

REPORT

PLANNING SERVICES

Meeting: GENERAL PURPOSE AND ADMINISTRATION COMMITTEE

Date: Monday July 6, 2009

Report #: PSD-071-09

File #: PLN 33.3.10

By-law #:

Subject: DURHAM/YORK RESIDUAL WASTE ENVIRONMENTAL ASSESSMENT
MUNICIPALITY OF CLARINGTON PEER REVIEW COMMENTS ON PRE-SUBMISSION

RECOMMENDATIONS:

It is respectfully recommended that the General Purpose and Administration Committee recommend to Council the following:

1. THAT Report PSD-071-09 be received;
2. THAT Report PSD-071-09 including Attachments 2 through 14 be ADOPTED as the Municipality of Clarington's comments on the Pre-Submission Environmental Assessment (EA) for the Residual Waste Process and Energy from Waste (EFW) Facility;
3. THAT as part of the Pre-Submission Review, Clarington Staff provide comments to the Region's Project Team on the peer review comment dispositions to assist with facilitating submission of the Environmental Assessment by July 31, 2009;
4. THAT SENES, AECOM and Steven Rowe be thanked for their efforts in completing the peer review in a timely manner;
5. THAT the Region's Project Team be requested to work closely with Clarington Staff on the detail design of Energy Park Drive, the stormwater management works and other Clarington Energy Business Park design details, the architectural concepts for the Energy from Waste facility and implementation plans for development;
6. THAT a copy of Report PSD-071-09 and Council's decision be forwarded to the Region of Durham, the Region of York and Ministry of Environment; and
7. THAT all interested parties listed in this report and any delegations be advised of Council's decision.

Submitted by: _____
David J. Crome, MCIP, RPP
Director of Planning Services

Reviewed by: _____
Franklin Wu,
Chief Administrative Officer

FL/sn

CORPORATION OF THE MUNICIPALITY OF CLARINGTON

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1.0 BACKGROUND AND PURPOSE OF REPORT

- 1.1 On April 16, 2007, Council adopted Resolution # C-211-07, which directed Staff to examine comprehensively the EA documentation and prepare a peer review among other items.
- 1.2 On May 28, 2007, Council adopted the recommendations in Staff Report PSD-070-07 which defined the scope of work for the various peer reviews and economic studies to be undertaken to assist Council in determining its position with respect to the proposed Energy from Waste (EFW) facility to ensure that the interests of the Municipality and its residents are protected.
- 1.3 Also included in PSD-070-07, consultants were retained to peer review various aspects of the Environmental Assessment (EA) process, including site selection, and the potential environmental effects of the proposed facility. Unlike some other peer reviews for the Municipality, Staff coordinated the peer review team and were and responsible for some specific aspects of the Residual Waste EA peer review. Staff and the peer review consultants have met with the Regions' Project Team on a number of occasions to seek clarification and probe further into the analysis and methodology of the various studies. The Regions' Project Team for the EA has been cooperative in providing information to the Municipality's peer review consultants and exploring the issues raised.
- 1.4 The purpose of this report is to set out the Municipality's comments on the draft EA, dated June 12 as endorsed by Durham and York Regional Councils on June 24 and 25, respectively.

The Regional Councils endorsed the Durham–York Residual Waste Study Environmental Assessment (EA) and authorized Regional Staff to submit the EA to the Ministry of the Environment by July 31, 2009 subject to such minor adjustments as deemed necessary by the Commissioner of Works, based on the ongoing process, including preliminary review and documentation by the Ministry of the Environment.

Clarington's comments will be submitted to the Region's Project Team to be addressed as part of the "fine-tuning" revisions that are being made up until July 31, 2009. A copy of this report will be forwarded to the Ministry of Environment for their information.

