

Inquiries						
#	Date Received	Method Received	Comment Details/Description:	Response/ Remedial Action	Response Date	Staff
1	November 12, 2015	Phone call to works dept	<p>Received call from Courtice resident. He lives in an apartment on the 7th floor which looks over the DYEC. He advised that when they first moved in, there was a bright flashing, strobe-like light, which they enjoyed watching. He noted that as of recent, this light has been dimmed.</p> <p>Resident is asking if the light will return to the bright flashing, or stay as it currently is.</p>	<p>Returned call to resident on November 16<sup>th</sup>. Advised resident that On October 29th, Covanta noted that the SE and SW lights on the stack were not working. The lights were repaired on Monday, November 2. It is possible the colour or intensity is different, however Covanta has determined they meet the requirements given by Transport Canada for aeronautical obstruction.</p>	November 16, 2015	LW
2	November 13, 2015  November 13, 2015	Project web email  Project web email	<p>I had heard from a pipefitter who had apparently been involved in construction of the Energy Centre that there are integrity problems with the boilers, and associated problems with the design of the boilers in which they are suspended from the building infrastructure and overloading it. Is this accurate, and if so is there a path forward to correct the problems?</p> <p>Thank you for the prompt reply and best wishes for successful operation.</p>	<p>Thank you for your interest in the Durham York Energy Centre. To answer your inquiry on November 13, 2015, the building integrity and support systems for the boilers and all other structural loading was designed, reviewed, signed, sealed and stamped by an Ontario Professional Engineer with a specific licence for structural work. The design and construction meet all applicable building code and engineering design code calculations. Structural Professional Engineers are the only licenced individuals in the Province of Ontario to stamp and approve such work. Pipe fitters are not qualified to make such determinations. If you have any other questions please feel free to contact us again or visit our website at <a href="http://www.durhamyorkwaste.ca">www.durhamyorkwaste.ca</a> Regards,  Project Team</p>	November 13, 2015	LW
3	November 15, 2015	Project web email	<p>Is the energy centre supplying power to the grid? Do you have public tours?</p>	<p>Good afternoon,</p> <p>Thank you for your interest in the Durham York Energy Centre. The facility has been supplying power to the grid since late August of this year. Currently we are not offering tours as we are still in the acceptance and commissioning phase. We expect that tours will be available in early 2016.</p> <p>Regards,  Project Team</p>	November 17, 2015	LW

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4	November 23, 2015	Project web email	Is there a projected-start-up/final approval date for the plant.	<p>Thank you for your interest in the Durham York Energy Centre.</p> <p>In accordance with our contract with Covanta, the facility operator, the Durham York Energy Centre was to be operational by a target date of December 15, 2014. The Durham York Energy Centre has been operating and accepting waste since February 2015, however construction finishing work and Acceptance testing are still in process and must be completed to the Region's satisfaction before the facility moves to commercial operation. Covanta continues to work towards finishing outstanding construction work and expects to have the Acceptance Test report to the Regions of Durham and York and the Ministry of Environment for review and approval this week. If the Regions and the Ministry of Environment are satisfied with the Acceptance testing results, Covanta will have reached Service Commencement and the 20 year commercial operating contract will begin. There is no set or final approval date.</p> <p>Regards,</p> <p>Project Team</p>	November 24, 2015	LW

<b>Inquiries</b>						
<b>#</b>	<b>Date Received</b>	<b>Method Received</b>	<b>Comment Details/Description:</b>	<b>Response/ Remedial Action</b>	<b>Response Date</b>	<b>Staff</b>
<b>Total Project Team Inquiries this month (project web email/telephone):</b>				<b>4</b>		
<b>Total Covanta Inquiries this month:</b>				<b>0</b>		
<b>Total Council/ Committee Inquiries this month:</b>				<b>0</b>		
<b>Total Durham Call Centre Inquiries this month (separate attachment):</b>				<b>0</b>		
<b>Total Inquiries from York this month:</b>				<b>0</b>		
<b>Total Inquiries from previous months:</b>				<b>59</b>		
<b>Total Inquiries in 2015:</b>				<b>63</b>		



