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**DURHAM YORK ENERGY CENTRE  
APPLICATION FOR A CERTIFICATE OF APPROVAL  
(WASTE DISPOSAL SITE)**

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**ATTACHMENT 3**  
**Public Consultation Report**

# Memorandum

**To:**

**From:**

**Cc:**

**Date:** January 30, 2011

**Re: Durham York Energy Centre  
Application for a Certificate of Approval Waste Disposal Site  
Section 5.4 – Additional Public Consultation/Notification**

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## 1.0 INTRODUCTION

The following memorandum has been prepared to document the communications and consultation activities undertaken by the Regions of Durham and York as part of the development of Certificates of Approval required for the operation of the Durham York Energy Centre.

## 2.0 Consultation Background

On November 19, 2010, the Regions of Durham and York received approval under the Environmental Assessment Act to implement the Durham/York Residual Waste Study EFW undertaking. Throughout the EA process, a considerable level of effort has been expended on consultation. The EA consultation summary (Section 16 of the Approved EA Study Document<sup>1</sup>) provides an overview of all consultation activities undertaken during the EA Study. It documents the consultation activities conducted during the EA process, in accordance with the requirements of the EAA, the Approved Terms of Reference, and the Consultation Code of Practice. Consultation completed as part of the EA process includes input received from interested parties including the general public, government agencies, nongovernmental organizations (NGOs) and First Nations, all of which have provided feedback that has been, and will continue to be, considered as the Project continues forward.

As part of the Communications Strategy developed by the Regions, consultation was undertaken through the development of public liaison committees such as the Joint Waste Management Group and the Site Liaison Committee, consultation with Government Agencies, First Nations, the public and other interested parties (e.g., non-governmental organizations).

Notification and dissemination of information was undertaken through newspaper, radio and TV advertising, a mailing list, and an EA Study website ([www.durhamyorkwaste.ca](http://www.durhamyorkwaste.ca)) maintained throughout the course of the EA Study. Consultation included public polling, consultation events such as public information centres, and opportunities for delegations at Regional Committee and Council meetings.

Although opportunities for public input were available throughout the EA Study, consultation events typically took place during major milestones such as upon the identification of the preferred technology, Short-list of sites, and the preferred site; and for the results of the draft EA Study document and draft site-specific studies.

These consultation events have been summarized in the EA Study document, and are described in more detail in the Record of Consultation (RoC). The RoC has been submitted as a separate document to the EA Study.

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<sup>1</sup> Durham/York Residual Waste Study, Environmental Assessment Study Document (As Amended November 27, 2009).

In the Notice of Approval to Proceed with the Undertaking, the Minister of the Environment praised the EA Study for its completeness and transparency stating in the accompanying cover letter:

*“The Regions have evaluated a sufficient range of alternatives, using criteria that consider the Environmental Assessment Act’s (EAA) broad definition of the environment (e.g. including natural, socio-economic, and cultural environments), while taking into consideration the purpose of the proposed undertaking (problem or opportunity being addressed). The amended EA assessed the potential environmental effects of the alternatives and the proposed undertaking, and provided sufficient mitigation and monitoring measures to ensure that the potential negative environmental impacts will be appropriately managed and minimized. I have also concluded that there was sufficient time and opportunities for interested members of the public, the government agencies and Aboriginal communities to comment during the EA process.”*

### **3.0 Pre-Application Submission Consultation**

Following receipt of EAA approval, the Regions and their project partner Covanta Energy Corporation initiated pre-application submission consultation. This consultation included dialogue between the Applicant, the Ministry, and other stakeholders in advance of the submission of the applications for Certificates of Approval. This pre-application consultation was completed to assist the applicants in determining what would be required to ensure the acceptability of the application to the Ministry upon submission.

#### **3.1 Consultation with the MOE**

A significant amount of consultation has been undertaken with MOE representatives both from the EAAB as well as local and district offices. Given, that this application is relatively unique, it was thought important by all parties, to ensure that the each component of the applications, and the level of detail to be included, was clearly understood.

Discussions with MOE staff included:

- Consultation requirements and expectations;
- Level of design and operating detail to be included in the applications;
- Specific requirements with respect to air emission limits, monitoring requirements, etc.;
- Concordance with commitments and conditions of the approved EA; and,
- Schedule.

#### **3.2 Consultation with Local Municipality**

On February 18, 2010 the Regions of Durham and York and the Municipality of Clarington entered into a Host Community Agreement (HCA). The HCA defined, among other things, Clarington’s opportunity for input and the matters on which they would be consulted. The HCA also confirmed that no Official Plan amendments or Re-zoning would be required to develop the proposed facility.

Since EA approval has been granted, the Regions have continued consultation with Clarington, in accordance with the HCA. Topics for consultation and discussion have included:

- Facility Architectural Design;
- Site Servicing; and,
- Aspects related to site plan, including roadways, stormwater management, etc.

The Municipality of Clarington has also been provided a seat on the newly formed EA Advisory Committee to provide an additional opportunity for their input to the process.

### **3.3 Consultation with Other Agencies**

Consultation with other agencies where additional approvals or authorizations will be required, such as stormwater clearance from the Central Lake Ontario Conservation Authority has also been initiated.

### **3.4 Consultation/Communications with Public Stakeholders and Representatives**

The following describes public consultation and communications activities, categorized by medium, that have occurred post EA approval and in advance of the submission of the applications for Certificates of Approval.