The Region's Project Team has had Clarington's peer review comments since June 5th 2009. Many of the comments and issues raised have been addressed by the endorsement of the Host Community Agreement by Clarington Council on May 11, 2009 and Durham Regional Council on June 24, 2009. Clarington Staff and peer review consultants met with the Region's Project Team on June 12, 2009 to clarify issues yet to be addressed. A separate meeting for the peer review consultants on the Site Specific Human Health and Ecological Risk Assessment (HHERA) took place on June 5, 2009.

2.0 YORK/DURHAM RESIDUAL WASTE EA PROCESS

2.1 Environmental Assessment Process

2.1.1 The Regions of Durham and York, jointly are currently conducting an EA to determine how to manage the residual solid waste remaining after blue box and green box diversion efforts. Key dates in the study process:

• March 2006	Ministry of Environment approval of EA Study Terms of Reference
• June 2006	Selection of preferred approach to managing residual waste (Alternatives To)
• July 2007	Issuance of Request for Qualifications (RFQ)
• October 2007	Recommendation on preferred site (Alternative Methods)
• December 2007	Durham and York Region Council approval of preferred site
• January 2008	Approval of Qualified Bidders
• August 2008	RFP issued to qualified bidders
• February 2009	RFP's received
• April 2009	Identification of Preferred Vendor
• January-May 2009	Completion of all site specific studies
• May 2009	Clarington Council Endorses Host Community Agreement (HCA)
• June 2009	Approval of final EA and HCA by Durham and York Councils
• Late July 2009	Submission of final EA to Ministry of Environment (MOE)
• 2009/2010	EA review and decision by Minister of Environment
• Initiated in 2009	EPA Applications based on EA
• 2010-2012	Construction of the 140,000 tonne EFW

2.1.2 For the EA, the purpose of the undertaking (the project), was set out in the Ministry of Environment approved Terms of Reference, as follows:

- To process – physically, biologically and/or thermally – the waste that remains after the application of both Regions' at-source waste programs in order to recover resources – both material and energy – and to minimize the amount of material requiring landfill disposal. In proceeding with this undertaking, only those approaches that will meet or exceed all regulatory requirements will be considered.
- The waste proposed to be managed will be primarily Municipal Solid Waste (MSW) from residential sources generated within Durham and York Regions remaining after at-source diversion, a portion of post-diversion Industrial, Commercial and Institutional (IC&I) waste traditionally managed by the Regions at their waste disposal facilities; and Municipal post-diversion residual waste from neighbouring non-Greater Toronto Area (GTA) municipalities that may provide disposal capacity for processing residues.

The final description of the undertaking has been refined and altered from the conceptual description based on the EA Study findings and public/stakeholder input.

- 2.1.3 Refinements to the description of the undertaking as the EA has progressed have resulted in the following description:

“The Undertaking, as defined by this Environmental Assessment, is a Thermal Treatment Facility, capable of processing post-diversion residual waste and recovering materials and energy of sufficient quality and quantity to export to the marketplace (recovered metals, electricity and eventually the possibility of district heating and cooling) with a projected maximum design capacity of 400,000 tpy. The Facility will be designed, built and operated on the Clarington 01 site, located in the Municipality of Clarington, Regional Municipality of Durham.”

2.2 Clarington Comments on the Environmental Assessment Process to date

- 2.2.1 Clarington Staff have been involved in the EA process for Residual Waste since its inception in 2005, when the initial terms of reference were being drafted and conceptual description of the undertaking was being formulated.

- 2.2.2 Staff Reports have dealt with various aspects of the Residual Waste EA as follows:

PSD-018-06 Feb, 13, 2006, Comments on the Terms of Reference

PSD-070-07 May 22, 2007, Municipal Peer Review and Other Studies

PSD-097-07 September 4, 2007, Update on Municipal Peer Review

PSD-141-07 December 3, 2007, Municipal Comments on Step 7 –Evaluation of Short-List of Sites and Identification of Preferred Site

PSD-141-07 Addendum, December 10, 2007.

