



# **APPENDIX A**

## **MOE Conditions and Correspondence**

### **A-1 Environmental Assessment Conditions of Approval for the Durham-York Energy Centre - Condition 20**

### **A-2 MOE – Year 1 DYEC SWMP and GWMP Review Comments Letter**

### **A-3 Regions Response Letter to MOE – Year 1 DYEC SWMP and GWMP Review Comments Letter**

**ENVIRONMENTAL ASSESSMENT ACT**

**SECTION 9**

**NOTICE OF APPROVAL TO PROCEED WITH THE UNDERTAKING**

RE: The Amended Environmental Assessment for Durham and York Residual Waste Study

Proponent: The Regional Municipalities of Durham and York

EA File No.: 04-EA-02-08

TAKE NOTICE that the period for requiring a hearing, provided for in the Notice of Completion of the Review for the above-noted undertaking, expired on April 2, 2010. I received 185 submissions requesting a hearing by the Environmental Review Tribunal before the expiration date.

I consider a hearing to be unnecessary in this case. Having considered the purpose of the *Environmental Assessment Act*, the approved terms of reference, the environmental assessment, the ministry Review of the environmental assessment and submissions received, I hereby give approval to proceed with the undertaking, subject to the conditions set out below.

## REASONS

My reasons for giving approval are:

- (1) The proponent has complied with the requirements of the *Environmental Assessment Act*.
- (2) The environmental assessment has been prepared in accordance with the approved Terms of Reference.
- (3) On the basis of the proponent's environmental assessment and the ministry Review, the proponent's conclusion that, on balance, the advantages of this undertaking outweigh its disadvantages appears to be valid.
- (4) No other beneficial alternative method of implementing the undertaking was identified.
- (5) The proponent has demonstrated that the environmental effects of the undertaking can be appropriately prevented, changed, mitigated or remedied.
- (6) On the basis of the proponent's environmental assessment, the ministry Review and the conditions of approval, the construction, operation and maintenance of the undertaking will be consistent with the purpose of the *Environmental Assessment Act* (section 2).
- (7) The ministry's review of: the government, public and Aboriginal community submissions on the environmental assessment; the environmental assessment; and the ministry Review has indicated no outstanding concerns that have not been addressed or that cannot be addressed through commitments made during the environmental assessment process, through the conditions set out below or through future approvals that will be required.
- (8) The submissions received after the Notice of Completion of ministry Review was published are being addressed through commitments made during the environmental assessment process, through the conditions set out below or through future approvals that will be required, where appropriate. I am not aware of any significant outstanding issues with respect to this undertaking which suggest that a hearing should be required.

## CONDITIONS

The approval is subject to the following conditions:

### 1. Definitions

For the purposes of these conditions:

"advisory committee" means the committee established pursuant to Condition 8 of this Notice of Approval.

"CEM" means an air emissions monitoring system which continually monitors concentrations of certain contaminants emitted by the facility.

"date of approval" means the date on which the Order in Council was approved by the Lieutenant Governor in Council.

"Director" means the Director of the Environmental Assessment and Approvals Branch.

"District Manager" means the Manager of the Ministry of the Environment's York-Durham Office.

"EAAB" means the Environmental Assessment and Approvals Branch of the Ministry of the Environment.

"environmental assessment" means the document titled Durham/York Residual Waste Study Environmental Assessment Study Document (As Amended November 27, 2009).

"ministry" means the Ontario Ministry of the Environment, or successor, unless specific reference is made to another Ministry.

"non-hazardous municipal solid waste" means the waste that is generated within the municipalities of Durham and York and collected as part of the proponents municipal collection process.

"proponent" means the Regional Municipality of Durham and the Regional Municipality of York.

"Qualified, Independent Professional Engineer" means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act* who is not an employee of the Regional Municipality of Durham, the Regional Municipality of York, the operator of the undertaking, or the ministry, who has not been involved in the design of the undertaking or preparation of documentation as part of an application for approval of the undertaking but who is knowledgeable about the *Environmental Protection Act*, Regulation 347 and Ontario Regulation 419/05, ministry guidelines affecting thermal treatment facilities, any other ministry approval issued for the undertaking as well as being experienced at assessing compliance with environmental legislation and requirements of certificates of approval issued under the *Environmental Protection Act*.

