



The Regional Municipality of Durham

To: Joint Finance and Administration and Works Committee
**From: R. J. Clapp, Commissioner of Finance
C. R. Curtis, Commissioner of Works**
Report: 2011-J-15
Date: February 3, 2011

SUBJECT:

Durham/York Energy from Waste Project

RECOMMENDATIONS:

THAT the Finance and Administration and Works Committee recommends to Regional Council that:

- a) The Durham York Covanta Project Agreement be received and forwarded to Regional Council for information;
 - b) The Notice of Approval to Proceed with the Undertaking for The Amended Environmental Assessment for Durham and York Residual Waste Study, November 19, 2010 be received for information;
 - c) Consistent with the current Energy from Waste (EFW) Memorandum of Understanding (MOU) executed in 2009 by both The Regional Municipality of Durham (Durham) and The Regional Municipality of York (York), the Regional Chair and Clerk be authorized to execute the Co-owners' Agreement with York, including the sale of a 50 per cent interest in EFW facility lands to York at fair market value;
 - d) The communication outreach for the Certificate of Approval Phase, as detailed in this report, be received and forwarded to Regional Council for information;
 - e) The attached architectural concepts of design for the facility be received and forwarded to Regional Council for information; and
 - f) The Joint Waste Management Group Committee and Energy from Waste Site Liaison Committee previously established for the Environmental Assessment portion of the project be dissolved and the Integrated Waste Management Committee Terms of Reference included as Attachment 4 be forwarded to the Municipality of Clarington for input prior to consideration by Regional Council.
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REPORT:

- Attachment No. 1** **Conditions of Environmental Assessment Approval and Project Agreement**
- Attachment No. 2** **Architectural Concepts of Design**
- Attachment No. 3:** **Ministry of the Environment's Notice of Approval to Proceed with the Undertaking regarding the Amended Environmental Assessment for Durham and York Residual Waste Study**
- Attachment No. 4** **Draft Terms of Reference for Integrated Waste Management Committee (IWMC)**

1. BACKGROUND

In June 2005, The Regional Municipalities of Durham and York (Regions) established a partnership to seek local solutions to responsibly manage residual municipal solid waste not captured by the Regions' province-leading recycling and diversion programs. Over the past five and a half years, The Regional Municipality of Durham (Durham) and The Regional Municipality of York (York) have invested considerable time, money and resources to advance the project through technology selection, site selection, environmental assessment (EA) and impact studies, public consultation and a competitive procurement process.

The EA and procurement processes ran concurrently:

- Province approves EA Terms of Reference March 31, 2006
- Energy from Waste (EFW) selected as preferred method.. June 22, 2006
- Request for Qualification (RFQ) issued July 12, 2007
- Request for Proposal (RFP) issued to five pre-qualified vendors August 22, 2008
- Selection of Preferred Vendor April 22, 2009
- EA submitted to Ministry of the Environment July 31, 2009
- Revised EA submitted to Ministry of the Environment November 27, 2009
- Notification of EA approval from Ministry of the Environment November 19, 2010
- Execution of Project Agreement November 25, 2010

Extensive public consultations were undertaken throughout the process to ensure that the values and priorities of the public and stakeholders were reflected

in the preferred alternative. Regional Council approvals were obtained at all major milestones such as technology selection, site selection, vendor selection, and submission of the EA study documentation. Based on the detailed evaluation of environmental, social and economic considerations, the study identified the mass burn incinerator as the most environmentally sustainable disposal option for residual municipal solid waste in the Regions.

The EFW project technical requirements contained within the Project Agreement have rigorously fulfilled the direction provided by Durham's Regional Committees and Council.

2. PROJECT AGREEMENT

Consistent with the direction of Regional Council, a two staged procurement process consisting of a Request For Qualifications (RFQ) and Request for Proposals (RFP) was issued, based upon a public ownership model and a long-term contract with the private sector for the design, construction and operation of an Energy from Waste (EFW) facility. Contract terms detailed in the draft Project Agreement formed part of RFP-604-2008, including legal, commercial and technical specifications. The draft Project Agreement issued within the RFP formed the basis for the final Project Agreement negotiated between the Regions and the preferred proponent, Covanta Energy Corporation (Covanta).

The salient commercial terms in the executed Project Agreement are consistent with Regional Council direction and with RFP-604-2008, as confirmed by legal consultant and external counsel Borden Ladner Gervais prior to execution of the Project Agreement.

3. ENVIRONMENTAL ASSESSMENT APPROVAL

On November 19, 2010, the Regions received notice of approval from the Ministry of the Environment (MOE) (Attachment No. 3). As expected, that approval came with several Conditions of Approval (Conditions) that must be followed under the EA Act. Some of those conditions are directly associated with the facility and will require efforts jointly from the Regions and Covanta. Others are more broadly connected to the Regions' larger integrated waste management systems and will require actions from both Durham and York.

