring Program indicating that the submission is intended to fulfil Condition 4 of this Notice of Approval.	<ul style="list-style-type: none"> <li>See Section 1.1 of the Compliance Monitoring Program.</li> </ul>	October 2011	Yes
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"> <li>The Compliance Monitoring Program was submitted on October 14, 2011. This was within one year of the November 3, 2010 approval date.</li> <li>The October 14, 2011 submission date was more than 60 days prior to the start of construction in January 2012.</li> </ul>	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"> <li>Progress will be tracked on the compliance tables provided in Appendix A and Appendix B.</li> </ul>	October 2011	Yes
4.5	The Compliance Monitoring Program shall contain an implementation schedule.	<ul style="list-style-type: none"> <li>Agreed</li> </ul>	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"> <li>Agreed</li> </ul>	N/A	Yes
4.7	The proponent shall implement the Compliance Monitoring Program, as it may be amended by the Director.	<ul style="list-style-type: none"> <li>Agreed</li> </ul>	N/A	Yes
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"> <li>Required by Condition 14 (1) of the Environmental Compliance Approval</li> </ul>	N/A	Yes
<b>5.</b>	<b>Compliance Reporting</b>			
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"> <li>This annual compliance report covers the period from November 3, 2020 to November 2, 2021.</li> </ul>	November 3, 2011 and annually thereafter until all EA conditions are met.	Yes
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"> <li>Compliance Monitoring Reports have been submitted annually since 2011.</li> </ul>	November 3, 2011 and annually thereafter	Yes

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<b>Condition No.</b>	<b>Requirement</b>	<b>Status Remarks</b>	<b>Actual or Estimated Completion Date</b>	<b>Complete?</b>
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"> <li>Compliance Monitoring Reports have been submitted annually since 2011.</li> </ul>	November 3, 2011 and annually thereafter	Yes
5.4	The proponent shall submit annual Compliance Reports until all conditions in this Notice of Approval and the commitments in the environmental assessment are satisfied.	<ul style="list-style-type: none"> <li>Agreed</li> </ul>	November 2022	Ongoing
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"> <li>Agreed</li> </ul>	November 2022	No
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"> <li>Reports to be retained on site. See Section 1.3 of the Compliance Monitoring Program.</li> <li>Required by Condition 14(2) of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes
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"> <li>Agreed</li> <li>Required by Condition 14(1) of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes
<b>6.</b>	<b>Complaint Protocol</b>			
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"> <li>Protocol submitted to the Director via letter dated March 10, 2011.</li> <li>Director requested minor modifications to protocol in letter dated March 25, 2011.</li> <li>Revised protocol approved by the Director via letter dated July 13, 2011.</li> </ul>	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"> <li>Protocol was reviewed by the Advisory Committee on January 20, 2011 and revised based on comments received by January 31, 2011.</li> </ul>	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"> <li>Protocol was submitted within one year of the November 3, 2010 date of approval.</li> <li>March 10, 2011 submission date was more than 60 days prior to the start of construction in January 2012.</li> </ul>	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"> <li>Complaint Procedure is required by Condition 10 of the ECA.</li> </ul>	N/A	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
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"> <li>Complaint Procedure is required by Condition 10 of the ECA.</li> </ul>	N/A	Yes
<b>7.</b>	<b>Community Involvement</b>			
7.1	The proponent shall prepare and implement a Community Communications Plan. The plan shall be prepared in consultation with the EAAB and to the satisfaction of the Director.	<ul style="list-style-type: none"> <li>Regions submitted a final plan via letter dated September 18, 2013. This plan was submitted prior to receipt of waste.</li> <li>The Community Communications Plan was approved by the Director via letter dated September 30, 2013.</li> </ul>	September 18, 2013	Yes
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"> <li>Regions submitted a final plan via letter dated September 18, 2013. This plan was submitted prior to receipt of waste.</li> </ul>	September 18, 2013.	Yes
7.3	The Community Communications Plan shall include at a minimum details on: <ol style="list-style-type: none"> <li>a) How the proponent plans to disseminate information to interested members of the public and any Aboriginal communities;</li> <li>b) How interested members of the public and any Aboriginal communities will be notified and kept informed about site operations; and,</li> <li>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.</li> </ol>	<ul style="list-style-type: none"> <li>Completed.</li> </ul>	September 18, 2013.	Yes
7.4	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: <ol style="list-style-type: none"> <li>a) Activities that are part of the undertaking, including monitoring activities;</li> <li>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,</li> <li>c) Information on the Complaint Protocol required by Condition 6 of this Notice of Approval.</li> </ol>	<ul style="list-style-type: none"> <li>Web site is currently operational.</li> <li>Documents posted on the website currently include, but are not limited to, the Complaint Protocol, Environmental Compliance 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, Spill Contingency and Emergency Response Plan, Advisory Committee advertisements, agendas, and minutes, and annual monitoring reports prepared in accordance with the approved monitoring plans.</li> <li>Additional information will be posted to the website as it becomes available.</li> <li>Required by ECA Condition 16: Public Access to Documentation.</li> </ul>	Carried into the ECA	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
7.5	The proponent shall hold public meetings to discuss the design, construction and operation of the undertaking, including, but not limited to: <ul style="list-style-type: none"> <li>a) At least one meeting prior to the start of construction;</li> <li>b) At least one meeting prior to the receipt of non-hazardous municipal solid waste on site; and,</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>• Pre-construction public meeting was held at the Durham Regional Offices on December 7, 2011 from 5:00 pm to 6:30 pm.</li> <li>• Public meeting prior to receipt of waste was held in Clarington on June 25, 2014 from 5:00 pm to 8:00 pm.</li> <li>• Public meeting within 12 months of first receipt of waste was held at the Durham York Energy Centre on February 4<sup>th</sup>, 2016 from 5:00 to 8:00 pm.</li> </ul>	December 2011 June 2014 February 2016	Yes
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"> <li>• Meeting notices for the December 2011 pre-construction meeting were advertised in local newspapers during the week of November 14, 2011 and posted on the project website.</li> <li>• Meeting notices for the June 2014 prior to receipt of waste meeting were advertised in local newspapers from May 28 through June 5, 2014.</li> <li>• Meeting notices for the February 2016 meeting were advertised in local papers from January 20<sup>th</sup> to February 3<sup>rd</sup>, 2016.</li> </ul>	November 2011 June 2014 January 2016	Yes
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"> <li>• The MECP Environmental Approvals Branch and District Office received an invitation to the December 7, 2011 pre-construction meeting on November 18, 2011.</li> <li>• The MECP Environmental Approvals Branch District and Central Offices received an invitation to the June 25, 2014 prior to waste meeting on June 3, 2014.</li> <li>• The MECP Environmental Approvals Branch District and Central Offices received an invitation to the February 4<sup>th</sup>, 2016 meeting via letter dated January 18, 2016.</li> </ul>	November 2011 June 2014 January 2016	Yes
<b>8.</b>	<b>Advisory Committee</b>			
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"> <li>• Complete</li> <li>• Required by ECA Condition 17: Advisory Committee.</li> </ul>	January 20, 2011 Carried into the ECA	Yes
8.2	The proponent shall provide administrative support for the advisory committee including, at a minimum: <ul style="list-style-type: none"> <li>a) Providing a meeting space for advisory committee meetings;</li> <li>b) Recording and distributing minutes of each meeting;</li> <li>c) Preparing and distributing meeting notices; and,</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting minutes and related correspondence are posted on the project website.</li> <li>• Annual report on advisory committee activities is included as Appendix C of this report.</li> <li>• Required by ECA Condition 17, and the Energy from Waste Advisory Committee (EFWAC) approved Terms of Reference.</li> </ul>	N/A	Yes