"receipt" means the arrival and acceptance of waste at the site, whether remaining in the vehicles used to transport the waste to the site or unloaded from the vehicles used to transport the waste to the site.

"Regional Director" means the Director of the ministry's Central Regional Office.

"site" means the 12.1 hectare parcel of land referred to as Clarington 01 in the environmental assessment and is located south of Highway 401 on the west side of Osbourne Road and north of the CN Rail corridor in the Municipality of Clarington.

"start of construction" means physical construction activities including, site preparation works, but does not include the tendering of contracts.

"undertaking" means the construction and operation of a thermal treatment waste management facility on the site, as set out in the environmental assessment.

## 2. General Requirements

- 2.1 The proponent shall comply with the provisions in the environmental assessment which are hereby incorporated in this Notice of Approval by reference except as provided in these conditions and as provided in any other approval or permit that may be issued for the site or the undertaking.

- 2.2 These conditions do not prevent more restrictive conditions being imposed under other statutes.
- 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.

### **3. Public Record**

- 3.1 Where a document, plan or report is required to be submitted to the ministry, the proponent shall provide two copies of the final document, plan or report to the Director: a copy for filing in the specific public record file maintained for the undertaking and a copy for staff use.
- 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:
  - a) Regional Director;
  - b) District Manager;
  - c) Clerks of the Regional Municipality of Durham, the Regional Municipality of York, and the Municipality of Clarington; and,
  - d) Advisory Committee (as required in Condition 8 of this Notice of Approval).
- 3.3 The EAAB file number EA-08-02 shall be quoted on all documents submitted by the proponent pursuant to this Condition.

### **4. Compliance Monitoring Program**

- 4.1 The proponent shall prepare and submit to the Director a Compliance Monitoring Program outlining how it will comply with conditions in the Notice of Approval and other commitments made in the environmental assessment.
- 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.
- 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.
- 4.4 The Compliance Monitoring Program shall describe how the proponent will monitor its fulfilment of the provisions of the environmental assessment pertaining to 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.
- 4.5 The Compliance Monitoring Program shall contain an implementation schedule.

- 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.
- 4.7 The proponent shall implement the Compliance Monitoring Program, as it may be amended by the Director.
- 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.

## **5. Compliance Reporting**

- 5.1 The proponent shall prepare an annual Compliance Report which describes its compliance with the conditions of approval set out in this Notice of Approval and which describes the results of the proponent's environmental assessment Compliance Monitoring Program required by Condition 4.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

## **6. Complaint Protocol**

- 6.1 The proponent shall prepare and implement a Complaint Protocol setting out how it will deal with and respond to inquiries and complaints received during the design, construction and operation of the undertaking.
- 6.2 The Complaint Protocol shall be provided to the advisory committee for review prior to submission to the Director.

- 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.
- 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.
- 6.5 The proponent shall submit the amended Complaint Protocol to the Director within the time period specified by the Director in the notice.

## **7. Community Involvement**

- 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.
- 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.
- 7.3 The Community Communications Plan shall include at a minimum details on:
  - a) How the proponent plans to disseminate information to interested members of the public and any Aboriginal communities;
  - b) How interested members of the public and any Aboriginal communities will be notified and kept informed about site operations; and,
  - 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.
- 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:
  - a) Activities that are part of the undertaking, including monitoring activities;
  - 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,
  - c) Information on the Complaint Protocol required by Condition 6 of this Notice of Approval.
- 7.5 The proponent shall hold public meetings to discuss the design, construction and operation of the undertaking, including, but not limited to:
  - a) At least one meeting prior to the start of construction;
  - b) At least one meeting prior to the receipt of non-hazardous municipal solid waste on site; and,
  - 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.

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

**8. Advisory Committee**

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

- a) Compliance Monitoring Program required by Condition 4;
- b) Annual Compliance Report required by Condition 5;
- c) Complaint Protocol required by Condition 6;
- d) Community Communications Plan required by Condition 7;
- e) The annual reports required by Condition 10;
- f) Ambient Air Monitoring and Reporting Plan and the results of the ambient air monitoring program required by Condition 11;
- g) Air Emissions Monitoring Plan required by Condition 12;
- h) Written report prepared and signed by the qualified professional required by Condition 16.5;
- i) Spill Contingency and Emergency Response Plan required by Condition 17;
- j) Odour Management and Mitigation Plan and the Odour Management and Mitigation Monitoring Reports required by Condition 18;
- k) Noise Monitoring and Reporting Plan as required by Condition 19;
- l) Groundwater and Surface Water Monitoring Plan, the results of the groundwater and surface water monitoring program, and the annual report on the results of the groundwater and surface water monitoring program required by Condition 20; and,
- m) Notice in writing of the date that municipal solid waste is first received as required by Condition 23.