Staff and the project team consultants performed a complete review of the conditions and based on currently available information, determined that none of the conditions affect the overall project capital cost or annual operating fee to be paid to Covanta. The Project Agreement also satisfies the relevant EA Conditions as indicated in Attachment No. 1.

4. **EFW PROJECT CO-OWNERS' AGREEMENT BETWEEN DURHAM AND YORK**

Based upon the previously approved MOU, the Regions now need to finalize and execute a project co-owner's agreement. As part of that agreement York Region will purchase at fair market value, a 50 per cent ownership interest in EFW facility lands currently wholly owned by Durham Region. This partnership in facility lands does not increase York's ownership share of the facility beyond 21.4 per cent, which is based upon each Regions' respective share of processing capacity for the 140,000 tonne facility.

5. **DURHAM REGIONAL COUNCIL RESOLUTION AND HEALTH DEPARTMENT ROLE**

Throughout the EA process, various commitments and Durham Regional Council resolutions were imposed for the facility ranging from ongoing public consultation to specific monitoring requirements. Endorsed Durham Regional Council resolutions affecting the EFW facility operation have been incorporated into the EA and Project Agreement documents.

Key resolutions regarding air emission criteria (CEMS, Dioxin & Furan cartridges) were built directly into the Project Agreement. This facility is entirely publicly owned by the Regions who will retain control over the critical operating principles, specifically those related to environmental safety and compliance.

Other Durham Regional Council resolutions specific to environmental surveillance of air, water and soil surrounding the facility were captured either within the Project Agreement, staff obligations or by the EA Conditions. Resolutions from the Medical Officer of Health's report 2009-COW-01 for off-site environmental monitoring will be incorporated into Durham Region's annual operating budget. The Health Department will play an active role in both the Certificate of Approval process and the monitoring programs.

6. **COMMUNICATIONS FOR CERTIFICATE OF APPROVAL PHASE**

The Regions, as part of their obligations to fulfill the EA approval Conditions, must develop and implement a communications plan. Several initiatives are currently being advanced by staff. Staff will migrate the Durham York Residual Waste Study website to Regional ownership, and will notify the identified stakeholders once it is activated. The Certificate of Approval application will be posted on the website along with other EFW documentation. Multimedia communications will continue at milestone events. Public meetings will be held as specified in the EA Conditions prior to construction, receipt of waste and during initial operation. In addition, a waste fair will be held in the Municipality of Clarington (Clarington) on March 5, 2011 and a presentation will be made to Clarington Council and the Integrated Waste Management Committee (IWMC)

(Attachment No. 4) regarding the terms of the Certificate of Approval subsequent to its issuance.

7. ARCHITECTURAL CONCEPTS OF DESIGN (ATTACHMENT NO. 2)

The RFP required proponents to propose a basic facility design and provides a cash allowance of up to \$9 million to develop architectural enhancements to their basic design to accommodate local requirements. Under the tasks outlined in the approved Early Works Agreement, the following activities are to be completed:

- a) Preparation and submission of renderings illustrating three alternate proposed designs for the Facility (sequential development).
- b) Review of these designs with the Owner and local stakeholders and formulation of a preferred architectural design.
- c) Preparation of a final set of drawings and a three dimensional (computer) model illustrating the preferred architectural design of the Facility.
- d) Based on the preferred architectural design, complete a visual assessment and submit as a package forming part of the Environmental Protection Act application.

Utilizing a sequential methodology consisting of the evolutionary development of the Covanta base bid proposal, the attached conceptual architectural design (Attachment No. 2) for the facility has been recommended by staff. Consultation has been undertaken with Regional Councillors from Clarington and staff on several occasions. The preferred conceptual design has been evaluated by Regional staff and accessed to meet the EFW facility design guidelines provided by Clarington in April 2008.

The conceptual architectural design will be posted on the EFW website and will be presented to the public through the advisory committees and during the spring 2011 waste fair in Clarington.

8. EFW COMMITTEE REQUIREMENTS

The proposed public Integrated Waste Management Committee (IWMC) along with the MOE mandated EFW Advisory Committee will provide the opportunity for involvement from every municipality within Durham and York, the general public and interested stakeholders. The Draft IWMC Terms of Reference (Attachment No. 4) will be submitted to Clarington for comment and will subsequently be brought to Regional Council for approval. The IWMC membership will be approved by Regional Council.

mandates.

9. **CONCLUSION AND NEXT STEPS**

The energy from waste project received final approval from the Ministry of the Environment under the Environmental Assessment Act on November 19, 2010. After five and a half years of detailed study, review and public processes, the approval reinforces the development of an energy from waste facility as a safe and sustainable local solution to the Regional Municipalities of Durham and York's long term waste management strategy.