<b>Condition No.</b>	<b>Requirement</b>	<b>Status Remarks</b>	<b>Actual or Estimated Completion Date</b>	<b>Complete?</b>
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"> <li>Letters of invitation dated December 15, 2010 were sent to all listed municipalities.</li> </ul>	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"> <li>Letter of invitation dated December 15, 2010 was sent to Central Lake Ontario Conservation Authority.</li> </ul>	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 c) Zero Waste 4 Zero Burning	<ul style="list-style-type: none"> <li>Letters of invitation dated December 15, 2010 were sent to all listed local community groups.</li> </ul>	December 15, 2010	Yes
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"> <li>Letters of invitation dated December 15, 2010 were sent to Durham Region Health Department and York Region Public Health Services.</li> <li>Aboriginal communities received separate invitation to participate in other consultation activities. See Condition 9.1</li> </ul>	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"> <li>Letters of invitation dated December 15, 2010 were sent to MECP District Manager.</li> </ul>	December 15, 2010	Yes
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;	<ul style="list-style-type: none"> <li>Advisory Committee has reviewed and provided comments where applicable to the following documents:</li> <li>Advisory Committee Terms of Reference</li> <li>Compliance Monitoring Plan</li> <li>2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 Annual Compliance Reports</li> <li>Complaint Protocol</li> <li>Community Communications Plan</li> <li>2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 Annual Waste Diversion Reports</li> <li>Ambient Air Quality Monitoring Plan</li> <li>2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 Ambient Air Quarterly and Annual reports</li> <li>Air Emissions Monitoring and Reporting Plan</li> </ul>	Carried into the ECA	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	<p>j) Odour Management and Mitigation Plan and the Odour Management and Mitigation Monitoring Reports required by Condition 18;</p> <p>k) Noise Monitoring and Reporting Plan as required by Condition 19;</p> <p>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,</p> <p>m) Notice in writing of the date that municipal solid waste is first received as required by Condition 23.</p>	<ul style="list-style-type: none"> <li>• Third Party Auditor's Reports prepared by a qualified professional as required by Condition 16.5</li> <li>• Spill Contingency and Emergency Response Plan</li> <li>• Odour Management and Mitigation Plan</li> <li>• Noise Monitoring and Reporting Plan</li> <li>• Groundwater and Surface Water Monitoring Plan</li> <li>• 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2020 Annual Groundwater and Surface Water reports covering the previous year activities</li> <li>• Soil Testing Plan</li> <li>• Details of first receipt of waste and fire were brought to EFWAC via EFWAC meeting held on April 9<sup>th</sup>, 2015.</li> <li>• Notice to the Ministry of First receipt of waste is on the project website.</li> <li>• <b>The following documents are to be provided as they are prepared:</b></li> <li>• 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 Environmental Compliance Approval.</li> <li>• Items listed are built in to the approved EFWAC Terms of Reference.</li> </ul>		
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"> <li>• First meeting held January 20, 2011 was within three months of November 3, 2010 date of approval.</li> <li>• Draft Terms of Reference were reviewed by the Committee and revised based on comments received both at the meeting or submitted in writing by February 14, 2011.</li> </ul>	January 20, 2011	Yes
8.10	<p>The Terms of Reference shall, at minimum, include:</p> <p>a) Roles and responsibilities of the advisory committee members;</p> <p>b) Frequency of meetings;</p> <p>c) Member code of conduct;</p> <p>d) Protocol for dissemination and review of information including timing; and,</p> <p>e) Protocol for dissolution of the advisory committee.</p>	<ul style="list-style-type: none"> <li>• Terms of Reference submitted to MECP via letter dated February 18, 2011.</li> <li>• Terms of Reference approved via letter from the Director dated March 4, 2011.</li> </ul>	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"> <li>• Terms of Reference submitted to MECP via letter dated February 18, 2011.</li> </ul>	February 18, 2011	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		<ul style="list-style-type: none"> <li>Terms of Reference approved via letter from the Director dated March 4, 2011.</li> </ul>		
<b>9.</b>	<b>Consultation With Aboriginal Communities</b>			
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"> <li>Letters dated March 14, 2011 were sent to 22 Aboriginal communities inviting them to meet with the project team to discuss future consultation efforts.</li> <li>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.</li> <li>The MECP EAB Director, Regional Director, and Approvals Program Director were copied on all correspondence to Aboriginal Communities.</li> </ul>	Ongoing	Yes
<b>10.</b>	<b>Waste Diversion</b>			
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"> <li>Both Regions continue to work with local municipalities to improve waste diversion and report waste diversion statistics to the Resource Productivity and Recovery Authority annually.</li> <li>Both Regions have long term waste management and diversion plans in place.</li> </ul>	Ongoing	Yes
10.2	The proponent shall prepare and implement a Waste Diversion Program Monitoring Plan.	<ul style="list-style-type: none"> <li>Waste Diversion Program Monitoring Plans for Durham Region and York Region were submitted to the EAB Director and Regional Director on October 21, 2011.</li> <li>The EAB Director approved the Waste Diversion Program Monitoring Plans via letter dated November 25, 2011.</li> </ul>	October 21, 2011	Yes
10.3	<p>The Waste Diversion Program Monitoring Plan shall provide a description of monitoring and reporting which shall at minimum include:</p> <p>a) Results of at source diversion programs and policies to determine the waste diversion rates and practices at both the regional and lower tier municipal level within the Regional Municipalities of Durham and York.</p> <p>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.</p> <p>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.</p>	<ul style="list-style-type: none"> <li>Completed</li> </ul>	October 21, 2011	Yes