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

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

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

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

## **9. Consultation With Aboriginal Communities**

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

## **10. Waste Diversion**

- 10.1 The proponent shall make a reasonable effort to work cooperatively with all lower tier municipalities to ensure that waste diversion programs, policies and targets set by the Regional Municipalities are being met.
- 10.2 The proponent shall prepare and implement a Waste Diversion Program Monitoring Plan.
- 10.3 The Waste Diversion Program Monitoring Plan shall provide a description of monitoring and reporting which shall at minimum include:
  - a) Results of at source diversion programs and policies to determine the waste diversion rates and practices at both the regional and lower tier municipal level within the Regional Municipalities of Durham and York.
  - b) Progress in the diversion programs, policies, practices and targets described in the environmental assessment, at both the regional and lower tier municipal level within the Regional Municipalities of Durham and York.
  - c) Monitoring results for any additional diversion programs, policies, practices and targets carried out within the Regional Municipalities of Durham and York, which are not described in the environmental assessment.
- 10.4 The proponent shall prepare and submit to the Director and Regional Director, commencing one year after the approval of the undertaking, annual reports detailing the results of the Waste Diversion Program Monitoring Plan.
- 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.

## **11. Ambient Air Monitoring and Reporting**

- 11.1 The proponent shall prepare, in consultation with the ministry's Central Region Office and to the satisfaction of the Regional Director, an Ambient Air Monitoring and Reporting Plan for the undertaking.
- 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.
- 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.
- 11.4 The Ambient Air Monitoring and Reporting Plan shall include at minimum:
  - a) An ambient air monitoring program which includes an appropriate number of sampling locations. Siting of the sampling locations shall be done in accordance with the Ministry of the Environment's Operations Manual for Air Quality Monitoring in Ontario, March 2008, as amended from time to time;

- b) The proposed start date for and frequency of the ambient air monitoring and reporting to be carried out;
  - c) The contaminants that shall be monitored as part of the Ambient Air Monitoring and Reporting Plan; and,
  - d) At least one meeting on an annual basis between the proponent and the Regional Director to discuss the plan, the results of the ambient air monitoring program and any changes that are required to be made to the plan by the Regional Director.
- 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.
- 11.6 The Regional Director may require changes to be made to the Ambient Air Monitoring and Reporting Plan and the proponents shall implement the plan in accordance with the required changes.
- 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.
- 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.
- 11.9 The proponent shall post the Ambient Air Monitoring and Reporting Plan and the results of the ambient air monitoring program on the proponent's web site for the undertaking upon submission of the plan or results of the program to the ministry.

## **12. Emissions Monitoring**

- 12.1 The proponent shall install, operate and maintain air emissions monitoring systems that will record the concentrations of the contaminants arising from the incineration of waste.
- 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.
- 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.
- 12.4 The Air Emissions Monitoring Plan shall include, at a minimum:
- a) Identification of all sources of air emissions at the site to be monitored;

- b) Identification of which contaminants will be monitored by continuous emissions monitoring and which by stack testing;
  - c) The proposed start date for and frequency of air emissions monitoring;
  - d) The frequency of and format for reporting the results of air emissions monitoring;
  - e) The contaminants that shall be monitored, which shall include at a minimum those contaminants set out in Schedule 1 to this Notice of Approval; and,
  - f) A notification, investigation and reporting protocol to be used in the event that the concentration(s) of one or more of the contaminants released from an emission source that requires approval under Section 9 of the *Environmental Protection Act* exceed 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
- 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.
- 12.7 The proponent shall post the reports of the air emissions monitoring systems on the proponent's web site for the undertaking.
- 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.

### **13. Air Emissions Operational Requirements**

- 13.1 The proponent is expected to operate the undertaking in accordance with Schedule 1 of this 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.
- 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.
- 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 *Environmental Protection Act*, should approval be granted.