As authorized by Regional Municipality of Durham Council in June 2009, the Project Agreement was successfully negotiated with Covanta Energy Corporation within the framework approved by Committee of the Whole Report 2009-COW-03, and was executed on November 25, 2010. The Project Agreement sets the terms and conditions for the design, build and operation of the Regionally-owned facility for a minimum of 20 years of operations.

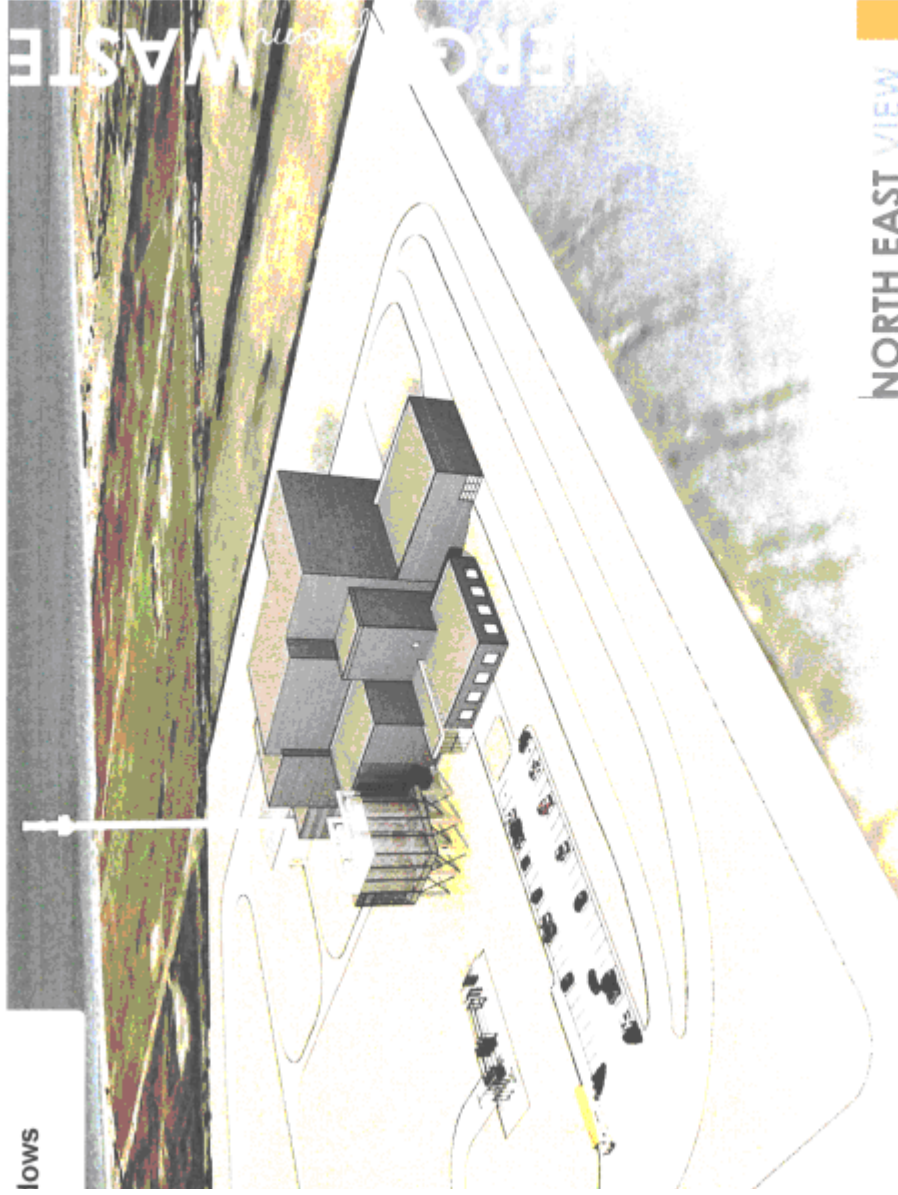
Next steps include the following key elements and estimated dates:

Execution of the Co-Owners' Agreement	February 2011
Approval of the Certificate of Approval under the Environmental Protection Act.....	May 2011
Complete Detailed Design	July 2012
Complete Construction.....	December 2013
Facility Commissioning	January to May 2014
Commercial Operation	June 2014

As outlined above, after obtaining the Certificate of Approval from the Ministry of the Environment, Covanta Energy Corporation will start phase two of the project which is the construction of the energy from waste facility.

