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Sent via standard mail and email (mohsen.keyvani@ontario.ca)

March 20, 2020

Mohsen Keyvani, Manager, Waste Approvals
Environmental Permissions Branch
Ministry of the Environment, Conservation and Parks
135 St Clair Avenue West
Toronto, Ontario M4V 1P5

Dear Mr. Keyvani:

**RE: Durham York Energy Centre
Emergency Environmental Compliance Approval (ECA) Amendment
ECA #7306-8FDKNX**

In response to the ongoing COVID-19 pandemic, the Regional Municipalities of Durham and York (Regions) are requesting an Emergency Amendment to the Environmental Compliance Approval #7306-8FDKNX (ECA) for the Durham York Energy Centre (DYEC). If approved, the amendment would allow the DYEC to process an additional 20,000 tonnes of material on an annual basis. The ECA for the DYEC currently allows the facility to process up to a maximum of 140,000 tonnes per year. The Regions are proposing to increase this amount to an overall maximum of up to 160,000 tonnes per year.

As a result of the pandemic, the Regions are and expect to continue to experience an increase in the quantities of materials being disposed of within the existing curbside programs. The Regions anticipate this as a result of a significant number of residents remaining home for an extended period of time, resulting in portions of the daily waste generation that would normally have been disposed of within the workplace or school environments. Additionally, as this pandemic has occurred during the March break peak travel period, there are a higher number of residents contributing to waste quantities than during a typical year.

In addition to the increased waste generation, the Regions have and will continue to implement changes to collection programs in order to facilitate 'social distancing' as well as to protect

collection and waste management workers. Changes include the Regional Municipality of Durham (Durham Region) suspending the existing garbage bag limit, in order to reduce the number of residents accessing Durham Region's waste management facilities, including when they are purchasing bag tags. Durham Region is also promoting safe waste disposal practices, such as disposing of facial tissues in the garbage stream and encouraging residents who are sick to dispose of all materials that come into contact with mouths, noses, and eyes, into the garbage in order to protect collection and processing workers.

As the Ministry of Environment, Conservation and Parks (MECP) is aware, the Regions are in the process of completing an Environmental Screening Process and an ECA amendment to increase the annual processing rate at the DYEC from 140,000 tonnes per year to 160,000 tonnes per year on a permanent basis. The Regions are currently awaiting comments on / approval of the proposed modelling approach for an update to the DYEC's Emissions Summary and Dispersion Model (ESDM) from the MECP Monitoring and Reporting Branch (EMRB). While the Regions anticipate completion of the Screening Process and subsequent ECA amendment during 2020, logistical and operational challenges within the Regions' waste management systems as well as at the DYEC, mean that should the process be delayed as a result of the pandemic or other reason, the Regions would find it difficult to manage materials during the later portions of the year. Consequently, the request is being made presently to provide needed operational certainty during the year. As has been documented during the Screening Process, the DYEC is capable of processing additional materials with the existing equipment and operates below nameplate capacity during much of the year to avoid reaching its permitted 140,000 tonne limit prior to the end of the year. The facility, as it exists, can process additional materials while meeting the emissions limits set in the ECA. The requested permit increase allows for additional contingencies for material outlets as well as shortens the transportation distance required for materials, allowing the system to operate with fewer trucks and operators.

Beyond the generation changes being encountered, the Regions and Covanta are monitoring developments with concerns to the logistical and transportation requirements that impact the DYEC, as well as the Regions' waste management systems. A critical concern is a potential need to operate with reduced transportation network capacity—including for portions of York Region's material which crosses the US border for processing at Covanta Niagara, as well as ash leaving the facility. Municipalities in York Region are considering delaying the start of yard waste collection by four to six weeks over concerns for operator availability.

In light of the potential for transportation issues, the Regions and Covanta are discussing provisions required to ensure the facility can continue to operate in the event of larger logistical disruptions. While not needed currently, the Regions and Covanta have identified contingency measures that may be requested subsequently, to improve the facility's ability to cope with logistical challenges as the Regions' response to the pandemic evolves. They include:

- Suspension of limitations on hours/days during which shipping and receiving of materials including waste, reagents, and residues should they be required.
- Temporary increase to the maximum tonnage storage limits for bottom and fly ash within the residue building, as well as temporary permissions to store ash onsite in loaded / covered trailers.
- Permission to receive and store additional reagent trailers on site (lime, cement, pozzolan) to extend the facility's operational period in the event of an upstream plant closure. The DYEC currently receives a lime truck approximately every three days.
- Permission to reduce the number of loads tipped on the floor and screening from one per hour to two per shift. This will increase the throughput of trucks and reduce the number of instances where trucks are waiting for waste on the floor to be transferred into the pit. Since the development of the facility, regular screening and communication to the upstream transfer stations have drastically reduced the amount of unprocessable and hazardous waste being received at the facility.

While efforts will be made to maintain status quo operations, events where material cannot enter or leave the facility may develop. Should these situations occur or appear likely, the Regions will submit a second amendment request identifying the measures needed, as well as any notification or other protocols identified.

Other than the exceptions noted above, the DYEC will continue to operate within current ECA restrictions for all conditions.

The Regions are continuing to work with their various contractors and consultants to ensure that the DYEC, as well as their other Regional facilities, are able to continue operating and meet the needs of the Regions' communities, while continuing to comply with all reporting and operational requirements associated with the various regulations and approvals. Given the pace at which the situation is evolving in communities across the country, as well as globally, the Regions will continue to monitor and assess program needs as they develop.

Should you have any questions regarding this request, please do not hesitate to contact the undersigned.

Sincerely,

Original signed by:

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