

**AMENDMENT TO ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 7306-8FDKNX

Notice No. 1

Issue Date: April 22, 2020

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

and

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

and

Covanta Durham York Renewable Energy Limited Partnership  
445 South Street  
Morristown, New Jersey  
United States of America  
07960

**Site Location:** Durham York Energy Centre

1835 Energy Dr Lot 27, Concession Broken Front, Part 1  
Clarington Municipality, Regional Municipality of Durham  
L1E 2R2

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

**Notwithstanding the existing conditions of this Environmental Compliance Approval, the following provisions of this Emergency Approval are in effect for the time durations set out as follows:**

1. Until December 31, 2020, the Owner may temporarily increase the amount of Waste to be received and thermally treated at the Site up-to 160,000 tonnes per year.
2. From the date of this Approval to the date that corresponds to up-to ninety (90) days after the Ontario Government ends the current Declaration of Emergency to Protect the Public Health, unless an extension has been issued in writing by the District Manager, the following Conditions Nos. 3 through 10 are in effect.
3. The Owner shall provide a written notification to the District Manager when any of the following Conditions Nos. 4 through 9 are implemented.

4. All conditions that set out limitations on hours/days for shipping and receiving of materials including the Waste, the reagents and the Residual Waste are temporarily rescinded.
5. The Owner may temporarily increase the maximum tonnage amounts for the bottom and fly ash within the Residue Building up-to 80% of the total achievable storage capacity of the Residue Building.
6. The Owner may temporarily store the Residual Waste and the reagents in the outdoor locations at the Site and the storage shall be done as follows:
  - a. the storage shall be in covered and leak-proof trailers or bins or containers;
  - b. trailers or bins or containers shall be parked or located away from catchbasins, if possible; and
  - c. if trailers or bins or containers must be parked or be located near catchbasins, covers or booms shall be readily available to protect catchbasins in the event of a spill or leak.
7. All conditions that set out limitations on receipt and storage of reagents are temporarily rescinded.
8. The Owner may temporarily reduce the number of loads tipped on the tipping floor for a manual visual inspection and sorting of the incoming Waste from one load per hour to two loads per shift, unless instructed otherwise by the local Medical Officer of Health to cease inspections on the tipping floor.
9. Following commencement of the outdoor storage of the Residual Waste or the reagents at the Site, the Owner shall conduct daily inspections of any outdoor storage location for evidence of spills, odour, vermin/vectors, dust, litter and other nuisance impacts, and shall maintain a written or electronic log of these inspections. The log shall be kept at the Site for the duration acceptable to the District Manager and it shall contain the following information:
  - a. the date of the inspection;
  - b. the location of the inspection;
  - c. the name of person undertaking the inspection;
  - d. any impacts identified during the inspection; and
  - e. any remedial actions taken to address those impacts.
10. By the end of the ninety (90) day-period from the date when the Ontario Government ends the current Declaration of Emergency to Protect the Public Health,

the Owner shall provide to the District Manager a summary report of the expected timelines for the storage and the operational practices to return to normal operating levels/protocols as approved in this Approval.

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

to provide temporary additional thermal treatment capacity at the Site and the operational flexibility as requested in the letter dated March 20, 2020 signed and submitted by Gioseph Anello, M.Eng., P.Eng., PMP, Acting Director, Waste Management Services, The Regional Municipality of Durham and Laura McDowell, P.Eng., Director, Environmental Promotion and Protection, The Regional Municipality of York to respond to the current Declaration of Emergency to Protect the Public Health and to alleviate impacts and prevent any danger to the health and safety of the public and the environment.

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

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

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

*Pursuant to subsection 139(3) of the Environmental Protection Act, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.*

*The Notice should also include:*

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

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

*This Notice must be served upon:*

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

AND

The Director appointed for the purposes of Part II.1  
of the Environmental Protection Act  
Ministry of the Environment, Conservation and  
Parks  
135 St. Clair Avenue West, 1st Floor  
Toronto, Ontario  
M4V 1P5

**\* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or [www.ert.gov.on.ca](http://www.ert.gov.on.ca)**

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

DATED AT TORONTO this 22nd day of April, 2020

Mohsen Keyvani, P.Eng.  
Director  
appointed for the purposes of Part  
II.1 of the *Environmental  
Protection Act*

MW/

c: District Manager, MECP York-Durham

Gioseph Anello, M.Eng., P.Eng., PMP, Acting Director, Waste Management Services, The Regional Municipality of Durham

Laura McDowell, P.Eng., Director, Environmental Promotion and Protection, The Regional Municipality of York