### **14. Daily Site Inspection**

- 14.1 The proponent shall conduct a daily 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:
- 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.
- 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.
- 14.3 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:
- 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.
- 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.

## **15. Daily Record Keeping**

- 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 *Environmental Protection Act*;

- 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.
- 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.
- 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.

**16. Third Party Audits**

- 16.1 The proponent shall retain the services of a Qualified, Independent Professional Engineer to carry out an independent audit of the undertaking.
- 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.
- 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.
- 16.4 The audit shall include, at a minimum, the following:
- a) A detailed walkthrough of the entire site;
  - b) A review of all operations used in connection with the undertaking; and,
  - 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.
  - 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.
- 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.
- 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.
- 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.
- 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.

## **17. Spill Contingency and Emergency Response Plan**

- 17.1 The proponent shall prepare and implement a Spill Contingency and Emergency Response Plan.
- 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.
- 17.3 The Spill Contingency and Emergency Response Plan shall include, but is not limited to:
- a) Emergency response procedures, including notification procedures in case of a spill, fires, explosions or other disruptions to the operations of the facility;
  - b) Cell and business phone numbers and work locations for all person(s) responsible for the management of the site;
  - c) Emergency phone numbers for the local ministry office, the ministry's Spills Action Centre, and the local Fire Department;
  - d) Measures to prevent spills, fires and explosions;
  - e) Procedures for use in the event of a fire;
  - f) Details regarding equipment for spill clean-up and all control and safety devices;
  - g) Shut down procedures for all operations associated with the undertaking including alternative waste disposal site locations;
  - h) Maintenance and testing program for spill clean-up equipment and fire fighting equipment;
  - i) Training for site operators and emergency response personnel; and,
  - j) A plan, identifying the location and nature of wastes on site.
- 17.4 The proponent shall provide the Spill Contingency and Emergency Response Plan to the District Manager, the local Municipality of Clarington and the local Municipality of Clarington Fire Department a minimum of 30 days prior to the initial receipt of non-hazardous municipal solid waste at the site or such other date as agreed to in writing by the Director.
- 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.

## **18. Odour Management and Mitigation**

- 18.1 The proponent shall prepare, in consultation with the ministry's Central Region Office and to the satisfaction of the Regional Director, and implement an Odour Management and Mitigation Plan for the undertaking.
- 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.

- 18.3 The Odour Management and Mitigation Plan shall include at a minimum:
- a) Standard operating and shut down procedures;
  - b) Maintenance schedules;
  - c) Ongoing monitoring for and reporting of odour;
  - d) Corrective action measures and other best management practices for ongoing odour control and for potential operational malfunctions;
  - e) A schedule for odour testing at sensitive receptors; and,
  - f) A section that specifically addresses odour control measures should operation of the undertaking be disrupted or cease.
- 18.4 The proponent shall prepare and submit the Odour Management and Mitigation Monitoring Reports annually to the Regional Director with the first report submitted beginning six months following the initial receipt of non-hazardous municipal solid waste at the site or such other date as agreed to in writing by the Regional Director.
- 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.
- 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.

## **19. Noise Monitoring and Reporting**

- 19.1 The proponent shall prepare and implement a Noise Monitoring and Reporting Plan for the undertaking.
- 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.
- 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.
- 19.4 The proponent shall post the Noise Monitoring and Reporting Plan and on the proponent's web site for the undertaking following submission of the plan to the Director.

## **20. Groundwater and Surface Water Monitoring and Reporting**

- 20.1 Prior to the start of construction, the proponent shall identify any areas where the undertaking may affect groundwater or surface water. For those areas, the proponent shall prepare and implement, in consultation with the ministry's

Central Region Office and to the satisfaction of the Regional Director, a Groundwater and Surface Water Monitoring Plan.

- 20.2 The proponent shall provide the Groundwater and Surface Water Monitoring Plan to other any government agencies for review and comment, as may be appropriate.
- 20.3 The Groundwater and Surface Water Monitoring Plan shall include at a minimum:
  - a) A groundwater and surface water monitoring program;
  - b) The proposed start date and frequency of groundwater and surface water monitoring;
  - c) The contaminants that shall be monitored as part of the groundwater and surface water monitoring program; and,
  - d) At least one meeting each year between the proponent and the Regional Director to discuss the plan, the results of the monitoring program and any changes that are required to be made to plan by the Regional Director.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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 within 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.