Complaints						
#	Date Received	Method Received	Comment Details/Description:	Response/ Remedial Action	Response Date	Staff
			<p>Your offices are within the 30-mile “kill zone” where the hot particles released from the incinerator cool and fall back to earth.</p> <p>As president of ASR Consultants limited not only did I retain the services of toxicologists and chemists, I also conducted air testing for my clients.</p> <p>Would you please provide me with the names and capacities/titles of the “Project Team” and please extend my invitation to answer any questions they may have.</p> <p>Regards,</p>	<p>recorded in monthly logs that are posted on the project website in accordance with the approved protocol established for the Durham York Energy Centre project.</p> <p><b>Health Impacts</b></p> <p>The Durham York Energy Centre was the subject of a comprehensive Environmental Assessment which included detailed technical studies by expert consultants on environmental and social impacts of the facility such as air, water, traffic, noise, visual, cultural, economic, archaeological, infrastructure, and human health and ecological impacts. The Environmental Assessment process included extensive consultation with the public, regulators, and other stakeholders and was endorsed by both Regional Councils at key steps in the process.</p> <p>The Human Health and Ecological Risk Assessment (HHERA) completed during the Environmental Assessment included both an inhalation assessment and a “multi-pathway assessment.” The multi-pathway assessment considered the cumulative human health impact of exposure to contaminants in air, soil, water, and food. The HHERA concluded that the Durham York Energy Centre could be operated safely at 140,000 tonnes per year at the proposed site without undue risk to people or the environment. The HHERA can be viewed online on the following web page:</p> <p><a href="http://www.durhamyorkwaste.ca/Archive/pdfs/study/amended-ea-study-docs/Amended-HHERA-Report/Durham-York-HHERA-FINAL_style-guided_Dec-10_2009-rev.pdf">http://www.durhamyorkwaste.ca/Archive/pdfs/study/amended-ea-study-docs/Amended-HHERA-Report/Durham-York-HHERA-FINAL_style-guided_Dec-10_2009-rev.pdf</a></p> <p><b>Legal Status of Covanta</b></p> <p>With respect to your allegations regarding the legal status of</p>		

Complaints						
#	Date Received	Method Received	Comment Details/Description:	Response/ Remedial Action	Response Date	Staff
				<p>Covanta, please be advised that we are satisfied that Covanta is duly authorized to conduct business in Ontario. In addition, we wish to clarify that the Regions of York and Durham are not partners of Covanta within the meaning of the <i>Limited Partnerships Act</i>. The Regions are parties to the Project Agreement with Covanta, but no legal partnership has been formed nor should one be implied.</p> <p><b>Request for Names of the Project Team Members</b></p> <p>The complaint protocol has been established to provide a single, coordinated mechanism for receiving, documenting and responding to project-related complaints and inquiries. To this end, we respectfully request that any further questions or concerns be addressed to the project team at info@durhamyorkwaste.ca. This will help to ensure that inquiries are logged and responses are issued in a timely manner.</p> <p>Best Regards,</p> <p>Project Team</p>		
3	November 24, 2015	Clarington Majors Office to Regional Chair Roger Anderson	<p>-----Original Message-----                      From: Foster, Adrian [mailto:afoster@clarington.net]                      Sent: November-23-15 10:29 PM                      To: [REDACTED]; chair; Woo, Willie; Traill, Corinna                      Subject: RE: Incinerator</p> <p>Hi [REDACTED],                      Thank you for your e-mail. I'm sure the Region will send a more fulsome answer.</p>	<p>Dear [REDACTED],</p> <p>Thank you for your email concerning recently reported preliminary results of the EFW stack test. In response to your questions we want to assure you that the incinerator will not be allowed to operate above the imposed environmental standards. To ensure environmental compliance our facility is equipped with advanced air pollution control system which has been on line since first fire of MSW. The air pollution control system was never bypassed when</p>	November 27, 2015	Regional Chair