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<b>Condition No.</b>	<b>Requirement</b>	<b>Status Remarks</b>	<b>Actual or Estimated Completion Date</b>	<b>Complete?</b>
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"> <li>2020 annual monitoring report has been submitted to the Director and Regional Director.</li> <li>Future monitoring reports to be submitted by November 3<sup>rd</sup> of each successive year.</li> </ul>	Ongoing	Yes
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"> <li>The Waste Diversion Monitoring Plan and annual reports for Durham and York Regions are posted on the project website.</li> </ul>	Ongoing	Yes
<b>11.</b>	<b>Ambient Air Monitoring and Reporting</b>			
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"> <li>Final Plan submitted to the Regional Director August 31, 2011.</li> <li>Consultation activities described under Condition 11.3.</li> <li>MECP Approval via letter dated May 30, 2012.</li> <li>MECP Approval of monitoring locations via letter dated June 5, 2012.</li> </ul>	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"> <li>Submission deadline revised to August 31, 2011 via letter from the Director dated June 30, 2011.</li> <li>Submitted August 31, 2011</li> </ul>	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"> <li>Letters of invitation dated March 16, 2011 were sent to all listed working group participants with copies to the Director and Regional Director.</li> <li>Two participants were appointed by the Advisory Committee.</li> <li>Health Canada declined to participate. At Health Canada's suggestion, a representative from the Ontario Ministry of Health participated instead.</li> <li>First working group meeting occurred on April 28, 2011.</li> <li>Monitoring plan was revised based on comments received from the working group and circulated for comments to the MECP Central 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.</li> <li>The Final Monitoring Plan was submitted to the Regional Director on August 31, 2011.</li> </ul>	March 16, 2011	Yes
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	<ul style="list-style-type: none"> <li>The submitted document meets these requirements.</li> <li>The Regions and the MECP met and discussed the first annual report on July 30<sup>th</sup>, 2014. No changes were requested.</li> </ul>	May 30, 2012	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	<p>Operations Manual for Air Quality Monitoring in Ontario, March 2008, as amended from time to time;</p> <p>b) The proposed start date for and frequency of the ambient air monitoring and reporting to be carried out;</p> <p>c) The contaminants that shall be monitored as part of the Ambient Air Monitoring and Reporting Plan; and,</p> <p>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.</p>	<ul style="list-style-type: none"> <li>Meetings to discuss the 2019 Annual Reports were held with Regions and MECP on December 3<sup>rd</sup>, 2020. Discussions on the 2020 reports are scheduled for November 1, 2021.</li> </ul>		
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"> <li>Agreed</li> <li>Submitted plan includes monitoring of ambient air for one year prior to facility commissioning to establish background concentrations.</li> <li>Ambient Air monitoring commenced in April 2013.</li> </ul>	April 2013	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"> <li>Addressing revisions required by the MECP to the Plan are included in the Ambient Air Monitoring and Reporting Plan.</li> <li>The implementation and reporting of Ambient Air Monitoring is a requirement of ECA Condition 7(4)</li> </ul>	Carried into the ECA	Yes
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"> <li>Agreed</li> <li>In accordance with ECA Condition 7(4)(c) ambient air results will be posted to the website upon submission to the MECP Regional Director.</li> <li>Quarterly Reports and annual Ambient Air Monitoring Reports have been posted to the project website.</li> <li>The implementation and reporting of Ambient Air Monitoring is a requirement of ECA Condition 7(4).</li> </ul>	Carried into the ECA	Yes
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 implement the recommendations in the audit report within three months of the receipt of an audit report from the ministry.	<ul style="list-style-type: none"> <li>The monitoring program was written with reference to the MECP Audit Manual. The MECP, Central Region, Technical Support Section conducts performance and site audits of the ambient air monitoring stations regularly.</li> <li>The implementation and reporting of Ambient Air Monitoring is a requirement of ECA Condition 7(4).</li> </ul>	Carried into the ECA	Yes
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	<ul style="list-style-type: none"> <li>The Ambient Air Monitoring and Reporting Plan has been posted on the website.</li> </ul>	Carried into the ECA	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	web site for the undertaking upon submission of the plan or results of the program to the ministry.	<ul style="list-style-type: none"> <li>Ambient Air Monitoring Reports will be posted to the website as they are completed.</li> <li>The implementation and reporting of Ambient Air Monitoring is a requirement of ECA Condition 7(4)</li> </ul>		
<b>12.</b>	<b>Emissions Monitoring</b>			
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"> <li>Requirement of Environmental Compliance Approval Condition 7(2).</li> </ul>	Carried into the ECA	Yes
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"> <li>Requirement of Environmental Compliance Approval Condition 7(2).</li> <li>First receipt of waste occurred on February 9, 2015</li> <li>Continuous emissions monitoring system was installed and operational prior to first receipt of waste.</li> </ul>	February 9, 2015	Yes
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"> <li>Air Emissions Monitoring Plan submitted for comments to the MECP and to the Advisory Committee via letter dated July 23, 2011.</li> <li>Final plan incorporating comments from MECP and Advisory Committee submitted via letter dated August 31, 2011</li> <li>MECP provided comments via letter dated August 21, 2012.</li> <li>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 MECP.</li> <li>The Air Emissions Monitoring Plan was approved by the MECP Director via letter dated April 9, 2013.</li> </ul>	August 31, 2011	Yes
12.4	The Air Emissions Monitoring Plan shall include, at a minimum: <ol style="list-style-type: none"> <li>a) Identification of all sources of air emissions at the site to be monitored;</li> <li>b) Identification of which contaminants will be monitored by continuous emissions monitoring and which by stack testing;</li> <li>c) The proposed start date for and frequency of air emissions monitoring;</li> <li>d) The frequency of and format for reporting the results of air emissions monitoring;</li> <li>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,</li> </ol>	<ul style="list-style-type: none"> <li>Completed.</li> </ul>	August 31, 2011	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	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.			
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"> <li>Director revised submission deadline to August 31, 2011 via letter dated June 30, 2011.</li> <li>Plan submitted August 31, 2011</li> </ul>	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"> <li>ECA Condition 5 details requirements for operation and maintenance of the air pollution control (APC) and continuous emissions monitoring systems (CEMS) equipment.</li> <li>ECA Condition 6 details the facility performance requirements for combustion, APC and CEMS.</li> <li>ECA Condition 13 details actions required to notify the MECP in the event of a spill.</li> </ul>	Carried into the ECA	Yes
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"> <li>Required by Condition 16 (1) (a) of the Environmental Compliance Approval</li> <li>Web site reporting of emissions data is operational</li> </ul>	Carried into the ECA	Yes
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"> <li>Web site reporting of emissions data is operational</li> <li>Required by ECA Condition 16 (2)</li> </ul>	Carried into the ECA	Yes
<b>13.</b>	<b>Air Emissions Operational Requirements</b>			
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 the facility back within these operational requirements.	<ul style="list-style-type: none"> <li>All air emissions operational and monitoring requirements of the Environmental Assessment are carried into the ECA.</li> <li>During the period covered by this report, the facility was compliant with all air emissions requirements in Schedule 1.</li> </ul>	Carried into the ECA	Yes
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"> <li>Schedule 1 is carried into the ECA as Schedule "C".</li> <li>ECA Condition 5 details requirements for operation and maintenance of the air pollution control (APC) and continuous emissions monitoring systems (CEMS) equipment.</li> <li>ECA Condition 6 details the facility performance requirements for combustion, APC and CEMS.</li> <li>ECA Condition 7 details the testing and monitoring requirements of the CEMS.</li> <li>ECA Condition 13 details actions required to notify the MECP in the event of a spill.</li> </ul>	Carried into the ECA	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		<ul style="list-style-type: none"> <li>Schedule “F” of the ECA details the CEMS specifications required by the MECP.</li> </ul>		
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"> <li>Timing and frequency are in accordance with Schedule “C” of the Environmental Compliance Approval.</li> <li>ECA Condition 7 details timing and frequency for source testing.</li> </ul>	Carried into the ECA	Yes
<b>14.</b>	<b>Daily Site Inspection</b>			
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> <p>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.</p>	<ul style="list-style-type: none"> <li>Agreed</li> <li>See Environmental Compliance Approval Conditions 3 (6), 3 (7), 3 (8), 5 (5), 14 (3), and 14 (5) .</li> </ul>	Carried Into the ECA	Yes
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"> <li>Agreed</li> <li>See Environmental Compliance Approval Conditions 5 (5), 14 (3), and 14 (5).</li> </ul>	Carried into the ECA	Yes
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> <p>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.</p>	<ul style="list-style-type: none"> <li>Agreed</li> <li>See Environmental Compliance Approval Conditions 5 (5), 14 (3), and 14 (5).</li> </ul>	Carried into the ECA	Yes
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 documentation regarding the daily site inspections.	<ul style="list-style-type: none"> <li>Agreed</li> <li>See Environmental Compliance Approval Conditions 5 (5), 14 (3), and 14 (5).</li> <li>Required by Condition 14 (2) of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
<b>15.</b>	<b>Daily Record Keeping</b>			
15.1	The proponent shall maintain a written daily log which shall include the following information: 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"> <li>Agreed</li> <li>See Environmental Compliance Approval Conditions 5 (5), 14 (3), and 14 (5).</li> </ul>	Carried into the ECA	Yes
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"> <li>Agreed</li> <li>See Environmental Compliance Approval Conditions 5 (5), 14 (3), and 14 (5).</li> </ul>	Carried into the ECA	Yes
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"> <li>Agreed</li> <li>Required by Condition 14(1) of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes
<b>16.</b>	<b>Third Party Audits</b>			
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"> <li>Complete</li> </ul>	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"> <li>Deadline to submit name of auditor revised to September 30, 2011 via letter from the Director and Regional Director dated June 30, 2011.</li> <li>Deadline to submit name of external auditor extended to 30 days prior to the commencement of construction to allow for the ministry's comment on the draft audit plan via letter from the MECP Director and Regional Director dated September 30, 2011.</li> </ul>	November 16, 2011	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		<ul style="list-style-type: none"> <li>• Regions submitted name of construction-phase auditor on November 16, 2011, more than 30 days prior to commencement of construction in January 2012.</li> <li>• Regions submitted name of acceptance testing phase auditor via letter dated September 18, 2013.</li> <li>• Regions submitted name of auditor for operations phase via letter dated June 9, 2014.</li> <li>• Regions provided notice to the MECP of the new Third Party Auditor via letter dated December 19, 2017.</li> </ul>		
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"> <li>• Construction Phase Audit Plan approved by the Regional Director and Regional Director via letter dated December 8, 2011.</li> <li>• Acceptance test audit plan approved by Regional Director via letter dated July 23, 2014.</li> <li>• Operations Phase audit plan approved by MECP via letter dated October 24, 2013.</li> <li>• Revised Operations Phase Audit Plan submitted to the MECP via letter dated April 14, 2020 and approved by MECP via letter dated May 6, 2020.</li> </ul>	December 8, 2011	Yes
16.4	<p>The audit shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> <li>a) A detailed walkthrough of the entire site;</li> <li>b) A review of all operations used in connection with the undertaking; and,</li> <li>c) A detailed review of all records required to be kept by this Notice of Approval or under any other ministry approvals for the undertaking.</li> <li>d) 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Audit plans for construction phase, acceptance testing phase, and operations phase comply with these requirements.</li> <li>• Carried into ECA Condition 15 (2).</li> </ul>	Carried into the ECA	Yes
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"> <li>• The first Construction Phase Audit report was submitted to the MECP on June 15, 2012.</li> <li>• The second Construction Phase audit report was submitted to the MECP on April 15, 2013.</li> <li>• The third Construction Phase Audit report was submitted to the MECP on September 20, 2013.</li> <li>• The fourth Construction Phase Audit report was submitted to the MECP on April 14, 2014.</li> <li>• The Acceptance Phase Audit report was submitted to the MECP on March 23, 2016.</li> </ul>	Carried into the ECA	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		<ul style="list-style-type: none"> <li>The first Operations Phase Audit report was submitted to the MECP on April 29, 2016.</li> <li>The second Operations Phase Audit report was submitted to the MECP on April 28, 2017.</li> <li>The third Operations Phase Audit report was submitted to the MECP on April 30, 2018.</li> <li>The fourth Operations Phase Audit report was submitted to the MECP on April 30, 2019.</li> <li>The fifth Operations Phase Audit report was submitted to the MECP on October 2, 2020.</li> <li>The sixth (2020 Operating Year) Operations Phase Audit report was submitted to the MECP on April 29, 2021.</li> <li>Carried into ECA Condition 15 (3)</li> </ul>		
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"> <li>Copies of all audit reports are retained on site.</li> <li>Copies of future audit reports will be retained on site as required by Condition 14 (9)(d) of the Environmental Compliance Approval.</li> <li>Carried into ECA Condition 15 (3).</li> </ul>	Carried to the ECA	Yes
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"> <li>Agreed</li> <li>Required by Condition 14 (1) of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes
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"> <li>All audit reports to date have been posted to the project website.</li> <li>Future reports will be posted to the website as required by Condition 16(1)(d) of the Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
<b>17.</b>	<b>Spill Contingency and Emergency Response Plan</b>			
17.1	The proponent shall prepare and implement a Spill Contingency and Emergency Response Plan.	<ul style="list-style-type: none"> <li>Required by Condition 11 of the Environmental Compliance Approval.</li> <li>Draft Spill Contingency and Emergency Response Plan was submitted to the MECP via letter dated September 24, 2013.</li> <li>Final Spill Contingency and Emergency Response Plan was submitted to the MECP via letter dated January 29, 2014.</li> <li>MECP approved the Spill Contingency and Emergency Response Plan via Environmental Compliance Approval amendment dated August 12, 2014.</li> <li>Revised Spill Contingency and Emergency Response Plan was submitted to MECP March 30, 2021.</li> <li>MECP acknowledged receipt of the revised Spill Contingency and Emergency Response Plan via letter dated June 28, 2021.</li> </ul>	September 24, 2013	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
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"> <li>• Deadline to submit plan revised to 120 days prior to the commencement date of operation by Environmental Compliance Approval Condition 11 (3).</li> <li>• The draft Spill Contingency and Emergency Response Plan was submitted via letter dated September 24, 2013 to the MECP.</li> </ul>	September 24, 2013	Yes
17.3	<p>The Spill Contingency and Emergency Response Plan shall include, but is not limited to:</p> <p>a) Emergency response procedures, including notification procedures in case of a spill, fires, explosions or other disruptions to the operations of the facility;</p> <p>b) Cell and business phone numbers and work location for all person(s) responsible for the management of the site;</p> <p>c) Emergency phone numbers for the local ministry office, the ministry 's Spills Action Centre, and the local Fire Department;</p> <p>d) Measures to prevent spill, fires and explosions;</p> <p>e) Procedures for use in the event of a fire;</p> <p>f) Details regarding equipment for spill clean-up and all control and safety devices;</p> <p>g) Shut down procedures for all operations associated with the undertaking including alternative waste disposal site locations;</p> <p>h) Maintenance and testing program for spill clean-up equipment and firefighting equipment;</p> <p>i) Training for site operators and emergency response personnel; and,</p> <p>j) A plan, identifying the location and nature of wastes on site.</p>	<ul style="list-style-type: none"> <li>• Additional requirements included in Environmental Compliance Approval Condition 11 (2).</li> <li>• Completed.</li> </ul>	September 24, 2013	Yes
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"> <li>• Deadline to submit finalized plan to the Director revised to 120 days prior to the commencement date of operation by Environmental Compliance Approval Condition 11 (3).</li> <li>• Document was submitted to the District Manager, local municipality, and fire department for comments prior to final submission.</li> <li>• Draft Spill Contingency and Emergency Response Plan was submitted to the MECP via letter dated September 24, 2013.</li> <li>• 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 MECP.</li> <li>• Municipal building code and fire code requirements for construction are reviewed with each building permit submission.</li> </ul>	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"> <li>• Agreed.</li> <li>• Required by Condition 12 of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		<ul style="list-style-type: none"> <li>Required by Condition 13(3) of the Environmental Compliance Approval.</li> </ul>		
<b>18.</b>	<b>Odour Management and Mitigation</b>			
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"> <li>Odour Management and Mitigation Plan submitted to MECP on August 31, 2011.</li> <li>Revised Odour Management and Mitigation Plan submitted May 4, 2012.</li> <li>Odour Management and Mitigation Plan approved by Regional Director via letter dated August 21, 2012.</li> </ul>	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"> <li>Deadline to submit plan revised to August 31, 2011 via letter from the Director and Regional Director dated June 30, 2011.</li> <li>Plan submitted in draft form to MECP and Advisory Committee for comments via email dated July 25, 2011.</li> <li>Plan incorporating MECP and Advisory Committee comments submitted August 31, 2011.</li> </ul>	August 31, 2011	Yes
18.3	The Odour Management and Mitigation Plan shall include at a minimum: <ol style="list-style-type: none"> <li>Standard operating and shut down procedures;</li> <li>Maintenance schedules;</li> <li>Ongoing monitoring for and reporting of odour;</li> <li>Corrective action measures and other best management practices for ongoing odour control and for potential operational malfunctions;</li> <li>A schedule for odour testing at sensitive receptors; and,</li> <li>A section that specifically addresses odour control measures should operation of the undertaking be disrupted or cease.</li> </ol>	<ul style="list-style-type: none"> <li>Addressed in the approved odour management and mitigation plan.</li> <li>Additional requirements listed in Environmental Compliance Approval Condition 8 (9).</li> </ul>	August 31, 2011	Yes
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"> <li>Final Odour Monitoring and Mitigation Plan is compliant with these requirements.</li> <li>The first annual Odour test was held simultaneously with the first Stack (source) test as agreed to by the MECP on October 8, 2015. Odour test report was submitted to the MECP on November 25, 2015.</li> <li>Odour Reports are required to be submitted Annually by November 26.</li> <li>Odour reports have been submitted annually since 2015.</li> <li>The 2020 Annual Odour Report was submitted to the MECP on November 25, 2020.</li> <li>Required by ECA Condition 7(8)</li> </ul>	Carried into the ECA	Yes