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.

**21. Types of Waste and Service Area**

- 21.1 Only non-hazardous municipal solid waste from municipal collection within the jurisdictional boundaries of the Regional Municipality of Durham and the Regional Municipality of York may be accepted at the site.
- 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.
- 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.
- 21.4 If any materials other than non-hazardous municipal solid waste are found during inspection or operation, the proponent shall ensure that management and disposal of the material is consistent with ministry guidelines and legislation.

**22. Amount of Waste**

- 22.1 The maximum amount of non-hazardous municipal solid waste that may be processed at the site is 140,000 tonnes per year.

**23. Notice of the Date Waste First Received**

- 23.1 Within 15 days of the receipt of the first shipment of waste on site, the proponent shall give the Director and Regional Director written notice that the waste has been received.

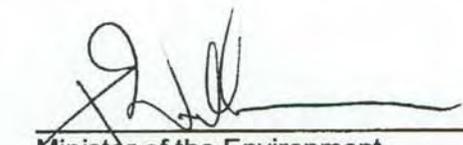
**24. Construction and Operation Contracts**

- 24.1 In carrying out the undertaking, the proponent shall require that its contractors, subcontractors and employees:
  - a) fulfil the commitments made by the proponent in the environmental assessment process, including those made in the environmental assessment and in the proponent's responses to comments received during the environmental assessment comment periods;
  - b) meet applicable regulatory standards, regarding the construction and operation of the undertaking;
  - c) obtain any necessary approvals, permits or licenses; and,
  - d) have the appropriate training to perform the requirements of their position.

**25. Amending procedures**

**25.1** Prior to implementing any proposed changes to the undertaking, the proponent shall determine what *Environmental Assessment Act* requirements are applicable to the proposed changes and shall fulfill those *Environmental Assessment Act* requirements.

Dated the 21<sup>st</sup> day of October 2010 at TORONTO.



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Minister of the Environment  
77 Wellesley Street West  
11th Floor, Ferguson Block  
Toronto, Ontario  
M7A 2T5

Approved by O.C. No. 1514/2010

Date O.C. Approved NOVEMBER 3, 2010

**Schedule 1 –Air Emissions Operational Requirements**

Item	Contaminant	Operational Requirements
1.	Particulate Matter	9 mg/Rm3
2.	Cadmium	7 ug/Rm3
3.	Lead	50 ug/Rm3
4.	Mercury	15 ug/Rm3
5.	Dioxins & Furans	60 pg/Rm3
6.	Hydrogen Chloride	9 mg/Rm3
7.	Sulphur Dioxide	35 mg/Rm3
8.	Nitrogen Oxides	121 mg/Rm3
9.	Organic Matter .	50 ppm <sub>dv</sub> (33 mg/Rm3)
10.	Carbon Monoxide	35 ppm <sub>dv</sub> (40 mg/Rm3)
11.	Opacity	5% (2-hour average)  10% (6-minute average)

**Notes:**

mg/Rm<sup>3</sup>-milligrams per reference cubic metre; ug/Rm<sup>3</sup>-micrograms per reference cubic metre; pg/Rm<sup>3</sup>-picograms per reference cubic metre; ppm<sub>dv</sub>-parts per million by dry volume

Ministry of the Environment

Central Region  
Technical Support Section

5775 Yonge Street, 8<sup>th</sup> Floor  
North York, Ontario M2M 4J1

Tel.: (416) 326-6700  
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Ministère de l'Environnement

Région du Centre  
Section d'appui technique

5775, rue Yonge, 8<sup>ième</sup> étage  
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Tél. : (416) 326-6700  
Télééc. : (416) 325-6347



May 24, 2013

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

**Re: Durham York Energy From Waste Project, Condition 20  
2012 Annual Surface Water and Groundwater Monitoring Reports Submission**

Dear Ms. Januszkiewicz,

Thank you for your April 30, 2013 letter and submission of the 2012 Annual Groundwater and Surface Water Monitoring Reports. The reports have been submitted to meet Condition 20.8 of the Notice of Approval for the Durham York Energy from Waste EA. Genivar's April 2013 Durham York Energy Centre 2012 Groundwater Monitoring Report and Golder Associates' April 30, 2013 During Construction Annual Report Year 1- Durham York Energy Centre Surface Water Monitoring Program have been reviewed and the following comments are offered for your consideration:

**Surface Water**

The monitoring undertaken during the year was consistent with the program that the ministry agreed to in August 2011.