Complaints						
#	Date Received	Method Received	Comment Details/Description:	Response/ Remedial Action	Response Date	Staff
			<p>The incinerator will not be allowed to operate beyond the environmental standards imposed. You read of a stack test that seemed to indicate exceedances, those results have been brought into question. Subsequent tests, including soil sampling, ambient air monitoring and new stack tests have been done, we are waiting on formal reporting on those results.</p> <p>Sorry, I did not read the article and cannot comment on any quotes from Dr. Kyle.</p> <p>I am not particularly concerned with the length of time that it is taking to get the incinerator running properly. I would prefer that the time be taken to get it right. It was indicated at the last Committee meeting that Covanta was current in their payments to the Region.</p> <p>Emissions data are posted to the website, this link may be of interest to you:  <a href="https://www.durhamyorkwaste.ca/EmissionsData/EmissionsData.aspx">https://www.durhamyorkwaste.ca/EmissionsData/EmissionsData.aspx</a> it looks to be updated within a couple of minutes of actual time.</p> <p>There's probably more information than you want here, but details on the monitoring and human health and safety can be found here, again, a huge volume of information, but perhaps of interest:  <a href="https://www.durhamyorkwaste.ca/Documents/Documents.aspx">https://www.durhamyorkwaste.ca/Documents/Documents.aspx</a></p> <p>In terms of St. Mary's, the plans to burn scrap wood will decrease the use of coal and petcoke.</p> <p>From: [REDACTED]                  Sent: November-23-15 6:28 PM                  To: chair@durham.ca; Foster, Adrian; Woo, Willie; Traill, Corinna                  Subject: Incinerator</p> <p>Hello,</p>	<p>combusting municipal waste. The continuous emissions monitoring system was also in operation with information available on a daily basis to the Regions and the MOECC. The results of the stack test which include the preliminary results of dioxin and furan are currently being evaluated by the staff from the Ministry of the Environment. In their evaluation the MOE also will consider the results of the air dispersion model to determine any impact to human health or the environment at the point of impingement. We expect results of the MOE evaluation shortly and we will post them on our web site. Meanwhile I encourage you to contact my staff directly if you have any questions or concerns.</p> <p>Roger                  Roger Anderson                  Regional Chair and CEO                  Office of the Regional Chair                  The Regional Municipality of Durham                  605 Rossland Road East                  Whitby, ON L1N 6A3                  T: 905-668-4113, Ext. 2000 or                  1-800-372-1102, Ext. 2000                  F: 905-668-1567                  roger.anderson@durham.ca</p>		

Complaints						
#	Date Received	Method Received	Comment Details/Description:	Response/ Remedial Action	Response Date	Staff
			<p>I'm writing this message in response to an article I read in The Oshawa Express (Wednesday, November 11th issue) with regard to the energy-from-waste incinerator and it's inability to meet the acceptable pollutant limits.</p> <p>As a citizen of Bowmanville, I am very concerned with the operation of this facility and the potential long-term adverse health effects brought on by not meeting their commitment to operate the facility according to environmental standards.</p> <p>I was alarmed when I read that the Region's Medical Health Officer was relying on information from the operator's Engineers to satisfy his concern with respect to grossly exceeding the dioxin and furan levels. Not being an expert on the subject matter is one thing but seeking the advice of the operator doesn't seem likely to produce a reliable and unbiased opinion. Clearly there is a conflict of interests with what the facility's employees are going to say about the negative effects of not meeting the required limits.</p> <p>This facility is nearing a full year behind schedule and still is unable to work out the kinks. They still haven't even paid their monetary penalty in full. Are we at least getting an interest on this late payment? How many times will they "momentarily" exceed the limits without anyone's knowledge? What are the cumulative effects on the citizens of Bowmanville when the facility exceeds these limits compounded by the emissions already produced by St. Mary's Cement? It's my understanding that St. Mary's is already allowed to burn waste as an alternate fuel.</p> <p>Sincerely,                  [REDACTED]</p>			
4	November 24, 2015	Clarington Mayors Office to Commissioner Cliff Curtis	<p>Dear Mr. Curtis,</p> <p>Mayor Foster asked me to forward this resident complaint to you for response. As you can see by the e-mails, we thought the odour was coming from the Miller Compost Facility, however, the resident does not agree.</p> <p>Thank you,                  [REDACTED]</p>	<p>Dear [REDACTED]</p> <p>The Municipality of Clarington has asked us to further investigate your complaint dated November 17, 2015 at 3:15 AM. The results of the investigation, which was forwarded to the Ministry of Environment, are attached. Plant operations and weather conditions at the time indicate the facility would not be a cause of the odour complaint. Due to the length of time the complaint was filed after the event occurred makes it</p>	November 25, 2015	LW