Conditions of Environmental Assessment Approval and Project Agreement

Item	Action Required	Description	By Who	Article or Appendix in PA	Time frame or Deadline
Monitoring Program	Develop Formal Plan	Description and schedule of how the proponent will monitor to fulfill the EA assessment related to mitigation measures, public consultation, additional studies and reports, any commitments made in the EA and EA conditions of approval. Monitoring program defining how we will comply with EA Conditions of Approval	Joint	Staff Time	within 1 year of date of approval (Nov. 19, 2010) or 60 days prior to construction
	Provide Formal Report	report describing the results of the proponent in meeting the compliance conditions required in Condition 4	Joint	Staff Time	anniversary of the conditions of approval date (19, 2010)
Design	Develop Formal Plan	a Memorandum describing how the proponent will deal with and respond to enquiries and complaints received during the design, construction and operation of the undertaking shall be provided to the Advisory Committee for review prior to submission to the Director	Joint	Appendix 22 - Communications Plan; Appendix 2 Quality Management Plan; ISO compliance Staff Time	within 1 year of date of approval (Nov. 19, 2010) or 60 days prior to construction
	Develop Communications Plan	to be done in consultation with the EAAB and approval of the Director shall include details on how the proponent plans to disseminate info to interested members of the public and aboriginal communities	Joint	Staff Time	
Communities	Establish a committee	how interested members of the public and aboriginal communities will be notified and kept informed throughout the project (the procedures for disseminating info and documentation to the public and aboriginal communities	Proponent	Staff Time	1 public meeting prior to receipt of waste 1 public meeting within 6 - 12 months of initial receipt waste
	Offer Consultation	offer open consultation/communication with any interested aboriginal communities during awarded design phase	Joint	Appendix 22	Form committee within 3 months of notice of approval (Nov 19, 2010); set up committee by Feb 19, 2011
Reporting	Provide Diversion Strategies and plans	provide description of Durham and Yorks diversion plans and programs, targets, monitoring results; reports	Proponent	Staff Time	1 year after approval (Nov. 19, 2010)
	Develop Formal Plan	in consultation with MCE prepare an ambient air monitoring program to sample and report on ambient air conditions within vicinity of plant	Proponent	Staff Time	minimum 9 months prior to start of construction or at Director's discretion
Requirements	Implement Plan	establish a working group on the development of the plan that will include writes to Durham/York Health Dept reps, Health Canada, Advisory Committee and any other relevant Provincial or Federal groups	Proponent	Staff Time	prior to receipt of waste
	Develop Formal Plan	implement the approved plan post annual results on public website implement air emissions system	Covanta	Regions' Operating Budget (COV); Staff Time	prior to start of operations
Requirements	Prepare Air Emissions Monitoring Plan	prepare Air Emissions Monitoring Plan		Appendix 1 - Tech Specs Appendix 10; Form 4; Article 37.9; Appendix 19	within 6 months of approval date (Nov 19, 2010) or a Director's discretion
	Provide ongoing results	install, operate and maintain air emissions monitoring systems post all emissions results on website	Covanta	Appendix 10; Form 4; Article 37.9; Appendix 19	prior to receipt of waste continuous
Requirements	Facility management	ensure site is inspected daily for security, normal operating parameters, compliance with Notice of Approval, waste type	Covanta	Appendix 2; Article 36; Appendix A	prior to start of operation
	documentation requirement	Log of all facility activities; log details of Condition 14.3	Covanta	Appendix 2; Article 36; Appendix A	within 6 months of approval date (Nov 19, 2010) or a Director's discretion
Policy response plan	Independent review/audit	independent Engineer's review and report detailing the operations; records, compliance with approval conditions Prepare audit plan for Director's approval	Proponent	Regions' Operating Budget (COV)	
	Prepare Formal Plans	prevention and mitigation plans and procedures	Covanta	Appendix 2; Appendix 3; Appendix 23	minimum 60 days prior to receipt of waste
Emission	Prepare Formal Plan	plan to ensure ongoing monitoring for odour control issues; corrective action plans; scheduled testing at sensitive receptors; annual report and dissemination on actions taken	Covanta	Appendix 33	six months prior to start of construction or as approved by Director six months after first receipt of waste
	Prepare Formal Plan	prepare annual Odour Management and Mitigation Monitoring reports to the MCE	Covanta	Appendix 32	minimum 90 days prior to start of construction or as approved by Director
Water Monitoring and	Prepare formal plan and annual reporting	plan to ensure noise emissions comply with the limits set forth in the MCE publication NRC-2005(Urban) approved plan to be posted on website	Proponent	Regions' Operating Budget	90 days prior to start of construction or as agreed to by Director start prior to receipt of waste; 1st report due 30 day after receipt of waste; annually thereafter
	None	implement plan and prepare monitoring reports	Joint	Appendix 2; Article 36; Appendix A	NA
Area	None	requirement to guarantee of processing only post diversion MSW as per EA	Joint	Appendix 2; Article 36; Appendix A	NA
	Prepare Notification Letter	140,000 tonnes of non-hazardous MSW letter to MCE indicating date and amount of first waste delivery to plant	Joint	Appendix 2; Article 36; Appendix A	within 15 days of first shipment of waste on site
Contracts	Acquire necessary permitting and conform to legislative requirements	ensuring contractors and subcontractors an employees have all regulatory permits and approvals required. And that all commitments and conditions of the EA and Approval are carried out	Joint	Staff Time	ongoing
	Follow legislative requirements where required	ensuring EAA requirements are applicable to any proposed changes. Must follow the rules	Joint	Staff Time	ongoing