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<b>Condition No.</b>	<b>Requirement</b>	<b>Status Remarks</b>	<b>Actual or Estimated Completion Date</b>	<b>Complete?</b>
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"> <li>Required by ECA Condition 7(8)</li> </ul>	Carried into the ECA	Yes
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"> <li>Odour Management and Mitigation Plan posted to the website.</li> <li>Required by Condition 16(1)(e) of Environmental Compliance Approval</li> </ul>	Carried into the ECA	Yes
<b>19.</b>	<b>Noise Monitoring and Reporting</b>			
19.1	The proponent shall prepare and implement a Noise Monitoring and Reporting Plan for the undertaking.	<ul style="list-style-type: none"> <li>Noise Monitoring and Reporting Plan was submitted to the Director via letter dated September 15, 2011.</li> <li>Noise Monitoring and Reporting Plan was approved by the MECP via Amendment Approval dated August 12, 2014.</li> </ul>	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"> <li>Final plan submitted via letter dated September 15, 2011.</li> <li>Final submission date is more than 90 days prior to start of construction in January 2012.</li> </ul>	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"> <li>Acoustic audits have been completed for 2015 and 2016.</li> <li>Noise Monitoring and Reporting Plan as amended in June 2017 does not require additional acoustic audits unless requested by the MECP.</li> </ul>	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"> <li>Noise Monitoring and Reporting Plan posted to the website.</li> <li>Required by Condition 16(1)(f) of the Environmental Compliance Approval.</li> </ul>	September 15, 2011	Yes
<b>20.</b>	<b>Groundwater and Surface Water Monitoring and Reporting</b>			
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 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"> <li>Groundwater and Surface Water Monitoring and Reporting Plan submitted to the Regional Director via letter dated September 15, 2011.</li> <li>Groundwater and Surface Water Monitoring Plan was approved by the Regional Director via letter dated October 14, 2011.</li> </ul>	September 15, 2011	Yes
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"> <li>Groundwater and Surface Water Monitoring Plan was provided to the Central Lake Ontario Conservation Authority and the Advisory Committee for comments in August 2011.</li> </ul>	August, 2011	Yes
20.3	The Groundwater and Surface Water Monitoring Plan shall include at a minimum:	<ul style="list-style-type: none"> <li>Included in the approved plan</li> </ul>	September 15, 2011	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	<p>a) A groundwater and surface water monitoring program;</p> <p>b) The proposed start date and frequency of groundwater and surface water monitoring;</p> <p>c) The contaminants that shall be monitored as part of the groundwater and surface water monitoring program; and,</p> <p>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.</p>	<ul style="list-style-type: none"> <li>• Meeting was held with Regions and MECP on September 17, 2013 to discuss the 2012 Annual Report</li> <li>• Meeting was held with Regions and MECP on June 5, 2014 to discuss the 2013 Annual Report.</li> <li>• Meeting was held with Regions and MECP on July 20, 2015 to discuss the 2014 Annual Report</li> <li>• Meeting was held with Regions, Covanta and MECP on July 26, 2016 to discuss the 2015 Annual Report.</li> <li>• Meeting was held with Regions, Covanta and MECP on August 25, 2017 to discuss the 2016 Annual Report.</li> <li>• Meeting was held with Regions, Covanta and MECP on July 19, 2018 to discuss the 2017 Annual Report.</li> <li>• Meeting was held with the Regions, Covanta and MECP on November 1, 2019 to discuss the 2018 Annual report.</li> <li>• Meeting was held with the Regions, Covanta and MECP on December 3, 2020 to discuss the 2019 Annual report.</li> <li>• Meeting is scheduled with the Regions, Covanta and MECP on November 1, 2021 to discuss the 2020 Annual report.</li> </ul>		
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"> <li>• September 15, 2011 submission date was more than 90 days prior to the start of construction in January 2012.</li> <li>• Groundwater Surface Water Monitoring Plan approved by the Regional Director via letter dated October 14, 2011.</li> </ul>	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"> <li>• The mechanism for changes requested by the MECP is included in the Groundwater and Surface Water Monitoring Plan.</li> <li>• Groundwater and Surface Water monitoring is a requirement of ECA Condition 7(14).</li> <li>• Request for changes to the Groundwater and Surface Water Monitoring Plan made via letter dated April 29, 2016 and approved by MECP via letter dated May 17, 2016.</li> <li>• Request to amend the Groundwater and Surface Water Monitoring Plan made via letter dated January 9, 2020 and approved by MECP via letter dated May 7, 2020.</li> </ul>	Carried into the ECA	Yes
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"> <li>• Approved 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.</li> <li>• Baseline groundwater sampling commenced in January 2012, prior to receipt of waste.</li> </ul>	Carried into the ECA	Yes

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**EA Notice of Approval Compliance Table**  
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<b>Condition No.</b>	<b>Requirement</b>	<b>Status Remarks</b>	<b>Actual or Estimated Completion Date</b>	<b>Complete?</b>
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"> <li>Groundwater and Surface Water Facility Initiation Reports were submitted to the MECP on March 11, 2015, 30 days from when waste was first received on site February 9, 2015.</li> </ul>	March 11, 2015	Yes
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 months from the start of the monitoring program and every year thereafter.	<ul style="list-style-type: none"> <li>Annual reports have been submitted for 2012 – 2020.</li> <li>Annual report for 2020 submitted on April 28, 2021.</li> </ul>	Carried into the ECA	Yes
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.	<ul style="list-style-type: none"> <li>Included in the approved Groundwater and Surface Water Monitoring Plan.</li> <li>Required by Condition 7(14)(b) of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes
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.	<ul style="list-style-type: none"> <li>Groundwater and Surface Water Monitoring Plan and reports are posted to the website.</li> <li>Future reports will be posted to the website as they are prepared.</li> <li>Required by Condition 7(14)(c) of the Environmental Compliance Approval.</li> <li>Required by Condition 16 (1) (g) of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes
<b>21.</b>	<b>Types of Waste and Service Area</b>			
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.	<ul style="list-style-type: none"> <li>Agreed</li> <li>Required by Conditions 2 (1), 2 (2), and 2 (3) of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes
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.	<ul style="list-style-type: none"> <li>Agreed</li> <li>See Condition 2 (3) (b) of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes
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.	<ul style="list-style-type: none"> <li>Agreed</li> <li>See Condition 4 (2) and 4 (3) of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes
21.4	If any materials other than non-hazardous municipal solid waste are found during inspection or operation, the proponent shall ensure that	<ul style="list-style-type: none"> <li>Agreed</li> <li>See Condition 4 (3) of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes

Condition No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	management and disposal of the material is consistent with ministry guidelines and legislation.			
<b>22.</b>	<b>Amount of Waste</b>			
22.1	The maximum amount of non-hazardous municipal solid waste that may be processed at the site is 140,000 tonnes per year.	<ul style="list-style-type: none"> <li>140,000 tonnes per year is the maximum annual tonnage recognized on page 1 of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes
<b>23.</b>	<b>Notice of the Date Waste First Received</b>			
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"> <li>Notification letter sent to MECP via email on February 10, 2015, 1 day after waste was first received on site.</li> </ul>	February 2015	Yes
<b>24.</b>	<b>Construction and Operation Contracts</b>			
24.1	<p>In carrying out the undertaking, the proponent shall require that its contractors, subcontractors and employees:</p> <p>a) fulfill the commitments made by the proponent in the environmental assessment process, including those made in the environmental assessment an in the proponent's responses to comments received during the environm1ental assessment comment periods;</p> <p>b) meet applicable regulatory standards, regarding the construction and operation of the undertaking;</p> <p>c) obtain any necessary approvals, permits or licenses; and,</p> <p>d) have the appropriate training to perform the requirements of their position.</p>	<ul style="list-style-type: none"> <li>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.</li> <li>Regions provided a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions.</li> <li>Carried into the ECA. Environmental Compliance Approval Condition 9(1) requires Covanta to document staff training on the EA and ECA conditions and applicable laws and regulations.</li> <li>Complaint Protocol will remain in effect throughout the construction, commissioning, and operations periods in accordance with Condition 6 of the Notice to Proceed.</li> <li>All building and other permits have been approved.</li> </ul>	Carried into the ECA	Yes
<b>25.</b>	<b>Amending Procedures</b>			
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"> <li>Agreed</li> </ul>	Carried into the ECA	Yes

## **Appendix B**

### **EA Study Document Compliance Table**

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**Durham York Energy Centre 2021 Compliance Monitoring Report – Appendix B**  
**EA Study Document Compliance Table**  
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Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
<b>General Requirements</b>				
2	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"> <li>The Regions are 100% owners under the Project Agreement</li> <li>Both Regions and the Contractor are named on the Environmental Compliance Approval Application at the MECP's request.</li> <li>As owners, the Regions remain legally responsible for ensuring that the contractor fulfills its duties under the contract.</li> </ul>	Carried into the ECA	Yes
11	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"> <li>Required by Condition 18 of the Environmental Compliance Approval.</li> <li>Commitment reaffirmed in Section 16 of the Design and Operations Report submitted with the Waste ECA Application.</li> <li>Environmental Compliance Approval Condition 18 requires the Regions to submit a Closure Plan for approval by the MECP at least 9 months prior to facility closure.</li> </ul>	Carried into the ECA	Yes
11	Decommissioning of the Facility will be conducted in compliance with applicable regulatory requirements at the time of decommissioning.	<ul style="list-style-type: none"> <li>Required by Condition 18 of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes
11.2	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"> <li>Final Spill Contingency and Emergency Response Plan was submitted to the MECP January 29, 2014.</li> <li>Staff training requirements including regulatory compliance and emergency response provided in Environmental Compliance Approval Condition 9 (1).</li> </ul>	Carried into the ECA	Yes
15	The Regions will prepare and submit to the Director of the EAB of the Ontario MECP an EA Compliance Monitoring Program.	<ul style="list-style-type: none"> <li>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.</li> </ul>	October 14, 2011	Yes
<b>Air Quality</b>				
11.1	Air quality related mitigation/management during construction will include: <ul style="list-style-type: none"> <li>Mitigation and environmental management / monitoring measures will include:</li> <li>Employment of controlled entrances and exits at the construction site to minimize the offsite tracking of mud.</li> <li>Temporary and permanent grassing in disturbed areas.</li> <li>Dust control during dry periods.</li> <li>Possible implementation of an idling protocol as required.</li> <li>Adherence to an equipment maintenance program.</li> <li>Ambient air quality monitoring for particulate matter will be undertaken to monitor the effectiveness of the mitigation measures.</li> </ul>	<ul style="list-style-type: none"> <li>Construction is substantially complete and the construction general contractor has moved off-site.</li> <li>Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations.</li> <li>Regions provided a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions.</li> <li>Complaint protocol submitted to MECP as per EA Notice to Proceed Condition 6 will be in effect throughout the construction period.</li> </ul>	Carried into the ECA	Yes