Complaints						
#	Date Received	Method Received	Comment Details/Description:	Response/ Remedial Action	Response Date	Staff
			<p>Executive Assistant to the Mayor Municipality of Clarington 40 Temperance Street, Bowmanville ON L1C 3A6 905-623-3379 ext. 2004 1-800-563-1195 905-441-6033 www.clarington.net</p> <p>From: [REDACTED] Sent: November-21-15 7:42 AM To: [REDACTED] Subject: RE: Incineration plant</p> <p>I appreciate the response. I think Miller Compost may be a different issue. I grew up on a farm and have worked in a plastics factory. The smell was in no way organic/decay/rotten. It was burning plastics at a concentration that was very unhealthy for two km's. I also noticed the plant had a larger than normal plume that night. IF it was Miller they should be fined because they were burning plastic, not composting. Either way I mostly hope it doesn't happen again. Thanks again for your time.</p> <p>Sent from my Sony Xperia™ smartphone ----- Dear [REDACTED],</p> <p>Mayor Adrian Foster is in receipt of your e-mail and he asked me to provide you with his response.</p> <p>“Dear [REDACTED],</p> <p>Thank you for your e-mail. The Ministry of the Environment was asked to investigate the source of the odour and it was determined to be from the Miller Compost Facility. We have been in touch with Miller to express our concerns.</p> <p>Sincerely yours,</p> <p>Mayor Adrian Foster”</p> <p>Thank you,</p>	<p>difficult to investigate any further. Please feel free to contact us if you have any further questions.</p> <p>Regards,  Project Team</p>		

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			<p>On behalf of Mayor Adrian Foster</p> <p>██████████                      Executive Assistant to the Mayor                      Municipality of Clarington                      40 Temperance Street, Bowmanville ON L1C 3A6                      905-623-3379 ext. 2004 1-800-563-1195 905-441-6033                      www.clarington.net</p>			
5	November 4 & 25, 2015	Correspondence to Regional Council received through Corporate Services	Resident writing Council to express concerns regarding incinerator emissions and to urge Council to do their due diligence on all matters pertaining to the incinerator. Resident concerned with dioxin emissions. Resident wants a detailed explanation on what happened, why and how long emissions were over the limit.	No action was directed by Regional Council of staff. Correspondence was received for information.	N/A	N/A
6	November 4 & 25, 2015	Correspondence to Regional Council received through Corporate Services.	Resident writing to Council with concerns about the performance of the incinerator and with decisions made with regards to the monitoring and acceptance testing. Resident asks for the Acceptance test report to come back to Council prior to issuance of an Acceptance Certificate.	No action was directed by Regional Council of staff. Correspondence was received for information.	N/A	N/A
7	November 4 & 25th	Delegation to Regional Council received through Regional Corporate Services.	Resident request to appear before council regarding the verbal update about emissions exceedances during Acceptance Testing for the Durham York Energy Centre.	Based on Council discussion staff are to prepare/provide a report to the Committee of the Whole upon receipt of all stack tests, and prior to any decision on a Certificate of Acceptance and that members of council have access to copies of all external reports received by staff that are not considered privileged.	N/A	N/A
8	November 17, 2015	Delegation to EFW-WMAC received through Corporate Services.	Resident has requested to appear before Committee to discuss 'Recent Incinerator Emissions and the EFW-WMAC's Work Plan'	Motion was carried to hold a Special meeting of the Energy From Waste – Waste Management Advisory Committee to be held at a mutually agreed upon date to deal with the numerous issues, concerns and reports over emission exceedances and Acceptance Testing.	N/A	N/A