NORTH EAST VIEW
 'BASE' PLANT



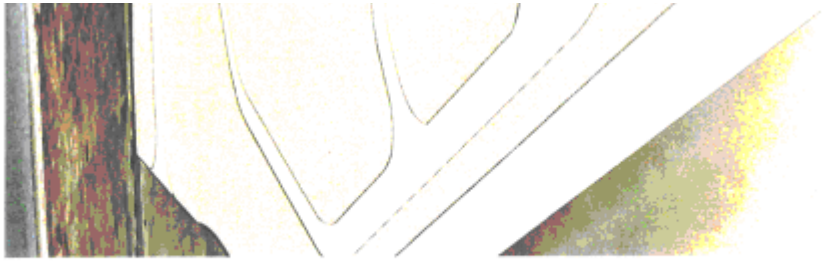
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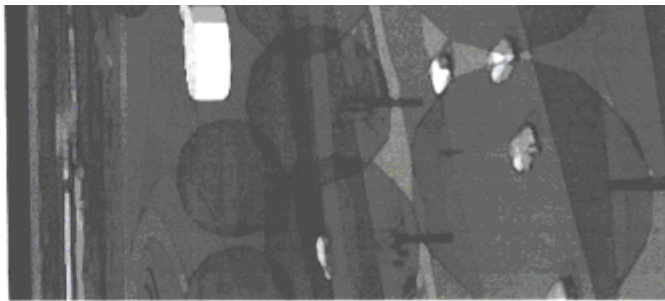
COVANTA
 ENERGY

EA Condition number	EA Cond
4	EA Conditions Compliance Mo
5	EA Compliance Reporting
6	Complaint Protocol
7	Community Involvement
8	Advisory Committee
9	Consultation with Aboriginal
10	Waste Diversion
11	Ambient Air Monitoring and F
12	Emissions Monitoring
13	Air Emissions Operational R
14	Daily Site Inspection
15	Daily Record Keeping
16	Third Party Audits
17	Spill Contingency and Emer
18	Odour Management and Mit
19	Noise Monitoring and Repor
20	Ground Water and Surface I Reporting
21	Types of Waste and Service
22	Amount of Waste
23	Notice of Waste first receiv
24	Construction and Operatio
25	Amending procedures