The ministry agrees with the consultant's recommendation to continue the monitoring program during the construction period. While the monitoring data shows that there have been no significant effects on Tooley Creek, we recommend consideration be given to increase the onsite turbidity monitoring.

We have no objection of reducing the Total Suspended Solids (TSS) sampling, given that adequate data of TSS and turbidity samples is gathered and turbidity may be used as a surrogate for TSS. Instead of sampling, it would be more efficient and practical if more frequent turbidity monitoring is carried out; at least for the two Tooley Creek stations during the weekly inspection.

The report states that the sedimentation ponds are pumped out as needed subject to quality of the discharge water. I understand this is covered by an Environmental Compliance Approval (ECA). Please note that if construction works require dewatering at more than 50,000 l/day, a PTTW may be required.

## Groundwater

The facility has been under construction but has not yet begun operations. Therefore, the monitoring data presented in this report are useful as baseline, pre-development data or for detecting the effects of construction.

The majority of the data collected in several monitoring wells between December 2011 and March 2013 indicated that groundwater quality shows no effect from construction activities.

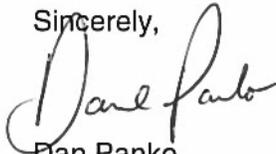
The consultants note that the horizontal or vertical variability in the concentrations of substances in samples from the monitoring wells was due to natural variations in soil characteristics or to previous land use either on site or up-gradient off site.

Groundwater levels showed a response to construction of a stormwater management pond, but the effect is local to one monitoring well near the pond and is not expected to extend off site.

The report states that an additional monitoring well will be installed in future in an area where construction of facilities has not yet been completed, in order to provide additional information on site conditions.

Therefore there are no concerns with the monitoring program to date.

Sincerely,



Dan Panko  
Supervisor, Air, Pesticides and Planning Unit  
Central Region

- c. Gioseph Anello, Manager of Waste Planning and Technical Services, Durham Region  
Gavin Battarino, Project Officer, Environmental Assessment and Approvals Branch MOE  
Ian Parrot, Director (A), Environmental Assessment and Approvals Branch MOE  
Dan Orr, Manager, Technical Support Section Central Region MOE  
Dave Fumerton, Manager, York Durham District MOE  
Dorothy Moszynski, EA Coordinator, Central Region MOE



October 18, 2013

Agatha Garcia-Wright, Director  
Environmental Approvals Branch  
Ministry of the Environment  
2 St. Clair Avenue West, Floor 12A  
Toronto, ON M4V1L5

and

Dolly Goyette, Director  
Central Region  
Ministry of the Environment  
5775 Yonge Street, Floor 8  
North York, ON M2M 4J1

Dear Ms. Garcia-Wright and Ms. Goyette:

**RE: Durham/York Energy from Waste Project  
Addressing Ministry of the Environment's Comments on the  
2012 Annual Surface Water Report  
(Environmental Assessment Condition 20)  
MOE File No.: EA-08-02**

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As a follow-up to a letter from the Ministry of the Environment (MOE) dated May 24, 2013, in regards to the submission of the 2012 Annual Groundwater and Surface Water Report, the MOE's York Durham District Office co-ordinated a teleconference with the appropriate MOE reviewers and the Regional Municipalities of Durham and York (Regions) which was held on September 17, 2013, to address comments related to the first year of surface water monitoring. The MOE recommendations were discussed and the resolutions were in concurrence.

With respect to the following MOE recommendations regarding increasing turbidity monitoring:

*The ministry agrees with the consultant's recommendation to continue the monitoring program during the construction period. While the monitoring data*

*shows that there have been no significant effects on Tooley Creek, we recommend consideration be given to increase the onsite turbidity monitoring. While we have no objection of reducing the Total Suspended Solids (TSS) sampling, given that adequate data of TSS and turbidity samples is gathered and turbidity may be used as a surrogate for TSS. Instead of sampling, it would be more efficient and practical if more frequent turbidity monitoring is carried out; at least for the two Tooley Creek stations during the weekly inspection.*

In response to the MOE recommendations, Golder Associates began taking *in situ* turbidity measurements using a turbidity meter at all stations for the monthly sampling efforts.