Complaints						
#	Date Received	Method Received	Comment Details/Description:	Response/ Remedial Action	Response Date	Staff
				<p>Further discussion ensued regarding the motions adopted by the EFW-WMAC in November 2012 with respect to additional air and soil monitoring stations and the continuous monitoring of particulate matter. The following motions were carried for recommendation to Works Committee for approval:</p> <p>That two additional ambient air and soil monitoring stations (fixed or mobile) be applied to the Energy From Waste project for a minimum of five years at locations to be determined by the Region, prior to being forwarded to the Ministry of the Environment and Climate Change for approval.</p> <p>That staff report back to the Energy From Waste – Waste Management Advisory Committee on the cost and impact of continuous monitoring of heavy metals and all particulate matter.</p>		
9	November 17, 2015	Presentation to EFW-WMAC	Presentation by [REDACTED], EFW-WMAC voting member, regarding “Emissions monitoring at the Incinerator”	<p>Motion was carried to hold a Special meeting of the Energy From Waste – Waste Management Advisory Committee to be held at a mutually agreed upon date to deal with the numerous issues, concerns and reports over emission exceedances and Acceptance Testing.</p> <p>Further discussion ensued regarding the motions adopted by the EFW-WMAC in November 2012 with respect to additional air and soil monitoring stations and the continuous monitoring of particulate matter. The following motions were carried for recommendation to Works Committee for approval:</p> <p>That two additional ambient air and soil monitoring stations (fixed or mobile) be applied to the Energy From Waste project for a minimum of five years at locations to be determined by the Region, prior to being forwarded to the Ministry of the Environment and Climate Change for approval.</p>	N/A	N/A

<b>Complaints</b>						
<b>#</b>	<b>Date Received</b>	<b>Method Received</b>	<b>Comment Details/Description:</b>	<b>Response/ Remedial Action</b>	<b>Response Date</b>	<b>Staff</b>
				That staff report back to the Energy From Waste – Waste Management Advisory Committee on the cost and impact of continuous monitoring of heavy metals and all particulate matter.		
<b>Total Project Team Complaints this month (project web email/telephone):</b>				<b>3</b>		
<b>Total Covanta Complaints this month:</b>				<b>0</b>		
<b>Total Council/ Committee Complaints this month:</b>				<b>5</b>		
<b>Total Durham Call Centre Complaints this month (separate attachment):</b>				<b>0</b>		
<b>Total Complaints from York this month:</b>				<b>1</b>		
<b>Total Complaints from previous months:</b>				<b>4</b>		
<b>Total Complaints in 2015:</b>				<b>13</b>		

**From:** Emmerson, Wayne  
**Sent:** Tuesday, November 17, 2015 11:19 AM  
**To:** Mahoney, Erin  
**Cc:** Macgregor, Bruce; Rabeau, Mike  
**Subject:** FW: Hello: At the Nov.17th Durham Region Council meeting move that legal departments evaluate the costs of legal exposures to litigation and prosecutions resulting damages claimed from exposures to Incinerator' emissions

Hi Erin  
Do you know what this is about?  
Wayne

**From:** [REDACTED]  
**Sent:** Monday, November 16, 2015 2:07 PM  
**To:** Emmerson, Wayne  
**Subject:** Hello: At the Nov.17th Durham Region Council meeting move that legal departments evaluate the costs of legal exposures to litigation and prosecutions resulting damages claimed from exposures to Incinerator' emissions

## **PRIORITY - HIGH**

November 16, 2015

Hello Wayne:

1) The next Durham Region Council meeting will be held November 17, 2015.

The enclosed information supports the recommendation that you author a **motion to demand** that your Region's legal department evaluate the costs of **legal exposures to litigation and prosecutions** resulting damages claimed from exposures to and contaminations caused by the Incinerator's releases of dioxins, furans, heavy metals, ultra-fine particles.

2) This letter outlines the legal justifications for submitting this motion to direct the Region's lawyers to evaluate the Region's and its elected representative's legal and financial exposures **before** the incinerator's "Acceptance Testing" is completed.

3) The Region's lawyers will confirm that **AFTER** the incinerator's "Acceptance Testing" is completed the Region's legal liabilities and accountabilities become enforceable.