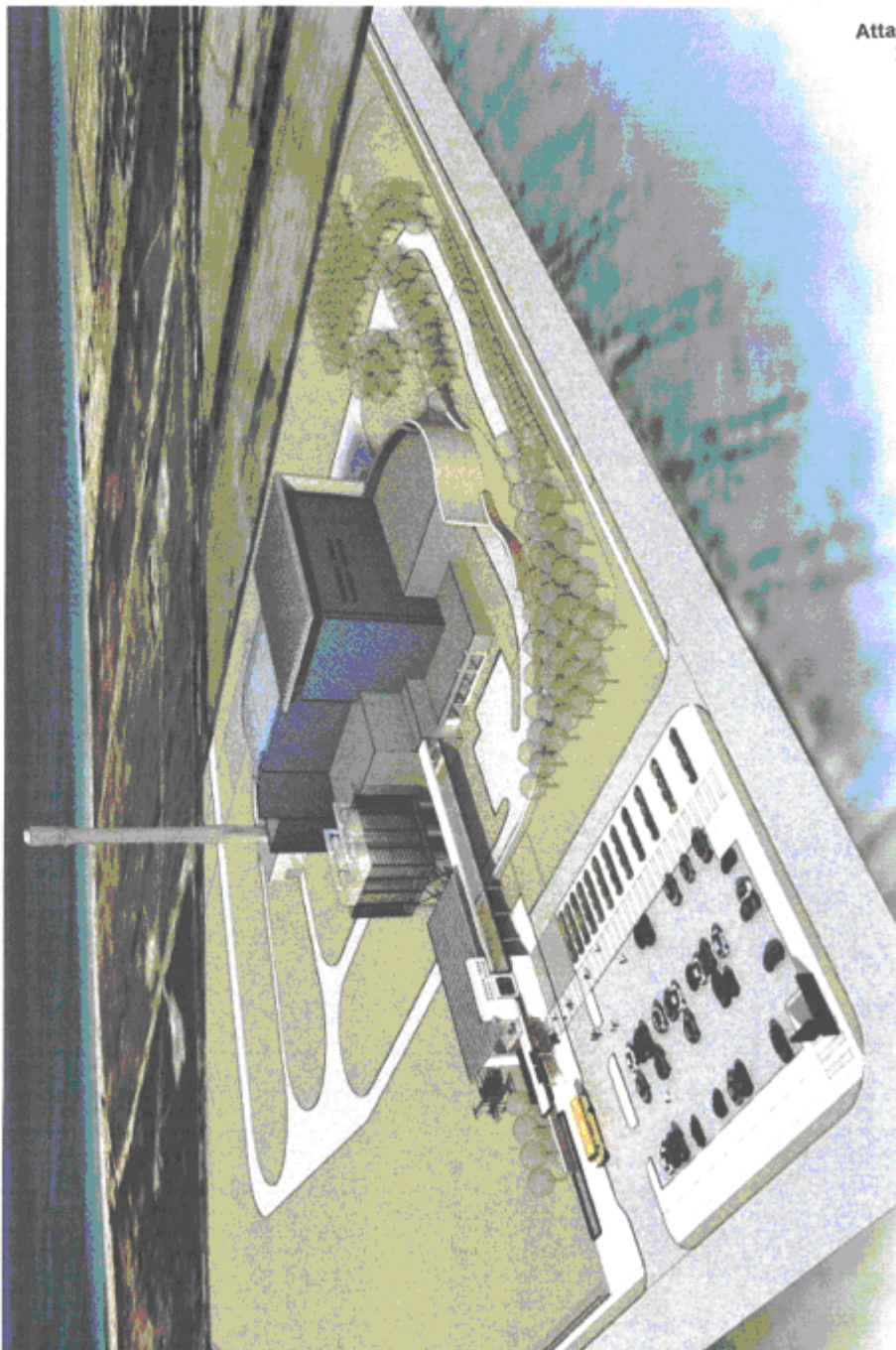


Attachment No. 2
2011-J-15

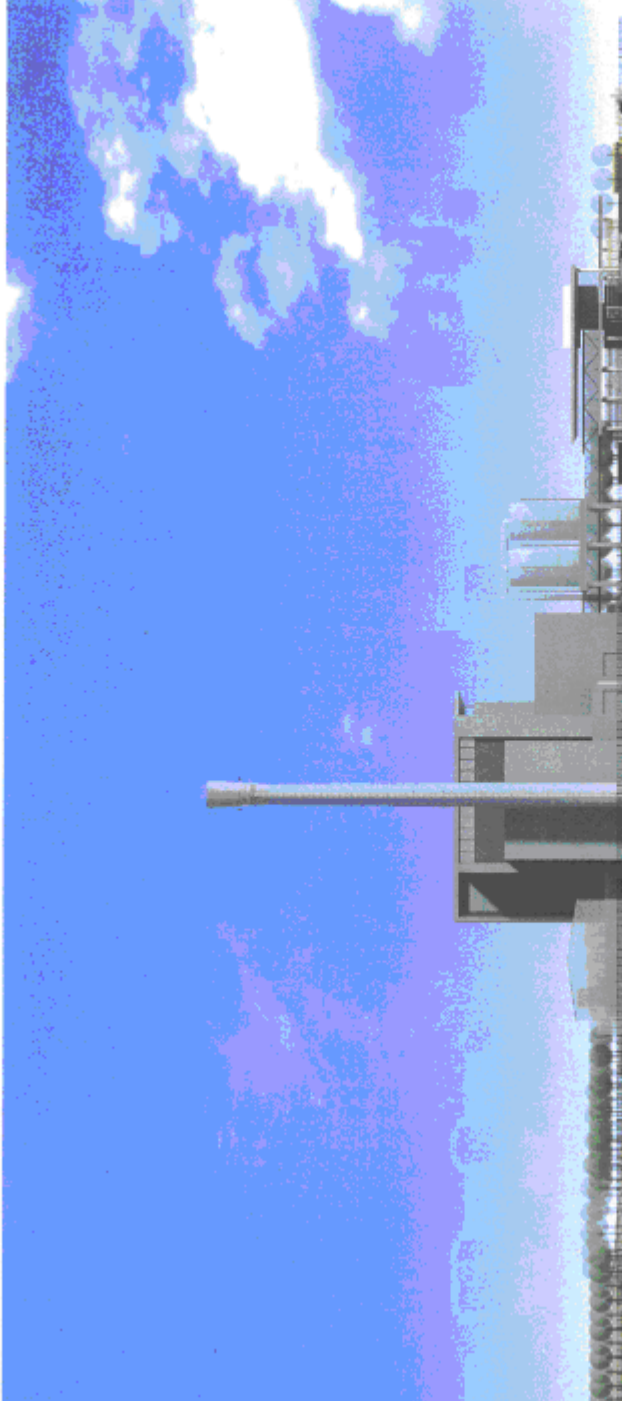




Attachment No. 2
2011-J-15



PREFERRED OPTION
from CN Line



Attachment No. 2
2011-J-15

PREFERR



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PREFERRED OPTION
Visitor Centre View



Attachment No. 2
2011-J-15

PREFERRED
View





Attachment No. 3
2011-J-15

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;

- d) 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;

- ...monitoring and then 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

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.

