

# Council getting schooled

By Katie Richard/The Oshawa Express  
February 22, 2011

Durham's councillors are heading back to school.

Incineration 101 is the course of choice.

With 15 new councillors sitting around the 28-member regional table, and with touchy topics like the proposed Energy From Waste (EFW) facility popping up at nearly every committee and council meeting, Regional Chair Roger Anderson is calling for an "educational session" pertaining to the facility at the request of council.

**A recent report recommending council receive for information a slew of documents, including the architectural concept drawings and the project agreement,** associated with the proposed garbage-burning facility spiked the debate among councillors.

Councillor Amy England, who is new to council, suggested the meeting be held in a public forum where discussions could be had about the environmental aspects as well as the business plan.

She suggested the public be able to ask questions.

But not all councillors were on board with the idea of welcoming delegations at the special meeting.

"If it's an education session I would suggest no delegations. Not because I want to shut them out, but if it's an education session I want to get every ounce of education," says veteran Councillor Joe Drumm.

Councillor Jennifer O'Connell suggested the public be invited to submit correspondence, which would go on the public record, and allow councillors to ask questions the public was seeking answers to.

"We always welcome correspondence," says Chair Anderson, who also says the meeting could be held as early as tomorrow (Thursday, Feb. 24.)

"We're at the point now where the agreement has been executed with Covanta...we're at the implementation phase now," says Commissioner of Works Cliff Curtis.

**Ajax Mayor Steve Parish says he's not comfortable approving the recommendations in the report as he's never seen the agreement between Durham and the company building and maintaining the facility, Covanta.**

**“I’m not going to sign off on anything I’ve never read,” he says. “This is a brand new council and this council can’t undo what was done (by the previous council)...without some significant liabilities. I think it’s also important that this council sends the very clear message that there’s a new sheriff in town...(who) wants to be very clear.”**

Councillor O’Connell says she feels the issue is in the monitoring report which outlines Covanta will conduct monitoring of its own facility.

“You’re putting the people who have everything to lose and everything to gain in charge of monitoring,” she says, adding Covanta could face penalties and/or incentives depending on outcomes of monitoring reports.

The idea that council would see the Certificate of Approval (C of A) before it is submitted to the Ministry of Environment (MOE) was also tossed around the council chambers.

But Commissioner Curtis says that could slow Covanta’s process down, which could mean the region would face monetary penalties.

“As soon as we slow Covanta down we’re going to be facing possible penalties,” he says, adding **the certificate will be brought back to council after it is approved by MOE**. Council will then have the opportunity to add to the monitoring report, he says.

“My expectation is that Covanta will be submitting (the C of A) early next week...if we delay it for three or six weeks it means the whole process is delayed. The problem is that we are working with a ticking clock,” says Curtis, adding MOE staff, which takes care of approving the certificate, should respond back by June.

**However, many councillors were uncomfortable with the idea of not seeing the C of A before it is submitted.**

**Regional Senior Solicitor Matthew Gaskell says amending a government certificate like the C of A is not a good idea.**

**“To suggest amending the Certificate of Approval – it’s going to cause two problems,” he says, adding the region could be charged for violations in addition to Covanta if council goes this route. “We’ll get charged just as Covanta will and we’re going to have a whole world of problems.”**

He also says Covanta has the right to submit the C of A in the contract.

“If we delay it, they will be seeking additional funds,” Gaskell says, adding if council wants stricter or additional guidelines in the monitoring aspect, it can do it contractually instead of binding it into a government document.

Commissioner Curtis says council would have to negotiate with Covanta to add more stringent monitoring guidelines, but it is possible and would come with a cost to Durham.

**“Council can certainly enhance the monitoring...the barebones program we put together will ensure human health is protected,” the commissioner explains.**

After much debate Councillor Nancy Diamond suggested the report be tabled until after the education session when the new councillors are more familiar with the proposed facilities background.

**Councillors Bobbie Drew, Bill McLean, Debbie Bath, Mary Novak, Scugog Mayor Chuck Mercier and Pickering Mayor Dave Ryan voted against Diamond’s motion. But majority ruled and the report was tabled.**