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		<ul style="list-style-type: none"> <li>Air Quality during construction is addressed by the contractor in their site Quality Management and/or Site Specific Health and Safety Plans.</li> </ul>		
11.1	Very low NO <sub>x</sub> (VLN) system in the Facility's stoker	<ul style="list-style-type: none"> <li>Facility is equipped with VLN system.</li> </ul>	February 9, 2015	Yes
11.1	SNCR for additional NO <sub>x</sub> control	<ul style="list-style-type: none"> <li>Facility is equipped with SNCR system.</li> </ul>	February 9, 2015	Yes
11.1	Activated carbon injection after the economizer for mercury and dioxin/furan control	<ul style="list-style-type: none"> <li>Facility is equipped with an activated carbon system.</li> </ul>	February 9, 2015	Yes
11.1	Acid gas scrubber the removal of gases such as SO <sub>x</sub> and HCl	<ul style="list-style-type: none"> <li>Facility is equipped with an acid gas scrubber.</li> </ul>	February 9, 2015	Yes
11.1	A fabric filter baghouse to remove solid particulate matter	<ul style="list-style-type: none"> <li>Facility is equipped with a fabric filter baghouse.</li> </ul>	February 9, 2015	Yes
11.1	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"> <li>Facility design includes negative air pressure and fully enclosed waste receiving and ash loading facilities. Waste delivery trucks are fully enclosed.</li> </ul>	February 9, 2015	Yes
11.1	Provision of a Continuous Emissions Monitoring System (CEMS) at the baghouse outlet to monitor and record opacity, moisture, CO, O <sub>2</sub> , NO <sub>x</sub> , SO <sub>2</sub> , HCL and HF. Opacity measurements will be used as the filter bag leak detection system.	<ul style="list-style-type: none"> <li>Facility is equipped with a fully compliant CEMS system.</li> </ul>	February 9, 2015	Yes
11.1	Provision of a Continuous Emissions Monitoring System (CEMS) at the economizer outlet to monitor and record O <sub>2</sub> , SO <sub>2</sub> and CO.	<ul style="list-style-type: none"> <li>Facility is equipped with O<sub>2</sub>, SO<sub>2</sub> and CO analyzers at the economizer outlet.</li> </ul>	February 9, 2015	Yes
11.1	Provision of a Continuous Emissions Monitoring System (CEMS) to monitor and record <ul style="list-style-type: none"> <li>Flue gas temperatures at the inlet of the boiler convection section and at the baghouse inlet.</li> <li>The temperature and pressure of the feedwater and steam for each boiler.</li> <li>The mass flow rate of steam at each boiler.</li> </ul>	<ul style="list-style-type: none"> <li>Facility is equipped with each of these controls.</li> </ul>	February 9, 2015	Yes
11.1	<ul style="list-style-type: none"> <li>A long-term continuous dioxins sampling device will be installed to monitor the adsorption of dioxins onto the exchangeable adsorption-resin-filled cartridge.</li> </ul>	<ul style="list-style-type: none"> <li>Facility is equipped with a long term dioxin and furan sampling system.</li> </ul>	September 2015	Yes
11.1	<ul style="list-style-type: none"> <li>Emissions (stack) testing and monitoring protocol as required for the ECA under the EPA.</li> </ul>	<ul style="list-style-type: none"> <li>As per Condition 7(1) and Schedule D of the Environmental Compliance Approval.</li> </ul>	Carried into the ECA	Yes

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
11.1	<ul style="list-style-type: none"> <li>NPRI emissions reporting that will entail a combination of monitoring or direct measurement, mass balance, process-specific emissions factors and engineering estimates.</li> </ul>	<ul style="list-style-type: none"> <li>National Pollutant Release Inventory (NPRI) annual reporting is a requirement under the Canadian Environmental Protection Act (Federal).</li> <li>ECA Condition 1(9) requires compliance with all other applicable laws, statues, and regulations.</li> <li>2015-2020 Emissions were reported through NPRI.</li> </ul>	Carried into the ECA	Yes
11.1	<ul style="list-style-type: none"> <li>Proposed ambient air quality monitoring in the immediate vicinity of the Facility for a 3-year period.</li> </ul>	<ul style="list-style-type: none"> <li>Ambient air monitoring in accordance with the approved monitoring plan commenced in April 2013.</li> <li>Required by ECA Condition 7(4).</li> </ul>	Carried into the ECA	Yes
<b>Surface Water and Groundwater</b>				
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"> <li>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.</li> <li>Use of perimeter ditching and site grading as well as silt fencing around forested areas to isolate runoff.</li> <li>Use of setback transition use areas and erosion control fencing along watercourses.</li> <li>ESC will be implemented during the construction phase to reduce potential soil loss and runoff velocities.</li> <li>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.</li> <li>The pond will discharge to the CN Rail swale and stormwater will subsequently be conveyed to Tooley Creek.</li> <li>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.</li> <li>Grading plans will be designed to maintain existing drainage patterns which will ensure all captured stormwater will be routed through SWM features.</li> <li>Dewatering and excavation pumping is expected to establish a sufficiently dry environment to construct the Facility foundations.</li> </ul>	<ul style="list-style-type: none"> <li>Construction Phase is complete.</li> <li>All permanent stormwater controls are in place.</li> <li>Required by Condition 4(6) of the Environmental Compliance Approval.</li> <li>Regions provided a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions.</li> <li>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.</li> <li>A sediment and erosion control plan has been developed by the contractor and was in effect during the construction phase which monitors surface water. Golder was contracted by Covanta to monitor surface water and erosion and sediment control during the construction phase.</li> <li>Site stormwater management plan has been developed and approved by CLOCA and Clarington (Clarington Master Drainage Plan).</li> </ul>	Carried into the ECA	Yes
11.2	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Groundwater and Surface Water Monitoring Plan approved by MECP 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.</li> </ul>	December 2011	Yes

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**EA Study Document Compliance Table**  
**p. B4**

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		<ul style="list-style-type: none"> <li>Pre-construction groundwater wells installed in December 2011. Baseline monitoring commenced January 2012.</li> <li>All required monitoring wells are now in service.</li> </ul>		
11.2	<ul style="list-style-type: none"> <li>Storm water pond design criteria will meet enhanced design guidance criteria found in the MECP SWM Planning and Design Manual;</li> </ul>	<ul style="list-style-type: none"> <li>The stormwater management pond design is compliant with this requirement and is provided in Section 6.2.4 of the Design Report.</li> <li>Stormwater ponds have been designed and constructed on site in the southeast and southwest corners of the EFW property.</li> </ul>	February 9, 2015	Yes
11.2	<ul style="list-style-type: none"> <li>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;</li> </ul>	<ul style="list-style-type: none"> <li>Pond has been designed with an active storage volume greater than the entire runoff volume from the 100 year storm.</li> <li>Stormwater pond design has been approved and constructed on site.</li> </ul>	February 9, 2015	Yes
11.2	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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 Environmental Compliance Approval.</li> <li>Storage of waste and ash is indoors on impervious surfaces with no drainage to outside the facility.</li> <li>Storage of all chemical reagents is in accordance with applicable regulations. Storage of aqueous ammonia includes secondary containment.</li> <li>Outdoor surface drainage discharges 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.</li> </ul>	Carried into the ECA	Yes
11.2	<ul style="list-style-type: none"> <li>Monitoring of stormwater end-of-pipe Facility discharge quality (as required as part of C of A);</li> </ul>	<ul style="list-style-type: none"> <li>Groundwater and Surface Water Monitoring and Reporting Plan was developed in consultation with MECP Central Region Office and approved by the Central Region Director on October 14, 2011. Monitoring commenced in January 2012.</li> </ul>	Carried into the ECA	Yes
<b>Soils</b>				
11.2 & 11.3	Soils related mitigation and environmental management / monitoring measures during construction will include: <ul style="list-style-type: none"> <li>Topsoil and subsoil salvage and storage.</li> <li>Apply erosion and sedimentation control measures (also described in surface water).</li> </ul>	<ul style="list-style-type: none"> <li>Facility construction is complete.</li> <li>Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations.</li> <li>Regions provided a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions.</li> </ul>	January 28, 2016	Yes