**Partners are jointly liable for the acts or omissions of the other partners.**

4) The Covanta incinerator will emit tons of emits heavy metal particles and ultra-fine particles into the atmosphere 24 hours a day, 365 days a year for the next thirty years.

The scientific fact is that the human body reacts to exposures to heavy metal molecules by constricting blood vessels. The body's reaction is immediate and similar to that of a wasp sting or peanut butter allergic reaction.

**Constricted blood vessels induce asthma attacks, cardiac arrests and strokes.**

The Covanta incinerator releases heavy metal particles and will continue to do so for the next thirty years.

5) People will die as a direct result of York Region and Durham Region's elected representatives allowing the Covanta incinerator to burn garbage that releases poisonous chemicals with the **full knowledge** that people will die when coming into contact with these chemicals.

Your Region's liability to Class Action, Federal and Provincial Statutory fines/prosecutions, and Criminal Code prosecutions become a certainty.

You legal exposures increase because you voluntarily selected Covanta as a partner which **has been convicted** for violating EPA and State statutes in virtually every jurisdiction it operates incinerators.

In evaluating the Region's legal exposures, your Region's lawyers should note that mechanisms exist for presenting evidence to prove the Region's Covanta incinerator was the **source** of the toxic substances that the caused the deaths or hospitalizations.

These mechanisms will prove in Class Action litigation that on the "Balance of Probabilities", the Covanta incinerator was the source of the claimed damages.

Where Criminal Negligence and Aiding and Abetting a Criminal Act to occur are alleged, evidence can be produced "Beyond a Reasonable Doubt" that the Covanta incinerator was the cause of death or injury.

Blood and tissue samples taken from victims will test positive for a mix of exotic metals such as cyanide, arsenic cadmium, mercury tritium, nickel, tin, etc.

NASA satellite images will track the plume from the incinerator's smoke stack to the homes and/or workplaces of the victims.

For the past two years, soil, biological samples have been taken and registered on a website, recording postal codes.

These sample were taken BEFORE the incinerator started burning garbage.

When a dioxin, furan, heavy metal damage occurs, samples taken from the same or postal code areas near the damaged property or victim will

Families of victims will seek justice, jail terms and financial compensation.

In Criminal Code cases, individuals involved in making decisions to allow the incinerator to release tons of toxic substances may be prosecuted.

Families of victims will demand jail terms.

Business and property owners will seek financial compensation.

As happened in Europe with dioxin-contaminated, milk, eggs, meats, vegetables by compensation was claimed by food corporations for lost markets.

Farmers will claim costs for decontaminating buildings, farm lands etc.

Claims will be made by insurance corporations to recover costs of payouts for life insurance etc.

**In all cases involving court actions, Durham Region's and York Region's taxpayers will have to pay for the litigation costs and awarded damages with increased taxes.**

## **6) IMPORTANT:**

You are advised to direct your Region's lawyers to confirm the following.

A motion to delay the incinerator's "Acceptance Testing" process **can be initiated without** Covanta suing its Partner(s) for compensation.

In fact, Durham and York Regions can **BREACH** their contract either together or separately with **Covanta Durham York Renewable Energy Limited Partnership** immediately **without either** being sued for **BREACH of Contract!**

Your legal departments will confirm what the Ombudsman's Office of Ontario's senior counsel stated after scrutinizing documents obtained via Freedom of Information and Protection Act procedures that Durham York Renewable Energy Limited Partnership **violated the Limited Partnership Act.**

**Section (20)** of the Limited Partnership Act **prohibits** any limited partnership, that has not registered itself with the Province of Ontario in

compliance with the Limited Partnership Act **from entering into litigation on any contract** signed while **not registered** with the Province to conduct business in Ontario.

Public records prove that Durham and York Regions' contract was signed by **Covanta Durham York Renewable Energy Limited Partnership on November 22, 2010**.

The public records prove that Covanta Durham York Renewable Energy Limited Partnership did not register with the province of Ontario under its Limited Partnerships Act until **two years later, June 2013!**

Therefore Covanta is **statutorily barred** from suing its Regional partners for damages arising from BREACHING the contract.