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Attachment No. 3
2011-J-15

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 21st day of October 2010 at TORONTO.

Approved by O.C. No. 1514 / 2010

Date O.C. Approved NOVEMBER 3, 2010

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Attachment No. 3
2011-J-15

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 _{dv} (33 mg/Rm3)
10.	Carbon Monoxide	35 ppm _{dv} (40 mg/Rm3)
11.	Opacity	5% (2-hour average) 10% (6-minute average)

Notes:

mg/Rm³-milligrams per reference cubic metre; µg/Rm³-micrograms per reference cubic metre; pg/Rm³-picograms per reference cubic metre; ppm_{dv}-parts per million by dry volume



Integrated Waste Management Committee Terms of Reference

1. Purpose

The Integrated Waste Management Committee (IWMC) is established to provide a forum for public and other stakeholders to monitor, review and liaise with the Regional Municipality of Durham (Durham) on the Integrated Waste Management System with a focus on Energy from Waste (EFW). The IWMC will satisfy the HCA and the Medical Officer of Health's report 2009-COW-01 obligations. Integrated Waste is a holistic approach to managing and understanding all materials in the waste stream and their place in the four R's regime: reduce,

reuse, recycle, and recover.

Mandate

The IWMC will act in an advisory role to the Joint Regions-Contractor Committee on issues or concerns which arise with waste diversion, waste management and environmental performance and monitoring of the EFW Facility, including the design, construction and operational phases, and other related strategic waste diversion and management issues.

The IWMC will be comprised of volunteers recommended by the Joint Regions-Contractor Committee, reporting to the Works Committee and appointed by Regional Council in accordance with the following Terms of Reference.

2. Scope of Activities

The issues that the IWMC may discuss and address information relevant to Durham's waste diversion programs, EFW Facility and disposal include, but are not limited to:

- a) Review, discuss and improve IWMC's understanding of the environmental performance of the waste diversion, waste management and EFW facilities, and the requirements which govern them.
- b) Review, discuss, summarize and/or provide opinions about available information, including that pertaining to diversion objectives, environmental surveillance programs, independent environmental testing, public reporting of environmental surveillance data, environmental performance of the EFW Facility, and other related strategic waste management issues.

- c) Identify and assess/study specific issues and concerns which may be related to or associated with the EFW or other waste management facilities, which are referred to the IWMC by the public, local governments, health professionals, etc., or otherwise comes to the IWMC's attention and to relay findings to the Joint Regions-Contractor Committee.
- d) Assist with the development and implementation of community outreach activities which support the growth and environmental awareness and appreciation in Durham in co-operation with other organizations where appropriate. This may include holding public information sessions, educational workshops and participating in some community events.
- e) Review and discuss matters of public interest in Solid Waste Management and advice about emerging issues that may be associated with environmental and human health.
- f) Facilitate communication between stakeholders, and the Joint Regions-Contractor Committee.
- g) Provide forum for the residents to bring their concerns/questions or suggestions pertaining to the waste diversion programs and waste

3. Composition

The IWMC will be comprised of volunteers selected at large from Durham reporting to the Joint Regions-Contractor Committee in accordance with the following Terms of Reference, until its dissolution.

The IWMC will be comprised of nine members. Members shall not hold elected office (municipal, provincial or federal) and will be selected from Durham.

All members are regarded as individuals and do not represent their respective employers or advocacy group in their capacity as an IWMC member.

4. Membership

Membership shall consist of nine (9) residents from Durham.

The IWMC must notify the Joint Regions-Contractor Committee of the need to seek replacement members. Members will be replaced in accordance with membership selection process outlined in Section 5 and/or 6 of these Terms of Reference.

Non-attendance for three consecutive meetings will be considered grounds for replacement.

**Attachment No. 4
2011-J-15**

Invitations to attend IWMC meetings will be provided to the following:

- Staff representative from Durham's Works Department
- Staff representative from Durham's Health Department
- Staff representative from the Municipality of Clarington
- Staff representative from the Ministry of the Environment
- Senior staff representative of the Facility's DBO contractor and operator

5. Call for Membership

Durham will advertise the opportunity to participate in the IWMC using local newspaper advertisement within boundary of Durham. Responses will be evaluated by Durham's senior Waste Management staff and recommended for appointment by Durham's Works Committee and Durham Regional Council.