FND-002-08 January 21, 2008, Peer Review & Economic Studies Costs to Date

FND-022-08 Addendum, February 25, 2008

CAO-002-09 May 11, 2009, Status of EFW Host Community Agreement Negotiation

CAO-022-09 Addendum, May 11, 2009

- 2.2.3 In addition, Council has heard many presentations on the various alternatives and specific aspects of waste management over the past three years. Council has received numerous delegations and hundreds of submissions from residents over that time period and passed a number of resolutions. Recently Council endorsed being a “willing host” for the Energy from Waste facility conditional upon the Municipality of Clarington and Region of Durham executing a Host Community Agreement to implement the Host Community Agreement as set out in the May 11, 2009 CAO Report and Addendum.

- 2.2.4 In preparing Clarington’s comments on the Final EA, previous comments, the Region’s Project Team’s disposition of these comments plus the final commitments recommended to address the anticipated impacts have been taken into consideration. An EA is a

process through which it is determined whether an undertaking is conceptually and technically acceptable based on the mitigation measures, follow-up commitments, and monitoring programs that will be implemented as part of the undertaking.

- 2.2.5 The EA for the Energy from Waste Facility (Durham/York Residual Waste Project) is in its final stages of completion. The Pre-submission review period, extending from June 12th to July 31st, is an opportunity for the Region's Project Team to "fine tune" the document prior to submission to the Minister of Environment for approval. Clarington's peer review consultants and Staff will continue to work with the Region's Project Team in reviewing how Clarington's comments will be addressed in the EA. Clarington will also have the opportunity to comment during the review period provided by the Ministry of Environment, following EA submission; the 12 week MOE review period (Aug 1 to October 23).

2.3 Environmental Protection Act and Other Required Environmental Approvals

- 2.3.1 The proposed EFW facility will require at least the following approvals under the Ontario Environmental Protection Act (EPA):
- Certificate of Approval (Air and Noise) under Section 9 Part II which regulates emissions to the natural environment, in particular air.
 - Certificate of Approval (Waste) under Section 27 Part V of the Act for the use, operation, establishment, alteration, enlargement or extension of a waste management facility.

The Ministry may place the EFW under a comprehensive Certificate of Approval (C of A). The specifics of the C of A have yet to be worked out between the builder (Covanta), the proponent (the Regions) and the Ministry. Because it stems from an EA process the Certificate of Approval applications could voluntarily be posted to the Environmental Bill of Rights (EBR) website, however, there is no legal requirement, no EBR appeal rights (EBR Section 32) and no EPA hearing appeal rights (EPA Reg 206/97). The Municipality will be asked to provide comments as a commenting agency.

In addition to these C of A approvals, the EFW will be required to develop a "Spill Prevention and Contingency Plan" according to O. Reg 224/07 under the EPA.

- 2.3.2 The conceptual facility size of 400,000 tonnes/year was used for the EA study. The EFW facility will be built in phases and EPA approval will be required for each phase. To address the requirements of the EPA and to obtain the required approvals, supporting technical studies and design plans have been completed to an appropriate level of detail to demonstrate no adverse effects on the environment and show that the applicable environmental standards will be met, providing that the mitigation measures and commitments set out in the EA documentation are carried through.
- 2.3.3 The Certificate of Approval applications will be required to meet the emission limits proposed by the vendor in response to the RFP. The proposed revised Ontario A-7 Guidelines for air emissions have been released by MOE for review and comment. If the proposed revised guidelines are approved, then the Certificate of Approval applications will be required to meet the more stringent of the two guidelines. Future phases of the

EFW would have to meet the emission guidelines in place when that expansion phase is undertaken and the C of A application is made.

- 2.3.4 Other potential environmental approvals for an EFW facility include the Ontario Water Resources Act. The Region's Project Team have indicated that based on the work completed to date, no issues have been identified that would prevent receipt of this approval or any other approvals that are required for the project to proceed.

