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## **EFW gets the final go ahead**

by Christopher W. Brown

At an all day Special Durham Regional Council Meeting held on July 26, the topics of health concerns, and the York/Durham energy from waste (EFW) co-host agreement were discussed.

Regional Council passed the final package of the Durham/York Co-Owners' Agreement, by a 16 - 7 vote with Clarington Regional Councillor Willie Woo and Mayor Adrian Foster voting in favour of the agreement. Regional Councillor for Wards 1 and 2, Mary Novak, did not attend the meeting.

Following the meeting Woo said, "Even though I may not agree with the incinerator, I do believe that this agreement will be in the best interest of Clarington."

With the passing of the co-owners' agreement between Durham and York Regions, construction on the facility will now be able to be on schedule this fall. Woo stated that if construction is not started by the end of December Covanta, the US company contracted to build and operate the facility, "will be able to raise the price of the construction, which the tax payers will have to cover."

The Special Meeting was in response to a request made by Oshawa Councillor Nancy Diamond at the last scheduled Regional Council Meeting before the summer recess, for a written report from the Durham Medical Officer of Health pertaining to the EFW.

The topic of PM2.5 and the effect it could have on the public was discussed at length at the July 26th meeting. PM2.5 refers to particulate matter found in the air which is less than 2.5 micrometers in diameter, also referred to as "fine particulate matter." This fine particulate matter is believed to pose the greatest risk to human health.

Gregory Crooks, the Principal Environmental Management Officer for Stantec, hired consultant for the Region said, "The major cause for PM2.5, and (for an area like Clarington) is agriculture fanning." Crooks explained that when farmers till their land they kick up dust which has large amounts of PM2.5 traced in it. "The second largest cause of PM2.5 is car emissions," according to Crooks. He also stated the EFW facility will increase traces of PM2.5 in the area, but not enough to be concerned over.

"PM2.5 has been on the decrease in southern Ontario," stated Crooks, and he continued by adding, "Compared to other locations around Canada, southern Ontario has seen a significant decline."

Dr. Christopher Ollson, Vice President of Strategic Development for Intrinsik, also hired by the Region, who was making the presentation with Crooks, was asked by Oshawa Councillor Amy England, "what value does the study have on a human life?" Ollson responded, "The value of human life is always to protect it. The study may ask, what is the toxicology? What are the health risks? But the value of human life is always important."

Councillor England then asked Ollson is there a number assigned to those who might get cancer from PM2.5?

"In Ontario, when we might have a result, it is presented as a odds ratio," Ollson stated. "[Taking the] number of residents to how many can get cancer, and in this case it's a one in a million chance (of someone being effected by cancer by the facility) and we strive to keep that ratio," Ollson stated.

Dr. Ollson also reported that their previous reports were incorrect about how much PM2.5 would be released during a 24 hour period. "We had previously reported that only 9.8 percent of PM2.5 would be released in a 24 hour period, in actuality, 10.2 percent would be released into the air shed," Ollson stated. Incinerator opponent Wendy Bracken had brought this error to council's attention years ago. The health risk in the Environmental Assessment submitted to the Ministry of the Environment was based on the lower number, and was never corrected. Ollson said this was changed due to the change of position to the smoke stack, and taking into effect trucks would be traveling to the facility.

Mayor Steve Parish, of Ajax, asked Crooks, "In your opinion do you believe the process has been transparent?" The crowd erupted into a chuckle at the question.

Crooks replied to the question, "Yes, it is my opinion that we have been both transparent and professional, we have received thousands of emails from residents about the issues, and we take each question and concern seriously."

Doctor Ray Copes of Public Health Ontario spoke to Regional Council about the environmental risks of constructing such a facility. "In my professional opinion, there are no health risks to the facility," he stated. Asked if Dr. Copes had any objections to living in Clarington near the incinerator, Dr. Copes replied, "I have no objections to living close to the incinerator, but I would have to check out the community first before I moved there. But overall I have no objections to hypothetically living near an incinerator."

### **Legal challenge to EFW**

On Friday, July 22nd, DurhamCLEAR, a citizens lobby group opposed to the EFW, brought forward a lawsuit which states that the proposed EFW is being built on land that is not zoned for such a facility.

"Since they are proceeding without the proper zoning on the property, we are asking the court to restrain them until they bring themselves into compliance through the site specific rezoning that is required in the Clarington Official Plan," said Doug Anderson, President of DurhamCLEAR. Current zoning on the property excludes a waste incineration facility. Clarington and the Region of Durham agreed through the Host Community Agreement to consider the EFW a 'public use' facility for the purposes of Clarington's Zoning Bylaw, thus by-passing the need to amend the Clarington Official Plan or Zoning Bylaw. DurhamCLEAR is disputing that the incinerator can be regarded as a public work as defined in the Planning Act.

A preliminary hearing scheduled for August 12th in an Oshawa court, has been postponed indefinitely because the lawyers for both the Region and Clarington indicated they were unavailable on August 12th.

Construction of the facility is going ahead, even with the lawsuit, and is expected to be completed in September of 2013. An official ground breaking will take place, onsite at 72 Osborne Road in Courtice on August 17, at 11:00 a.m. with reception to follow. According to the Durham Region website, the ceremony is an invitation-only event; a pass will be needed to gain entry to the ceremony.

DurhamCLEAR plan to protest the EFW official ground breaking event.