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		<ul style="list-style-type: none"> <li>Erosion and sediment control monitoring is undertaken continuously in accordance with plan approved by the Ministry of Environment, Conservation and Parks, Central Lake Ontario Conservation authority and the Municipality of Clarington.</li> <li>Required by ECA Condition 7(10) and 13(4).</li> </ul>		
	<b>Acoustic</b>			
11.4	Acoustic related mitigation and environmental management / monitoring measures during construction will include: <ul style="list-style-type: none"> <li>Pile driving effects will be reduced through alternative technologies (e.g., vibratory pile driving), controls, and scheduling.</li> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Facility construction is complete.</li> <li>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.</li> <li>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.</li> <li>Regions provided a full time on-site inspector during construction to monitor compliance with the terms and conditions of the contract, including compliance with EA conditions.</li> <li>Required by ECA Condition 7(5).</li> </ul>	Carried into the ECA	Yes
11.4	Noise-related mitigation and environmental management/monitoring measures during operation will include: <ul style="list-style-type: none"> <li>The Facility will be designed to current standards incorporating efficiencies and design enhancements that reduce sound emissions.</li> <li>Where necessary, mitigation measures will be included to ensure applicable noise criteria are met at PORs as predicted.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>The Regions submitted a Noise Monitoring and Reporting Plan in accordance with Condition 19 of the Notice of Approval on September 15, 2011, which includes an annual acoustic audit during the operations phase to monitor compliance with applicable noise criteria.</li> <li>Noise Monitoring and Reporting Plan was approved by the MECP via Amendment Approval dated August 12, 2014.</li> <li>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 &amp; 2 Areas (Urban)", October 1995, as amended from time to time.</li> <li>Noise Monitoring and Reporting Plan is in effect.</li> </ul>	Carried into the ECA	Yes
	<b>Visual</b>			
11.5	Visual-related mitigation and environmental management / monitoring measures during construction will include: <ul style="list-style-type: none"> <li>Staging of construction activities.</li> <li>Timely removal of construction debris.</li> </ul>	<ul style="list-style-type: none"> <li>An architectural concept for the facility was developed in consultation with the Municipality of Clarington.</li> <li>Facility has been constructed and landscaping completed in accordance with approved plan.</li> </ul>	January 28, 2016	Yes

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	<ul style="list-style-type: none"> <li>A monitoring program and contingency plan will be implemented to address any issues that may arise during the construction of the Facility.</li> <li>Investment in architectural enhancements to the Facility.</li> </ul>			
<b>11.5</b>	Visual-related mitigation and environmental management / monitoring measures during operation will include: <ul style="list-style-type: none"> <li>The use of neutral external colours and effective landscaping.</li> <li>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 location to provide a screen within the line of the sight of the Facility.</li> </ul>	<ul style="list-style-type: none"> <li>An architectural concept for the facility was developed in consultation with the Municipality of Clarington.</li> <li>Landscaping complete in accordance with the approved plan.</li> <li>Need for supplementary, off-site visual remediation will be assessed on a case-by-case basis after the facility is constructed.</li> </ul>	January 28, 2016	Yes
<b>Natural Environment</b>				
<b>11.6</b>	Natural environment related mitigation and environmental management / monitoring during construction will include: <ul style="list-style-type: none"> <li>Protective protocols to avoid killing or harming wildlife during Project activities.</li> <li>Wildlife corridor along the entire east-west length of the Facility's southern property line may be established to enhance wildlife movement.</li> <li>Native tree and shrub species will be planted and existing species allowed to grow without disturbance providing additional habitat.</li> <li>Undertake a pre-construction survey to assess bird nesting activity prior to clearing and grubbing.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Landscape plan as approved by the Municipality of Clarington gives consideration to wildlife habitat.</li> <li>Construction Site Fencing allows for a wildlife corridor to the North and South of the Site.</li> <li>Reconnaissance report prepared by Golder Associates dated November 11, 2011 to address pre-construction bird nesting activities prior to start of construction.</li> <li>For work offsite surrounding the Energy from Waste facility, the Regions retained a consultant to undertake monitoring of Eastern Meadowlark. Reports will be produced and provided to the MNR as per letter dated August 28, 2013 from the MNR.</li> <li>Construction complete.</li> </ul>	January 28, 2016	Yes
<b>Social / Cultural</b>				
<b>11.7, 8, 9</b>	Social / cultural related mitigation and environmental management / monitoring measures during construction will include: <ul style="list-style-type: none"> <li>See Noise above for related mitigation / management measures.</li> <li>See Visual above for related mitigation / management measures</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>Project Agreement requires Contractor to comply with all authorizations including Environmental Assessment and Certificates of Approval, and all applicable regulations.</li> <li>Regions provided a full time on-site inspector during construction to monitor compliance with the terms and</li> </ul>	January 28, 2016	Yes

**Durham York Energy Centre 2021 Compliance Monitoring Report – Appendix B**  
**EA Study Document Compliance Table**  
**p. B7**

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	<ul style="list-style-type: none"> <li>Deeply buried archaeological resources could still exist and standard conditions regarding discovery of human remains and/or other cultural heritage values will apply.</li> </ul>	<ul style="list-style-type: none"> <li>conditions of the contract, including compliance with EA conditions.</li> <li>To date no findings of archaeological significance have been found on site.</li> <li>Construction complete.</li> </ul>		
	<ul style="list-style-type: none"> <li>Road/pavement improvements to the South Service Road and Osborne Road to accommodate construction vehicles.</li> </ul>	<ul style="list-style-type: none"> <li>Construction is complete.</li> </ul>	January 28, 2016	Yes
	<ul style="list-style-type: none"> <li>Formation of a Thermal Treatment Facility Site Liaison Committee (SLC) for the construction period.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>Required by ECA Condition 17.</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>A requirement of the EA Notice of Approval [See Appendix A, Section 7 (Community Communications Plan)]</li> <li>Community Communications Plan was submitted to the MECP on September 18, 2013.</li> <li>MECP approval via letter dated September 30, 2013.</li> </ul>	September 18, 2013	Yes
	<ul style="list-style-type: none"> <li>Development and implementation of a community complaints system for construction.</li> </ul>	<ul style="list-style-type: none"> <li>Complaint protocol approved by the MECP July 13, 2011 as per Condition 6 of the EA Notice of Approval.</li> <li>Requirement of Condition 10 of the Environmental Compliance Approval.</li> <li>Monthly reports are sent to the EFWAC and the MECP.</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>Management of residual waste in enclosed vehicles and on enclosed tipping floor</li> </ul>	<ul style="list-style-type: none"> <li>Noted in Sections 5.3 and 5.8 of the Design and Operations Report and required by Environmental Compliance Approval Condition 4(2) and 4(5).</li> <li>Construction of an enclosed tipping floor is complete.</li> <li>All waste is delivered to the site in closed vehicles.</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>Air from tipping floor is used as combustion air, destroying odours and maintaining negative pressure within receiving area.</li> </ul>	<ul style="list-style-type: none"> <li>Required by Condition 8 (1) of the Environmental Compliance Approval Construction of tipping floor and combustion air system is complete and compliant with these requirements.</li> </ul>	Carried into the ECA	Yes

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	<ul style="list-style-type: none"> <li>Management of ash and residues using various measures to reduce ash emissions.</li> </ul>	<ul style="list-style-type: none"> <li>Requirement of Condition 4 of the Environmental Compliance Approval.</li> <li>See Section 8.0 of the Design and Operation Report for additional details.</li> <li>Storage of ash, and residues will be indoors on impervious surfaces with no drainage to outside the facility.</li> <li>Ash is transported to the ash storage building in enclosed conveyors.</li> <li>Bottom ash and fly ash handled separately.</li> <li>Building maintained under negative pressure and fully ventilated to a dust collection system.</li> <li>Loading of trucks occurs indoors with the doors closed.</li> <li>Fly ash is mixed with water, cement and pozzolan to render it non-hazardous and reduce dust.</li> <li>Bottom ash is immersed in quench water and retains 15-25% moisture content, reducing dust potential.</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>Mitigation of vectors/vermin through pest/vector control.</li> </ul>	<ul style="list-style-type: none"> <li>Requirement of Condition 8 (14) of the Environmental Compliance Approval.</li> <li>Noted in Section 13.5 of the Design and Operations Report and Condition 8(14).</li> <li>Pest/Vector control has been subcontracted to a qualified pest control company and monitored for effectiveness.</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>Mitigation of litter through implementation of litter control program throughout the Site.</li> </ul>	<ul style="list-style-type: none"> <li>Requirement of Condition 8(12) of the Environmental Compliance Approval.</li> <li>Site-wide litter collection daily as per Section 13.4 of the Design and Operations Report and Environmental Compliance Approval Condition 8(12).</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Requirement of Condition 8(10) of the Environmental Compliance Approval.</li> <li>Energy Drive and private truck access construction is complete, with all required off-site traffic controls.</li> </ul>	May 2015	Yes
	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Host Community Agreement executed on February 18, 2010 includes this provision.</li> <li>The expropriation of the lands associated with the host community agreement requirements for the York Durham Energy Centre went before the Ontario Municipal Board. A settlement was reached July 27, 2015.</li> <li>Construction on the facility access road and Energy Drive has been completed.</li> </ul>	July 2015	Yes

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
	<ul style="list-style-type: none"> <li>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)</li> </ul>	<ul style="list-style-type: none"> <li>Requirement of Condition 13 (4) of the Environmental Compliance Approval.</li> <li>Soil Testing plan submitted September 23, 2011</li> <li>Revised Soil Testing Plan submitted to the MECP via letter dated October 5, 2012.</li> <li>MECP approval via letter dated March 15, 2013.</li> <li>Soils testing commenced in accordance with the approved plan.</li> <li>The first Soils Testing Report was completed and submitted November 19, 2013.</li> <li>Second (first operational year) Soils Testing Report was submitted on October 23, 2015.</li> <li>Third (second operational year) Soils Testing Report was submitted on November 3, 2016.</li> <li>Fourth (third operational year) Soils Testing Report was submitted on November 24, 2017.</li> <li>Soil testing was undertaken August 19, 2020 and the report was submitted to the MECP October 26, 2020.</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>Formation of a Thermal Treatment Facility Site Liaison Committee SLC for the operations period.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>Required by ECA Condition 17.</li> </ul>	Carried into the ECA	Yes
	<ul style="list-style-type: none"> <li>See construction above regarding development and implementation of a Community Relations Plan</li> </ul>	<ul style="list-style-type: none"> <li>A requirement of the EA Notice of Approval [See Appendix A, Section 7 (Community Communications Plan)]</li> <li>Community Communications Plan was submitted to the MECP on September 18, 2013.</li> <li>MECP approval via letter dated September 30, 2013.</li> </ul>	September 18, 2013	Yes
	<ul style="list-style-type: none"> <li>See construction above regarding development and implementation of a community complaints system for operations</li> </ul>	<ul style="list-style-type: none"> <li>Appendix A, Complaint Protocol (Notice of Approval Condition 6 applies to construction, commissioning, and operations periods.</li> <li>Complaint Procedure is required by Condition 10 of the ECA.</li> </ul>	Carried into the ECA	Yes
<b>Economic</b>				
<b>11.10</b>	<ul style="list-style-type: none"> <li>Establishment of a hazardous waste depot to serve Clarington residents.</li> </ul>	<ul style="list-style-type: none"> <li>Establishment of the hazardous waste depot commenced when land expropriation for other Host Community Agreement commitments was completed and the Certificates of Approval</li> </ul>	October 22, 2019	Yes

