

TOWN OF AJAX REPORT



Report To: General Government Committee

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Subject: **Comments on the Durham-York Residual Waste Study
Environmental Assessment**

Wards: All

Date of Meeting: October 18, 2007

Reference: Strategic Plan Guiding Principle: Environmental Leadership
Update Report to General Government Committee (May 18, 2006)

Recommendations:

- 1. That the Town of Ajax Report entitled “Comments on the Durham-York Residual Waste Study Environmental Assessment” dated October 18, 2007 be endorsed and forwarded to the Region of Durham and the Municipality of Clarington as the Town’s response to the Region of Durham’s request for comments;**
- 2. That the Region of Durham develop a strategy to deal with industrial, commercial and institutional waste in conjunction with the Durham-York Residual Waste Study;**
- 3. That the Environmental Assessment process specify and evaluate burning and emissions technology; and**
- 4. That the Environmental Assessment process evaluate/consider cumulative effects of this facility together with those currently operating along the Lake Ontario waterfront.**

Background:

The purpose of this report is to provide comments to the Region of Durham on a report entitled “Draft Report: Thermal Treatment Facility Site Selection Process - Results of Step 7: Evaluation of Short-List of Sites and Identification of Consultants Recommended Preferred Site” dated September 2007. The Draft Report was prepared by Genivar and Jacques Whitford for the proponents (the Regions of York and Durham) as a component of the ongoing Durham-York Residual Waste Study Environmental Assessment (EA). Any comments in response to the Draft Report must be submitted no later than October 28, 2007.

Individual EA Studies are intended to provide a rigorous planning approach, involving consultation with the public and other interested parties, to consider and address the potential environmental impacts of complex projects, such as thermal treatment facilities, prior to decisions being made to

proceed with development. The subject Draft Report should clearly and comprehensively describe the nature of the undertaking (e.g. size of the thermal treatment facility, the technology to be used, its relationship within a broader Regional waste management strategy), evaluate potential impacts on and off the site, such as impacts on the regional airshed and air quality, provide information addressing all concerns raised during the public consultation process, and fully account for how the short-listed potential facility sites were evaluated.

Since the staff report provided to General Government Committee on May 18, 2006, the Regions proceeded to select a Preferred Treatment System (e.g. System 2(a) - Thermal Treatment of Mixed Waste with Recovery of Materials from Ash and Char) in late June 2007 and recently identified a Preferred Facility Site (Clarington 01 - approximately 12 hectares owned by Durham Region, located south of Highway 401, between Courtice Road and Osbourne Road, north of CN Rail line).

According to the Draft Report, the site selection process for a Preferred Site to support the thermal treatment facility was based on a qualitative (using the consultants' judgement/experience) rather than a quantitative approach (based on actual measurement of background conditions and evaluation of specific technologies), or a combination of both, and subject to the following criteria (established earlier in the EA process):

- High Priority - Public Health and Safety and Natural Environment
- Medium Priority - Social and Cultural, Economic/Financial & Technical Suitability
- Low Priority - Legal

Public Consultation

In late September, the Regions made available to the public the two-volume "Draft Report: Thermal Treatment Facility Site Selection Process - Results of Step 7: Evaluation of Short-List of Sites and Identification of Consultants Recommended Preferred Site" containing an Executive Summary and a series of Annexes. Staff received a hardcopy of the document in early October.

Recently, two public information sessions regarding the Draft Report were held in Clarington, and attended by a total of approximately 180 persons. Staff attended one session. As of the writing of this report, a copy of the Regions' consultants presentation from the sessions has not been posted on the project website (www.durhamyorkwaste.ca).

Public and agency comments on the Draft Report must be submitted to the Regions by October 28, 2007 (a 30-day period). Public Notices for the above-noted sessions did not indicate the deadline.

The Municipality of Clarington, upon request, has been given an extension to allow staff to prepare a comprehensive report, with findings from their peer review team, for Clarington Council's consideration by mid-November.

Discussion:

Contrary to the basic requirements of the EA Act, neither the actual nature of the undertaking or

its potential financial impacts on the taxpayers of Ajax (now and in the future) can be determined from the subject Draft Report. At this time, staff can only ascertain that there will be substantial costs associated with this Regional project and that those costs will ultimately be borne, in part, by the residents of Ajax.