#### **Media**

The following media activity has occurred since the EA approval:

- Public announcements propagated by corporate and works communications on EA approval and conditions. Picked up by newspapers, radio and TV news.
- Newspaper interviews on EFW and the way ahead.
- EFW rated as Durham new item of the year by “Metroland”
- CHEX TV - 5 part series on Durham Region Integrated Waste Management System
- Ask Katherine: Questions and Answers – on EFW

#### **Meetings open to the Public**

The following meetings have been held, open to the public for both observation and delegation, since the EA approval:

- A. Regional Committee and Council:
  - a. Durham Region: February 3<sup>rd</sup> and 16<sup>th</sup>, 2011. Topics for discussion included: EFW updates; Project Agreement; EA conditions implementation; Co-owners agreement; Architectural Concepts; and, Advisory committees. These meetings included several delegations from the public on EFW
  - b. York Region: December 16<sup>th</sup>, 2010 and January 19<sup>th</sup> and 27<sup>th</sup>, 2011. Topics for discussion included: EFW updates; Project Agreement; EA conditions implementation; Co-owners agreement; Architectural Concepts; and, Advisory committees.
- B. Area Municipalities: Committees and Councils
- C. Area Municipalities Waste Director Meetings with EFW updates
- D. Specific meetings with Clarington staff and councillors. A series of meetings have been held and will continue for the main issues such as architectural concept, HCA obligations, site servicing, permits and advisory committee Terms of Reference.
- E. EFW Advisory Committee (pursuant to EA Approval Condition 8): First meeting January 20, 2011 in Durham with subsequent meetings to be scheduled.
- F. Integrated Waste Management Advisory Committee: The draft Terms of Reference presented to Durham Region Works Committee and Council February 3<sup>rd</sup> and 16<sup>th</sup>, 2011. The Terms of Reference has also been forwarded to Clarington for approval.

#### **Website**

The study website <http://www.durhamyorkwaste.ca/> remains active and will continue to remain active in the future. The CofA applications will be posted on the website once officially submitted to the MOE. Formal comments on the application will not be solicited, however, any interested party will have the opportunity to review these applications and provide comment to the project team.

#### **Committees**

The technical aspect of the Certificate of Approval application has created the requirement to institute an EFW Advisory Committee composed primarily of staff representatives. An Integrated Waste Management Advisory Committee will also be established and will be composed primarily of public representatives as it will review a broader suite of local issues. The documents reviewed and minutes of meetings for these committees will be posted on the EFW website.

### **Special Events**

The following special events will also be utilized to communicate and consult on the project:

- Region of Durham Waste Fair: March 5, 2011 will include EFW displays and staff available to answer questions; and,
- Home and Garden Shows: March 2011, Pickering and Oshawa: Waste Booth with EFW displays and comment sheets provided by Region of Durham.

### **Public Presentations**

In accordance with the EA conditions of approval, public presentations will be given:

- Prior to start of construction;
- Prior to the receipt of non-hazardous municipal solid waste; and,
- During operations (between 6 to 12 months from start of operations).

In accordance with the Host Community Agreement:

*“Durham shall make a presentation to Clarington Council and shall hold one community information meeting before the Site Liaison Committee regarding the terms of the Certificate of Approval for the EFW Facility subsequent to its issuance.”<sup>2</sup>*

### **Conferences**

Several EFW presentations at technical conferences and seminars are being planned by York and Durham and their consultants, including:

- February 2011: MOE professional development day;
- March 2011: Canadian Institute conference in Toronto;
- May 2011: NAWTEC: Philadelphia, PA; and,
- August 2011: SWANA: Nashville, TN.

### **Aboriginal Consultation**

The Métis Nation of Ontario (MNO) have contacted project staff and a meeting is being scheduled for February 2011 to discuss the project and how best the MNO can continue their engagement and involvement.

First Nations groups identified in the EA are also in the process of being contacted to determine their interest in being consulted through the facility design and operation process.

## **4.0 Future Consultation and Communications Related Activities**

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<sup>2</sup> Durham Region, York Region and Municipality of Clarington Host Community Agreement, February 18, 2010.

The Regions and Covanta are in the process of developing the appropriate long-term communications and consultation plans to facilitate ongoing communication with interested stakeholders throughout the duration of the facility operation. The plans are being prepared in accordance with:

- The EA Conditions of Approval;
- The Host Community Agreement;
- Direction from Regional Councils; and,
- Recommendations from the established Advisory Committees.

Specific to the EA conditions of approval, a Complaints Protocol is currently being developed pursuant to EA Condition 6 and has been circulated to the EA Advisory Committee for review and comment. As well, a call centre is being established as part of the protocol to respond to, or forward requests to, the appropriate staff.

The Regions' will continue to utilize multi-media approaches for public service announcements at major project milestones. Public meetings will be held as specified in the EA Approval Conditions prior to: construction, receipt of waste and during initial operation. In addition, a waste fair will be held in Clarington on March 5, 2011 and in accordance with the HCA, a presentation will be made to Clarington Council and the Integrated Waste Management advisory committee regarding the terms of the Certificate of Approval subsequent to its issuance.

A specific consultation plan is in the process of being developed, in consultation with and to address, the consultation requirements of aboriginal communities.