

REPORT

CHIEF ADMINISTRATIVE OFFICER

Meeting: COUNCIL

Date: May 11, 2009

Report #: CAO-002-09

File:

By-law #:

Subject: STATUS OF EFW HOST COMMUNITY AGREEMENT NEGOTIATION

Recommendation:

1. That Report CAO-002-09 be received for information and/or for direction by Council.
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Submitted by:



Franklin Wu
Chief Administrative Officer

1. **BACKGROUND**

Negotiations for a host community agreement for the EFW facility commenced in the latter part of 2007. Since then, many meetings have been held between the negotiation teams from the Region and Clarington in an attempt to find common grounds. While many issues have been resolved, and the related languages agreed to by both parties, several major issues remain outstanding.

As a result of the recent resolution passed by Regional Council which directed the Region CAO to bring forth an "agreed to" agreement by the CAOs by June 16, 2009, Clarington staff requested a meeting with the Region staff in an attempt to bring closure to the negotiation; and meetings were held on April 15, 2009 and May 6, 2009. The following is a summary of the key issues that were discussed through a series of meetings since 2007.

2. **ISSUES AGREED TO BY THE CAOs**

- Establishment of a Site Liaison Committee during construction, operation and monitoring of the EFW facility
- Protection of human health and environment by guaranteeing emission standards and ensuring maximum achievable control technology (MACT) as well as monitoring systems as deemed appropriate by the Ministry of Environment
- Monitoring of ambient air in the immediate vicinity for a 3 year term
- Implementation of no less than \$9 million value of architectural/site plan features
- Commitment to a 70% waste diversion/recycling rate
- Establishment of a hazardous waste depot to serve Clarington residents
- Construction of Energy Drive from Courtice Road to Osbourne Road
- Construction of a Stormwater Management Facility to serve the Energy Park
- Construction of a private truck access lane next to the rail line

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- Transfer to Clarington an approximately 22 acre land parcel which is surplus to the Courtice Waste Pollution Control Plant
 - Construction of a waterfront trail from Courtice Road to the eastern limit of Durham Region owned property
 - Region will not establish an ICI Waste Transfer Station in Clarington

3. MAJOR ISSUES OUTSTANDING AS OF MAY 6, 2009

Proposal by Clarington CAO

- Guarantee Clarington payment in lieu (PIL) of property tax in the amount of minimum \$650,000 for the EFW facility with such amount to be adjusted by CPI index
- Provide Clarington \$2.00 per ton royalty for any waste coming in from outside York and Durham Regions
- Upgrade the sanitary sewer and water services to the Science Park at the east end of Bowmanville, north of Hwy. 401

In exchange of the foregoing, Clarington CAO agrees to recommend to Clarington Council to:

- Be a willing host community for the EFW facility
- Sign off on the Official Plan and Zoning conformity

4. CONCLUSION

The CAOs cannot reach agreement on the foregoing outstanding issues. It would appear these issues are not likely to be resolved without political intervention. Hence, this status report is prepared to assist Council to engage Clarington Council and all Regional Councillors in the resolution of all outstanding issues.