The Draft Report does not provide accurate, firm or consistent bases for cost estimates for capital, operations, maintenance and, potentially, future expansion, as noted below:

- some capital costs are based on a facility processing up to 250,000 tonnes per year (tpy) while others cite a facility as large as 400,000 tpy (the scale of the project is indeterminate);
- most estimated costs are qualified in some manner (i.e., they cannot yet be estimated until future decisions have been made with respect to preferred technology, the technology vendor and environmental standards, and many of those decisions may be made without an opportunity for public scrutiny and input, such as when specific designs and performance standards are chosen in closed negotiations between the proponents and the Province, pursuant to the Environmental Protection Act (e.g. Certificates of Approval));
- there are mathematical errors (e.g. Table 3.3.1 - Packer Direct Haul Unit Cost - in Appendix A to Annex "G" -resulted in underestimated haulage costs, which favoured selection of the Clarington 01 site during the evaluation process) that compound throughout the Draft Report and its Annexes and need to be rectified before it can be determined whether the proper Preferred Site has been identified;
- some cost estimates are incorrect in the Draft Report and Annexes (e.g. road development costs to accommodate traffic) ;
- land costs for the Clarington 01 and East Gwillimbury 01 sites have been underestimated by assigning "0" dollar values to the proponent-owned lands (yet at some point, the Regions purchased those lands for a purpose and that positive "land value" should be accounted for in this calculation);
- some capital costs are based on "assumptions" that do not appear to be correct, such as the use of "mass burn incineration" technology (up to now, staff had understood that the Regions would not consider mass burn incineration technology in this facility in order to support, rather than undermine Durham Region's waste reuse and recycling programs). If the proponents intend to use mass burn incineration, its potential off-site environmental effects on nearby urban areas and food production lands, and its impacts on other Regional waste management initiatives, need to be addressed prior to finalization of the Draft Report;
- road costs and stormwater management costs have been underestimated (by roads being assessed for construction to "rural standards" rather than the "urban standard" and an on-site pond rather than one of two potential Park-wide ponds required by Clarington's Secondary Plan for the Energy Park - in which the currently Preferred Site is located).

In terms of the bigger waste management picture, the Association of Municipalities of Ontario and Association of Municipal Recycling Coordinator proposed the following “waste management hierarchy” in December 2005, which was adopted into the Ministry of the Environment’s proposed Policy Statement on Waste Management Planning: Best Practices for Waste Managers, June 12, 2007:

- 1) Waste Prevention
- 2) Waste Reduction
- 3) Product Reuse
- 4) Recycling and Composting
- 5) Recovery
- 6) Energy from Waste
- 7) Landfill

Staff believe that the above-noted hierarchy should apply to all waste management projects, whether they are addressed through environmental assessments or other processes, in order to address the root causes of waste.

Further, staff remain concerned that despite the practice of disposal of Durham’s waste in the U.S. being unsustainable and in jeopardy for years, Durham Region has not yet begun to prepare a comprehensive, long-term waste management strategy (aligned with the above-noted hierarchy) linking their recent septage and biosolid strategies. Instead, Durham Region continues to pursue an Energy from Waste project without explaining fully the nature (i.e. the composition) of the “waste” to be treated and how its constantly varying composition can be addressed by the technology to be used.

From the Draft Report, it is not clear how the Region intends to address industrial, commercial and institutional (IC & I) wastes, which would introduce a wider range of substances (some of which are toxic) into the waste stream. The Region should establish a strategy addressing IC & I waste through this EA process and incorporate it into a broader Durham Region waste management strategy.

The Draft Report does not address the compounding effect of this facility together with the existing industrial uses operating on the Lake Ontario waterfront adjoining the preferred site lands (i.e. Durham’s Water Pollution Control Plant, OPG’s Darlington Nuclear Plant and Blue Circle - St.Mary’s Cement Plant). In addition, the preferred burning and emissions technology must be specified and evaluated during the EA process. This would permit full public scrutiny and input in determining an appropriate environmental standard.

The Draft Report does not address the critical need for landfill space to dispose of the bottom ash/char produced by the thermal treatment facility.

At this time, the Draft Report indicates that the Region will be faced with a large-scale treatment facility to incinerate waste generated in Durham and in municipalities beyond its border. As suggested in staff’s previous report, only waste generated in Durham Region should be treated within Durham Region in a self-sustainable and environmentally friendly manner (a “Made in

Durham” solution). Such an approach would result in a smaller scale, less costly and more environmentally sound facility or perhaps a different type of facility. The Region should adopt this objective and strive to accomplish it in partnership and with the support of its member municipalities. Instead, finalization of the Draft Report will commit the Region to a facility with a potential to increase in scale beyond 400,000 tpy to treat waste from external municipalities, with associated environmental effects and no cumulative impact assessment, in exchange for landfill capacity elsewhere.

Financial Implications:

The financial implications of this project cannot be identified at this time.

Communications Issues:

n/a

Conclusions:

The subject Draft Report is deficient. As such, staff cannot accurately gauge the potential financial impacts of this major Regional project on the taxpayers of Ajax at this time.

The Draft Report should be significantly reworked, not only to catalogue but fully address the concerns identified by the Town and others during this critical comment period. It is recommended that the proponents distribute a revised report to the public and agencies for a further comment period (e.g. 60 days) prior to its finalization.

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