### **Limited Partnerships Act**

Ability to sue

20. (1) No limited partnership that has unpaid fees or penalties or in respect of which a declaration has not been filed as required by this Act and no member thereof is capable of maintaining a proceeding in a court in Ontario in respect of the business carried on by the limited partnership except with leave of the court. R.S.O. 1990, c. L.16, s. 20 (1).

Idem

(2) The court shall grant leave if the court is satisfied that,

(a) The failure to pay the fees or penalties or file the declaration was inadvertent;

(b) there is no evidence that the public has been deceived or misled; and

(c) at the time of the application to the court, the limited partnership has no unpaid fees or penalties and has filed all declarations required by this Act. R.S.O. 1990, c. L.16, s. 20 (2).

**Incidentally**, any insurance contract signed by Covanta Durham York Renewable Energy Limited Partnership before June 2013 may be **unenforceable**.

**The Regions's lawyers should investigate if the Regions' have any enforceable insurance contracts.**

This legal possibility exists because Covanta's insurance company could refuse to pay claimed damages on the grounds that Covanta is blocked by statute from suing it for Specific Performance.

If a boiler explosion occurs for which damages are claimed, and the insurance company refuses to pay, Region's taxpayers will bear the costs.

Tax payers may also claim negligence on the part of Regions' elected representatives for not correcting this known insurance risk.

7) To evaluate the value of recommending a delay in the incinerator's "Acceptance Testing" process, you are reminded about lethality of dioxins, furans, heavy metal particles and ultra fine particles.

The extracts from the attached articles will be of interest.

**Dioxins and heavy metal molecules are water-soluble.** This means that after the hot molecules leave the incinerator's smoke stack they cool and fall to earth.

Plants absorb them into their cells. The molecules bio-concentrate and as they move up the food chain bio-amplify in their toxicity.

**How Toxic Are Dioxins?**

**EPA announced** in 2012 that the safe limit for human oral consumption of **DIOXINS** is **17 billionths** of a **gram** for a **150 pound person per year.**

Source: "Incineration" Wikipedia the free encyclopedia  
[https://en.wikipedia.org/wiki/Incineration#Gaseous\\_emissions](https://en.wikipedia.org/wiki/Incineration#Gaseous_emissions)

Health Canada and the World Health Organization state there **are no safe limits to dioxin exposures.**

Attached are articles describing how EU member governments consider foods contaminated with dioxins.

Animal tests indicate that **one gram** of dioxins contains the potential to induce cancer in **10,000 people.**

The close proximity of the Region's hospitals, schools, workplaces and homes to Clarington means that they will receive the highest concentrations of dioxins, heavy metals, and ultra-fine particles repeatedly every year for the next thirty years.

Studies evidence that ambient winds will transport tons of the Regions' incinerator **beyond the boundaries** of Durham Region.

Consequently **Millions** of unaware people will become exposed to the Regions' incinerator's toxic emissions, and when harmed, seek compensation and justice

### **How dangerous are Heavy Metal Particles to Humans?**

As with peanut allergies and bee stings, the body immediately reacts when exposed to heavy metal particles. Blood vessels constrict.

Constricted blood vessels induce asthma attacks, cardiac arrests and strokes.

Ultra-Fine Nanoparticles are the size of a virus or molecules less than 0.18 micrometers about one thousandth the size of a human hair.

These particles are too small to capture in a filter

Cause of heart disease and heart

attacks <http://www.sciencedaily.com/releases/2008/01/080121084718.htm>

A new academic study led by UCLA researchers has revealed that the smallest particles from vehicle emissions may be the most damaging components of air pollution in triggering plaque buildup in the arteries, which can lead to heart attack and stroke.

The scientists identified a way in which pollutant particles may promote hardening of the arteries — by inactivating the protective qualities of high density lipoprotein (HDL) cholesterol, known as "good" cholesterol.