3.0 CLARINGTON'S PEER REVIEW OF FINAL EA DOCUMENTS

3.1 Comments on the Draft Environment Assessment (EA) Study Document, June 12, 2009

- 3.1.1 The Peer Review consultants have provided comments on the Draft Environmental Assessment Study Document that was released on May 25, 2009 and have received verbal and written responses to these comments. Clarington's peer reviewers were SENES, AECOM and Steven Rowe supplemented by Clarington Staff for certain aspects. The peer review comments on Site Specific Studies and Draft Environmental Assessment were circulated to Council and the Region's Project Team on June 5, 2009 (except for the HHERA which was circulated on June 12, 2009). Many issues are to be addressed through additional clarification and will be addressed in revisions by the Region's Project Team, in the upcoming weeks prior to submission. The disposition of the peer review comments are in Attachments 2 through 14. Staff and the peer reviewers will continue to review the proposed wording for the final report and assist in resolving clarification issues.
- 3.1.2 The Draft Environmental Assessment was reviewed by Steven Rowe with assistance from AECOM and SENES. The peer review comments and Region's Project Team disposition are Attachment 2 to this report. Our peer review consultant has had the opportunity to review the Region's Project Team response and the additional information released on June 12.
- 3.1.3 *Section 8 – Site Identification Process.* The Peer Review team continue to have concerns over the traceability of decisions arising from Step 7, "Alternative Methods" the Site Identification Process. While some of the concerns raised in PSD-141-07 in December 2007 have been addressed through the inclusion of additional information and are resolved, others remain. The concerns expressed previously over the trading off of criteria and the traceability of how certain factors played out in the comparative analysis have, to date, not been addressed satisfactorily. Overall, the site selected (Clarington 01) has low levels of impact for the majority of factors; the baseline air quality was a concern; however, what cannot be determined from the information provided is whether it is the "best" site.
- 3.1.4 *Section 9 – Vendor Identification Process.* The Region's Project Team has committed to assess whether the Covanta proposal is consistent with the EA process. The peer review team will review this information when it is made available. The process to identify the preferred technology vendor does not incorporate the EA principles of traceability and transparency; however, it would be appropriate for the MOE to provide guidance on whether the RFQ/RFP process sufficiently addresses these requirements given the other issues prevalent in any bidder process.

- 3.1.5 *Section 10 – Identification and Description of the Undertaking.* Greater clarity could be provided within the EA documentation on the possible timing of the Phase 1 (250,000 tonnes/yr) and Phase 2 (400,000 tonnes/yr) expansions. Section 10.6 could more clearly articulate the Region's understanding of when the post-diversion residual wastes will reach the thresholds based on anticipated population growth, diversion rates, etc.
- 3.1.6 *Section 12 – Changes to the EA.* The Service Area of the EFW facility should be defined in the EA for each Phase of its development. The role of Clarington is currently not defined with regard to the minor and major amendments.
- 3.1.7 *Section 13 – Commitments.* The Region's Project Team is reviewing and where applicable revising the language with respect to the commitments and adding clauses based on the Host Community Agreement. The June 12 version of the Draft EA did not include all of the commitments that are set out in the Host Community Agreement with regard to the Site Liaison Committee, Community Relations Plan and Community Complaints System. In addition, Table 13-1 sets out commitments for construction and operations separately; however, when Phase 1 and 2 expansions are being built both the commitments for construction and operations will be in effect simultaneously. The specific role and functioning of the Site Liaison Committee should be reviewed in light of any lessons learned from the EA Site Liaison Committee when the terms of reference are being drafted.
- 3.1.8 *Section 14 – Monitoring.* The Environmental Assessment Compliance Monitoring Program should include the commitments made during public consultation sessions with regard to how the facility will be built, operated and expanded. A list of commitments could be compiled based on the consultation records. MOE should inform Clarington of the requirements for the compliance monitoring program and provide ongoing updates on how the monitoring is being achieved. Clarington Staff could assist the Ministry and Region's Project Team in formulating the compliance monitoring program, if requested and directed to do so by Council.
- 3.1.9 *Section 16 – Consultation Summary.* The June 12 Draft EA included the consultation summary and it has been reviewed by the peer reviewers and appears complete. Traceability should be noted as a key issue and will be important in the EA compliance monitoring program.