6. Eligibility Criteria/Evaluation

Interested residents from Durham must provide a detailed resume with a

interested residents from Durham must provide a detailed resume with a covering letter outlining their interest and their qualifications in being appointed on this Committee in addition to an essay of no more than 500 words as to why they should be selected for membership, and detailing their knowledge of the project.

Previous participation or experience with committees/working groups will be considered an asset.

Every potential appointee must disclose any obligation, commitment, relationship or interest that could conflict or may be perceived to conflict with his or her duties to or interests of the IWMC to which the potential appointee is seeking appointment. A conflict of interest could arise in relation to personal matters including:

- Directorships or other employment.
- Interests in business enterprises or professional practices.
- Share ownership.
- Existing professional or personal associations.
- Professional associations or relationships with other organizations.
- Personal associations with other groups or organizations, or family relationships.

7. Officers

One Chair to be appointed by the Committee within the first quarter.

One Vice Chair to be appointed by the Committee within the first quarter.

If a vacancy of any of the key roles occurs, a replacement will be appointed by the Committee.

Roles

Chair

- Shall manage and provide leadership.
- Establish and maintain a positive meeting environment.
- Make presentations as requested.
- Co-ordinate any exchange of information (advise, request for information, etc.) through the Waste Management Committee up to the Works Committee.

Vice Chair

- Shall play role of chair in his/her absence.

Durham Staff Liaison

- Shall prepare all meeting agendas, take minutes and provide to all members one week prior to the next regularly scheduled meeting.
- Shall keep a current and accurate statement of all expenses.
- Shall advertise each meeting in Durham area newspapers and update the website by posting approved minutes, annual reports and any other important meeting correspondence.

8. Support Services

The Waste Management division of Durham's Works Department will appoint a staff liaison to the IWMC to provide administrative, procedural and technical support to the IWMC.

The liaison will co-ordinate all requests for advice from the IWMC through meeting agendas with Works Committee and/or Joint Works Committees.

An annual budget of \$20,000 will be administered to cover operational expenses of the Committee.

IWMC members will be reimbursed for mileage expenses for attendance at IWMC meetings upon submission of an expense sheet. Any other funding requests must be submitted to the Joint Regions-Contractor Committee for consideration.

Durham will provide space on its website to post information such as meeting minutes and other information which is deemed important.

Upon request, the representatives of the Regions, Contractors and governmental/regulatory bodies shall ensure that all studies and other information relevant to the IWMC's mandate are made available to the IWMC.

9. Meetings/Resolutions

The IWMC shall meet quarterly throughout the year and run concurrently with Durham Regional Council. Meeting dates must be determined such that they are synchronized with other committees. The meeting location may be subject to change once the EFW Facility is operational and providing space is available. The IWMC will establish a meeting schedule at its inaugural meeting. The IWMC shall provide the Joint Regions-Contractor Committee with a meeting schedule

once times and dates have been established. The Committee may choose to adjust the schedule, however, must ensure that one meeting will be held per quarter. Additional meetings may be held at the request of the IWMC Chair. All meetings will be advertised and any changes to the dates must be published two weeks in advance of the proposed meeting.

All meetings will be open to the public and are subject to the Regional Procedural By-law # 20-2009.

All decisions made by the IWMC will be based on a majority vote and a quorum must consist of 50 per cent plus one of the members.

10. Delegations to Meetings

Any person wishing to appear as a delegate to the IWMC must submit a written request two weeks prior to the IWMC staff liaison advising of the topic on which they wish to speak to be included in the agenda. The staff liaison will forward information to the IWMC Chair. The Chair may determine if the delegation is relevant or ask the members to vote to hear or refuse a delegation which is considered non-relevant. Materials presented for any delegation must be provided one week beforehand.

11. Minutes and Agendas

Minutes from any prior IWMC meeting will be reviewed and approved at the subsequent meeting.

Agendas should be prepared and amended in advance of upcoming meetings to enable input from other members. Once the minutes have been reviewed and approved by the members, they should be forwarded to the Joint Regions-Contractor Committee and posted on the designated website for public information.

Minutes will be received as correspondence at the Durham Works Committee.

12. Annual Reports

An annual report summarizing the activities completed in the previous year shall be prepared by the IWMC and the staff liaison and forwarded to the Joint Regions-Contractor Committee. The report should include any suggested revisions to the Terms of Reference.

The Chair of the IWMC will present their annual report, and any additional reports as requested to the Joint Regions-Contractor Committee.

An annual review of the IWMC will be completed by the Joint Regions-Contractor Committee to determine the effectiveness of the Committee

Regions-Contractor Committee to determine the effectiveness of the Committee and ensure continued improvement.

13. IWMC Dissolution

The Committee can be dissolved at any time by the members in recognition that the requirements of Durham Report 2009-COW-01 and Host Community Agreement have been fulfilled and there is no need to continue or upon the decommissioning of the Facility.