It was explained that the eastern and western storm water management (SWM) ponds are discharging two to three times per month during the construction phase. Therefore, weekly measurements would not provide much added value to the monitoring program. Based on this explanation, the MOE confirmed that a monthly frequency for turbidity measurements at all stations was acceptable, and beyond typical expectations.

With respect to the MOE comment regarding a permit to take water which states:

*The report states that the sedimentation ponds are pumped out as needed subject to quality of the discharge water. I understand this is covered by an Environmental Compliance Approval (ECA). Please note that if construction works require dewatering at more than 50,000 L/day, a PTTW may be required.*

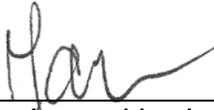
Covanta Energy Corporation and the Regions have confirmed that there is no dewatering activity on-site during the construction period.

Additional influences on turbidity measurements at the SW3 and SW4 stations were also discussed, including the sanitary trunk sewer construction activity in the receiving swale which is scheduled to start in September 2013. The SW1 and SW2 stations are directly affected (within the zone of construction) and therefore they were agreed to be moved as follows.

- SW1 is proposed to be moved approximately 30 m to the East; and
- SW2 is proposed to be moved at a suitable location west of the Courtice Road crossing and further downstream in the receiving swale before construction efforts begin.

If you require additional information, please contact the undersigned.

Sincerely,



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Mirka Januszkiewicz, P.Eng.  
Director, Waste Management  
The Regional Municipality of Durham

905.668.4113 ext. 3464  
Mirka.Januszkiewicz@durham.ca



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Laura McDowell, P.Eng.  
Director, Environmental Promotion  
and Protection

The Regional Municipality of York  
905.830.4444 ext. 5077  
Laura.McDowell@york.ca

LW/ms

- c. I. Parrott, Manager, Approval Services, Ministry of the Environment  
D. Orr, Manager, Technical Support Section Central Region, Ministry of the Environment  
D. Fumerton, District Manager, Ministry of the Environment  
S. Thomas, District Supervisor, Ministry of the Environment  
S. Elford, Senior Environmental Officer, Ministry of the Environment  
G. Battarino, Project Officer, Ministry of the Environment  
D. Moszynski, Planning/EA Coordinator, Ministry of the Environment  
Energy from Waste Advisory Committee (EFWAC)  
J. Delaney, Resident Construction Manager, Covanta Energy Corporation  
D. Kelly, Regional Clerk, The Regional Municipality of York  
D. Bowen, Regional Clerk, The Regional Municipality of Durham

Encl.



G:\Projects\2012\12-1151-0155\_Covantia\_Durham\_York\GIS\MXDs\Reporting\Surface\_Water\_Sampling\_Locations.mxd

Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

**LEGEND**

- ▲ Surface Water Sampling Locations
- Major Contour (25 m)
- Minor Contour (5 m)
- Expressway
- Highway
- Major Road
- Local Road
- Railway
- Swale
- ← Interceptor Swale
- Utility Line
- Watercourse
- Waterbody
- Catchment Divide
- Approximate Site Boundary



**REFERENCE**

Base Data - MNR NRVIS, obtained 2004, CANMAP v2006.4  
 Imagery: Firstbase Solutions, Flown 2010; Bing Maps © 2009  
 Microsoft Corporation and its data suppliers  
 Produced by Golder Associates Ltd under licence from  
 Ontario Ministry of Natural Resources, © Queens Printer 2008  
 Projection: Transverse Mercator Datum: NAD 83 Coordinate System: UTM Zone 17N

200 100 0 200 400  
 SCALE 1:9,000 METERS

PROJECT	DURHAM-YORK ENERGY CENTRE		
	SURFACE WATER AND EROSION AND SEDIMENT CONTROL MONITORING		
TITLE	SURFACE WATER SAMPLING LOCATIONS		
 Golder Associates Mississauga, Ontario	PROJECT NO.	12-1151-0155 (400)	SCALE AS SHOWN
	DESIGN	PRM	25 Aug. 2010
	GIS	PRM	25 Apr. 2013
	CHECK	JSA	25 Apr. 2013
	REVIEW	TW	25 Apr. 2013

FIGURE: 1