Relevant EA Section No.	Requirement	Status Remarks	Actual or Estimated Completion Date	Complete?
		and Building Permit for the Durham York Energy Centre were issued. <ul style="list-style-type: none"> <li>The Clarington Household Special Waste Facility was opened on October 22, 2019.</li> </ul>		
11.10	<ul style="list-style-type: none"> <li>Construction of Energy Drive from Courtice Road to Osborne Road to serve the Energy Park.</li> </ul>	<ul style="list-style-type: none"> <li>Construction on the facility access road and Energy Drive is complete.</li> </ul>	May 2015	Yes
11.10	<ul style="list-style-type: none"> <li>Construction of a SWM Facility to serve the Energy Park.</li> </ul>	<ul style="list-style-type: none"> <li>Stormwater management requirements for the Energy Park will be assessed if and when development of the Energy Park proceeds.</li> </ul>	May 2015	Yes
11.10	<ul style="list-style-type: none"> <li>Construction of a waterfront trail from Courtice Road to the eastern limit of the Durham property.</li> </ul>	<ul style="list-style-type: none"> <li>Waterfront trail has been completed.</li> </ul>	2017	Yes
11.10	<ul style="list-style-type: none"> <li>Transfer of 22 acres of surplus land adjacent to the Courtice WPCP to Clarington.</li> </ul>	<ul style="list-style-type: none"> <li>The transfer of 22 acres of land to Clarington was completed on October 15, 2015.</li> </ul>	2015	Yes
11.10	<ul style="list-style-type: none"> <li>Commencement of the EA for servicing the Clarington Science Park.</li> </ul>	<ul style="list-style-type: none"> <li>An EA was filed on June 19, 2015 and the end of the review period was August 21, 2015.</li> </ul>	August 2015	Yes
<b>Human Health and Ecological Risk</b>				
	<ul style="list-style-type: none"> <li>Refer to "Air Quality" above.</li> </ul>	<ul style="list-style-type: none"> <li>Refer to "Air Quality" above.</li> </ul>	N/A	Yes

# **Appendix C**

**Advisory Committee Annual Report 2021**

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**Durham York Energy Centre 2021 Compliance Monitoring Report – Appendix C  
Energy From Waste Advisory Committee Summary Table**

Meeting #	Date	Time	Agenda Topic
EFWAC Meeting #17	October 23, 2020	2:00 – 4:00 PM To be held virtually	<ul style="list-style-type: none"> <li>• 2019 DYEC Annual Operations Report</li> <li>• Updates on:               <ul style="list-style-type: none"> <li>○ Emergency ECA amendment</li> <li>○ Streamlined EA for increase to 160K tonnes per year capacity</li> <li>○ Draft TOR for the EA to expand to 250K tonnes per year</li> </ul> </li> </ul>
EFWAC Meeting #18	Mid- November, 2021	To be held virtually	<ul style="list-style-type: none"> <li>• 2020 DYEC Annual Operations Report</li> <li>• Updates on:               <ul style="list-style-type: none"> <li>○ Emergency ECA amendment</li> <li>○ Streamlined EA for increase to 160K tonnes per year capacity</li> <li>○ Draft TOR for the EA to expand to 250K tonnes per year</li> </ul> </li> </ul>

# **Meeting #17 Agenda**

**Advisory Committee Annual Report**

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If you require this information in an accessible format, please contact The Regional Municipality of Durham at 1-800-372-1102 ext. 3560.



## **Energy from Waste Advisory Committee (EFWAC) Agenda Meeting #17**

**Friday, October 23, 2020  
2 p.m. to 4 p.m.**

**The Regional Municipality of Durham Headquarters Building  
605 Rossland Road East, Whitby**

In an effort to help mitigate the spread of COVID-19, and to generally comply with the directions from the Government of Ontario, it is requested in the strongest terms that Members participate in the meeting electronically. Regional Headquarters is closed to the public, all members of the public may view the Committee meeting via [live streaming](#), instead of attending the meeting in person.

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**1. Welcome and Introductions**

**2. [Durham York Energy Centre \(DYEC\) 2019 Annual Compliance Report \(ECA\)](#)**

The Project Team will respond to questions by EFWAC members regarding the DYEC 2019 Annual Compliance Report.

**3. Updates on:**

- a. Emergency ECA amendment
- b. Streamed EA for increase to 160K tonnes per year capacity
- c. Draft TOR for the EA to expand to 250K tonnes per year

**4. Next Meeting**

**5. Meeting Adjourns**

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Notice regarding collection, use and disclosure of personal information:

Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. This also includes oral submissions at meetings. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.

# **Meeting #17 Minutes and Presentations**

## **Advisory Committee Annual Report**

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The minutes from October 23, 2020 meeting are still considered draft. The approved minutes may differ from the draft minutes and will be updated on the website.

If you require this information in an accessible format, please contact 1-800-372-1102 ext. 3560.



## **Energy from Waste Advisory Committee (EFWAC) Meeting #17**

Date: Friday, October 23, 2020

Location: Durham Region Headquarters – Council Chambers, from 2 p.m. to 4 p.m.

Facilitator: Bruce Withrow, Meeting Facilitators International

Archive: <https://www.eventstream.ca/events/durham-region>

Attendees: Please see page 8 of 8

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1. The meeting of the EFWAC will meet the obligations as detailed under Section 8 of the Notice of Approval to proceed with the Undertaking. This meeting objective is to review the 2019 Durham York Energy Centre (DYEC) Annual Report as submitted in accordance with Condition 15(1) of the Environmental Compliance Approval (ECA) #7306-8FDKNX, which states the following:

By March 31st following the end of each operating year, the Owner shall prepare and submit to the District Manager and to the Advisory Committee, an Annual Report summarizing the operation of the Site covering the previous calendar year.

## **Updates on the Emergency Amendment to the Environmental Compliance Approval**

2. Due to the COVID-19 pandemic, an increase in waste and shift in its composition has occurred in Durham and York Regions (Regions). The Regions are forecasting that approximately 150,000 tonnes of waste will need to be processed this year and to manage this increase, above the facility's approved ECA of 140,000 tonnes per year (TPY), requested an Emergency Amendment to the Environmental Compliance Approval (ECA) from the Ministry of the Environment, Conservation and Parks (MECP) to an expansion to 160,000 TPY which was approved by the MECP and which will expire on December 31, 2020.
3. It was questioned if when the Provincial Order [issued under the Emergency Act] is lifted, it will automatically lift the MECP-approved Emergency Amendment to the ECA. Staff confirmed that the Amendment will remain in place until its expiry date of December 31, 2020, issued by the MECP, and that 90 days following the end of a declared emergency, the Regions are to provide correspondence to the MECP to

advise on plan. If no contingency was used the MECP would be so advised, and input also provided on potential future considerations should a second wave occur.

4. With consideration to the estimated 150,000 tonnes of waste to be processed in 2020, it was asked of the Facility Manager the tonnes processed to date.

The Facility Manager confirmed to date, 109,000 tonnes had been processed.

5. In reference to the update summary provided by the Regions on the increase in waste received to date due to COVID-19, clarification on respective Regional values was requested, and if the increase was in total volume.

Durham Region: An increase in waste of approximately 15 per cent since the start of 2020, and an annual increase in total materials of approximately six per cent and of source separated organics at seven per cent. The tonnage has been relatively consistent, however, a shift in its composition to cardboard has occurred.

York Region: A year-over-year increase in waste of approximately 10 per cent with an increase in recyclables of 10 per cent.

#### **Durham York Energy Centre Environmental Compliance Approval Annual Report – 2019**

6. With regard to the system maintaining negative pressure [combustion air flow] and with consideration to the related containment test protocol inspections, it was questioned if there were instances where there were upsets in maintaining negative pressure.

Staff advised that when one or both boilers are in operation, the negative pressure in the tip hall is maintained and outages completed at the same time. With no boilers operational, louvers remain closed and odour walks and odour drives in the area are conducted to monitor odour. A micronutrient spray is also introduced during outages which ensure odours are minimized during outages. Additionally, waste is brought in the facility to fill the pit prior to boiler start-up. New waste acts as an odour buffer to the waste which remained in the pit during the outage, thereby minimizing the square footage of the waste exposed.

7. With reference to Section 9.2 regarding groundwater monitoring results, it was questioned what action was in place to deal with the elevated concentrations of chloride and sodium at Municipal Well 4 (MW4), attributed to salt-related runoff in the east storm water management pond, and an overview of the monitoring generally was requested, including maintenance of the pond and grounds around the facility.

Staff advised that in terms of the salt concentration, there is the potential of exfiltration with these ponds, however, they don't discharge commonly as they are an infiltration system. Flows and sizing of ponds have not seen much exfiltration and monitoring

results are in compliance with the ECA and Environmental Assessment (EA) limits. Staff are determining with the consultant if MW4, which existed before the facility was built, should be redrilled and local grade lowered. Additionally, the ponds were oversized for the ultimate sizing of the DYEC at 400,000 TPY and don't discharge often. The sediment was cleared out in 2016, following construction and prior to sod being laid. Covanta completes an annual inspection and staff will be discussing the facility's monitoring requirements and next steps with the MECP in 2021.

8. Concern was raised with regard to the development of a new AMESA Work Plan (Annual Report Sections 5.6 and 17.1 - Item 2), the reason why a report has still not yet been published identifying trends and monthly data, and when this report will be issued.

Staff confirmed that the ECA requirement has been met and they are proceeding in accordance with its direction, as written, as well as having confirmed that the Work Plan was submitted to the MECP (covering approximately 1.5 years) and following a next meeting with the MECP, and assessment of the data moving forward, staff will be reporting out to Regional Council and direction on a way forward will be forthcoming.

9. Staff were asked about the electricity generation at the site, including references in Section 4.2, and what powers the facility.

The facility is powered by parasitic load. Electricity to the grid creates revenues for the Owners (per PPA, \$0.08 per kilowatt hour per tonne of waste is received with CPI adjusted annually). Covanta continues to work on increasing kilowatt hours to generate more electricity and reduce liquidated damages, paid by Covanta when they do not meet the required output of 767 kilowatt hours per tonne of waste.