**Reviews of newspaper coverages and minutes of Region's meetings prove beyond all reasonable doubt that elected representative **know** that the emissions from the Region's incinerator will cause death and injury.**

**The argument will be that they were negligent in not **BREACHING** the Contract with Covanta **BEFORE** the harms were inflicted on innocent people.**

**Criminal Code: Causing bodily harm by criminal negligence**

221. Everyone who by criminal negligence causes bodily harm to another person is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

R.S., c. C-34, s. 204.

8) The Region's lawyers should evaluate the increased certainty of prosecution because of the new Federal Liberal government that is committed to transparency and enforcing existing and new Environmental Protection legislation.

The new Federal Government has a vested interest in Durham and York Region's incinerator because the Covanta Durham York Renewable Energy Limited Partnership's was funded with millions of **Federal Government of Canada's Gasoline Tax dollars.**

**Furthermore,** the emissions from the Covanta Durham York Renewable Energy Limited Partnership's incinerator will blow southward across Lake Ontario, which is a navigatable international waterway over which the Federal Government's has a legal responsibility to protect. Covanta's emissions will be transported by winds from the North across an international boundary into New York State. Winds from the west will regularly transport the Region's incinerator poisonous dioxins eastwardly across Ontario's boundary into Quebec for the next thirty years.

The new Federal Government Ministers have a legal interest in prosecuting violators of the following Federal Statutes:

Environment Canada Act  
Health Canada Act  
Revenue Canada Act

In addition the following Federal Cabinet Ministers have a **personal interest** in the Region's incinerator's toxic dioxins, heavy metal particles and ultra-fine particles.

Their personal interest is because they live and represent Ridings **directly in the path** of plumes of toxins released into the atmosphere from the Covanta Durham York Renewable Energy Limited Partnership incinerator. Incidentally, the new Federal Cabinet Ministers have been informed of their health risks caused from exposures to the Region's new Covanta municipal waste incinerator's emissions.

**The new Federal Cabinet Ministers are:**

[Amarjeet Sohi](#) (Alberta) - Infrastructure and Communities. NO RECORDS FOUND Infrastructure Canada \$285.5 million dollars to Jim Flaherty's home riding

[Jody Wilson-Raybould](#) (B.C.) - Justice and Attorney General of Canada.  
Audit disbursement of \$285.5 million Gasoline Tax dollars

Chrystia Freeland (Ontario) - International Trade.  
Dioxin contaminated foods sold to trade partners  
European trade agreements and pending Trans Canada Pacific Trade Agreement

Health Minister Jane Philpott, Markham—Stouffville.  
Jane Philpott (Ontario) - Health.  
Dioxins furans heavy metal particles ultra-fine (nano sized) particles

Lawrence MacAulay (P.E.I.) - Agriculture and Agri-Food.  
Dioxin contaminated foods sold to trade partners

Stéphane Dion (Quebec) - Foreign Affairs.  
Dioxin contaminated foods sold to trade partners  
Wind transporting Dioxins across Canada and USA border

Marie-Claude Bibeau (Quebec) - International Development and La francophonie.

[Bill Morneau](#) (Ontario) - Finance Minister.  
Audit Infrastructure Canada's disbursement of \$285.5 million dollars

Bardish Chagger (Ontario) - Small Business and Tourism.

Lawrence MacAulay (P.E.I.) - Agriculture and Agri-Food.  
Dioxin contaminated foods incinerators Durham Region, Petrolia, Burnaby BC

Stéphane Dion (Quebec) - Foreign Affairs.

John McCallum (Ontario) - Immigration, Citizenship and Refugees. **Lives in Toronto.** Eats and Breathes dioxins

6) The foregoing perspectives itemized the Region's legal exposures to costly Class Actions, Provincial and Federal Statutory and Criminal Code prosecutions.

These are the reasons to issue a Motion that the Region's legal departments immediately evaluate the costs and probabilities for civil litigation and criminal prosecutions BEFORE the incinerator's "Acceptance Testing" is completed.

If a motion is not submitted to delay the Acceptance Testing process while lawyers investigate the Region's legal exposures, future litigation

will interpret this omission as the Region's representatives **consenting to the consequences with full knowledge and disregard of the consequences.**

Please contact me for any clarifications on the content of this correspondence.

Regards,