Covanta advised that each grapple load, equal to two tonnes, and each tonne produces 750 kilowatt hours equivalent to that used by a typical Ontario home in a month, and efficiencies continue to be made to push more power out to the grid (reduce site power use, energy from trash powers site, etc.).

10. It was noted that in past reports, the surface water monitoring program was suspended until the construction of Highway 401/418 interchange was completed. It was questioned that as this construction is nearing completion, whether the program will resume and be included in the 2020 annual report.

The MECP extended the exemption for surface water monitoring due to the increase in activities anticipated over the next few years. On an annual basis and in consultation with the MECP, staff will continue to assess when the program will resume.

11. Staff were questioned why the single AMESA run was compared to the average of the three method sampling runs instead of comparing each to the reference method run.

Staff advised that whether AMESA required a longer sampling period in order to get a more valid result was a question raised for the Work Plan, and in order to see if a more stable result could be determined, three sampling runs were conducted 1) four hours with 12 hours on cartridge, 2) four hours with two change outs and then 12 hours on cartridge, and 3) three four-hour tests. The results were improved but not enough, and a correlation was not obtained. Staff continued with the Work Plan.

12. With regard to the figure identified for bypass waste, Durham Region was questioned how much waste they (only) bypassed in the 2019.

Staff confirmed that 13,675 tonnes of waste was bypassed for Durham Region and clarified that as this is not included as it is not a requirement of the annual report.

- Staff were asked to consider inclusion of this information in future annual reports.

13. It was questioned if both Regions are reviewing monthly AMESA results.

Durham and York staff confirmed they receive a verbal update at monthly meetings which includes timing of insertion and removal of the cartridge and provision of available data. Staff advised there is an approximate turnaround time following submission of the results to the lab of one month.

### **Streamlined Environmental Assessment**

14. In follow up to the presentation at the last meeting regarding the capacity increase impacts from 140,000 to 160,000 TPY which advised there would be no impact to the infrastructure, only permitting requirements to allow the increase to incoming waste at the site, the Owners are preparing for submission of the Streamlined EA. The MECP requested the Owners complete a full update to the Emissions Summary Dispersion Model Report (CALPUFF and meteorological data) which has a 10-year life, and the complete Environmental Screening Report (ESR) will be made available for public comment.

15. Clarification was requested regarding the end process and related steps of a Streamlined EA, and if the comment period is a submission to the MECP (via Environmental Registry of Ontario) or via the Regions.

It was confirmed that the process of a Streamlined EA creates an amendment to the ECA permit, and once the ESR is complete, a Notice of Completion is published for a 60-day review period, when requests for project elevation can be made. Comments are submitted to the MECP and provided to the Regions.

16. It was suggested that as it relates to Item 45 of the EA Audit Table summary included in Appendix D2 of the 2019 Third Party Audit Report summary and further to Condition 10.3 of the EA, that a description of at source diversion programs at Regional and

lower tier levels be included in the Annual Waste Management Diversion report. It was requested that as done last in 2017, this breakdown be included in the Waste Diversion Report.

Staff will take this under advisement.

17. It was questioned, further to the updates currently being undertaken for the Streamlined EA to 160,000TPY, if and when the public will be provided an opportunity to comment on the draft file, and if the new sulphur dioxide limits coming into effect in 2023 and Canadian Council of Ministers of the Environment's (CCME) Canadian Environmental Quality Guidelines (CEQGs) will be used when updating the ESDM.

Staff advised that the draft is being issued to the MECP and a record of consultation on questions from the public will be created.

Staff confirmed that the new SO<sub>2</sub> limits are included, and as CCME refers to ambient air quality and not an indication of the Ontario Regulation 419 ESDM modelling, it will be reported against MECP standards, as required by the MECP.

It was clarified that the Terms of Reference for the expansion to 250,000 TPY was approved by Durham Region Council to issue a Notice of Commencement and prepare a Consultation Plan. A Notice has not been issued as the Regions continue discussion on the Plan, including other considerations, with the MECP, while also determining a way forward, considering related timing, internally with legal, finance, and technical staff from both Regions.

Timing for Notice for the expansion to 250,000 TPY is undetermined and most likely not to occur this year.

18. With reference to Section 2.2 Waste Source, which indicated that waste was exclusively curbside, it was questioned if non-hazardous, non-divertible waste from other transfer stations went to the DYEC.

Staff advised that waste from the Waste Management Facilities via the transfer stations operated by Pebblestone, Pickering and Courtice are sent to the DYEC via the Courtice Waste Management Station.

- It was suggested to staff that the first sentence in this section should reflect this clarification.

19. In follow up to reference made in May 2019 by Durham Region staff in Report #2019-COW-8 and with regard to DYEC capacity, it was identified that a report would be presented in September 2019 which would describe the impacts of Durham Region's proposed Anaerobic Digestion (AD) facility on the DYEC. Has this report been prepared, and if so, what is the report number, and if not, when is this expected to be

presented to Council. Additionally, it was anticipated that the forthcoming report would discuss the impact on emissions, electricity generation, and not just the tonnage reduced from the DYEC.

Staff advised that a separate report was not prepared to identify the impacts of the AD and DYEC, and that the waste flows were modeled as done in the business case, to ascertain what the tonnage of waste between the facilities was and the impact was a decrease of 30,000 tonnes sent to the DYEC. The business case modelling also assessed electrical generation.

Staff to determine in what report(s) this information can be referenced.

20. As a follow up to the Third Party Audit Report and in reference to the previous audit findings, it is identified that MECP meetings are not documented by the Regions—why not and how can agreements reached between the Regions and MECP be tracked.

Staff clarified that referenced monthly meetings, now held quarterly, are not decision-making meetings. Staff provide updates on operations to the MECP, and these agenda items for discussion are included in the annual report(s) submitted to the MEPC. Decisions between the parties are prepared in writing and posted to the project website.

21. With regard to Durham Region's attempt to reach 70 per cent diversion, and current standing at 63 per cent, it was questioned what key factors are keeping Durham Region from reaching that long-term goal.

Durham Region staff confirmed the real issue is organics and are focusing on food waste reduction with their promotion and education campaigns, and implementing the mixed waste pre-sort and AD facility, with the possible consideration to expanding the list of accepted items (pet waste and diapers) which will increase diversion.

In response to additional discussion regarding Durham Region's consideration of at-source separation versus mixed waste pre-sort, staff advised the need for mixed waste pre-sort would address the pet waste in black bags which represents approximately 20 per cent while the remaining 80 per cent represents other organics, food waste, sanitary products.

22. It was asked if the 25,778 tonnes of bottom and fly ash reported is included in the 63 per cent diversion reported, and if it included cement or only fly ash, and where the fly ash is sent.

Staff confirmed that the fly ash includes reagents in the processing such as cement and pozzolan, and goes to Walker Brothers Landfill. In 2019, bottom ash and fly ash

was sent to Walker Brothers Landfill. However, in 2020 bottom ash is being sent to Modern Landfill in New York due to insufficient capacity at Walker Brothers Landfill.

### **Durham Region's Mixed Waste Pre-Sort and Anaerobic Digestion (MWPS/AD) Facility**

23. In response to questions about whether mixed waste creates more dirty recyclables, and if it isn't cleaner for source separation, staff advised that the main objective of the MWPS/AD is to remove the organics, and the second is to remove non-combustibles as no energy is a waste of capacity to the DYEC.

### **Durham Region's Long-Term Waste Management Plan (LTWMP) (2021-2040)**

24. Durham Region staff provided an update on the LTWMP advising that in early 2020, HDR was hired to complete a review of the plan, a project which would span two years with consultation scheduled in 2020 (virtually due to COVID-19) with internal departments, local area municipalities, advisory committees, and residents. A dedicated LTWMP web page at Durham.ca is available and includes access to the current survey (until November 2, 2020), with additional opportunities being coordinated to host a virtual Town Hall with questions and answers which will inform a presentation and report presented to Durham Region Council in 2021, following which a draft five-year action plan which will be made available for comment by members of the public.
25. Staff were asked to review the new DYEC website, with consideration to the Streamlined EA and future expansion to 250,000 TPY, to make the related documents easily searchable and visible online, including move of the Waste Diversion Reports from the Education and Resources drop-down menu option.
- Staff advised they will review the site and see where there may be options for it to be more intuitive.

No comments on the minutes of July 10, 2019, were received post meeting.

Meeting adjourned at 4:02 p.m.

**Meeting attendees:**

G. Anello, Director, Waste Management Services, The Regional Municipality of Durham (member)

L. McDowell, Director, Environmental Promotion and Protection, The Regional Municipality of York (member)

M. Fareed, Contract Management Engineer, Environmental Promotion and Protection, The Regional Municipality of York (alternate)

M. Whitbread, Manager, Operations and Policy Research, Parks and Environmental Services, City of Oshawa (alternate)

P. Thistle, Superintendent of Solid Waste, Town of Whitby (member)

F. Langmaid, Director, Planning Services, Municipality of Clarington (member)

A. Burke, Senior Planner – Special Projects, Municipality of Clarington (alternate)

C. Jones, Director, Planning Regulation, Central Lake Ontario Conservation Authority (member)

L Gasser, Zero Waste for Zero Burning (member)

K. Meydam, Durham Environment Watch (member)

W. Bracken, Durham Environment Watch (alternate)

B. Withrow, Facilitator, Meeting Facilitators International

M. Neild, Facility Manager, Covanta

A. Porteous, Supervisor, Waste, The Regional Municipality of Durham

A. Evans, Project Manager, Waste Planning and Technical Services, The Regional Municipality of Durham

L. Waller, Works Technician, Waste Management Services, The Regional Municipality of Durham

M. Smart, Administrative Assistant, Works Department, The Regional Municipality of Durham

M. White, Corporate Services – Information Technology, The Regional Municipality of Durham

# **Meeting #18 Agenda**

## **Advisory Committee Annual Report**

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This meeting is tentatively scheduled for mid-November. Once a date has been finalized an Agenda will be released. The Agenda is anticipated to cover the 2020 DYEC Annual Report, the Emergency Environmental Compliance Approval amendment and updates on the DYEC Environmental Screening Process for 160,000 tonnes per year.