3.2 Comments on the Site Specific Studies (Appendices C1-C12), June 12, 2009

3.2.1 Appendix C-1 Air Quality Assessment Technical Study Report

The Air Quality Assessment was reviewed by SENES Consultants (Barrie Lawrence), the comments and Region's Project Team Disposition is Attachment 3 to this report. Our peer review consultant has had the opportunity to review the Region's Project Team responses and also the 400,000 tonne scenario which was released on June 12.

In summary the peer reviewers are satisfied that the modeling was done in a competent and professional manner. The meteorological mismatch and minor matters related to the emission rate and factors can be addressed by the Region's Project Team as they fine-tune their documentation.

The air quality assessment should be modeled to account for new or changed conditions when the proposed expansions to 250,000 and 400,000 tonnes/year are undertaken regardless of the timeframe and using the revised baseline conditions that exist at the time of each expansion.

3.2.2. *Appendix C-2 Surface Water and Groundwater Assessment Technical Study Report*

The Surface Water and Groundwater Assessment Technical Study Report were reviewed by AECOM (Will McCrae) and SENES Consultants, surface water and ground water respectively. The comments and the Region's Project Team Disposition is Attachment 4 to this report. Our peer review consultants have had the opportunity to review and meet with the Region's Project Team to discuss the more pertinent matters.

In summary the peer reviewers are satisfied that the modeling was carried out on the "worst case" scenario (all storm drainage within the site); it showed no adverse affects on the environment. The recently approved Host Community Agreement will improve the stormwater management quality treatment and remove much of the storage from the EFW site to a remote site.

The ground water comments have been addressed to the peer reviewer's satisfaction as outlined in the dispositions provided by Region's Project Team. A hydrogeological assessment will be conducted onsite as part of the detailed design to support dewatering and groundwater management.

This report would not require updating for the 400,000 tonne scenario.

3.2.3. *Appendix C-3 Facility Energy and Life Cycle Assessment*

The Facility Energy and Life Cycle Assessment was reviewed by SENES (Murali Ganapathy and Talar Sahsuvaroglu). The comments and the Region's Project Team Disposition is Attachment 5 to this report. Our peer review consultants have had the opportunity to review the disposition proposed by the Region's Project Team and accept their recommendations.

The benefits of green house gas reductions are not clear at this stage, if and/or when the facility is being expanded to the 250,000 and/or 400,000 tonne/yr., much more will be known about the other potential occupants of the Clarington Energy Business Park. As such, this study should be updated at that time to determine the potential benefits of this project.

3.2.4. *Appendix C-4 Geotechnical Investigation Technical Study Report*

The Geotechnical Investigation Technical Study Report was reviewed by AECOM (Will McCrae). The comments and the Region's Project Team Disposition is Attachment 6 to this report. The peer review team is satisfied with the responses provided by the Region's Project Team in the disposition which acknowledge additional geotechnical information will be required at the detailed design stage. For the 400,000 tonne/yr. scenario, from an EA perspective this study is acceptable and would not require updating.

3.2.5 *Appendix C-5 Acoustic Assessment Technical Study Report*

The Acoustic Assessment Technical Study Report was reviewed by SENES Consultants (Fred Bernard). The comments and the Region's Project Team Disposition is Attachment 7 to this report. Many of the comments provided were technical in nature and have been addressed to the peer reviewer's satisfaction in the disposition. To ensure transparency and traceability the formula's used and assumptions about the location of equipment should be identified.

The largest outstanding issue is whether pile driving is going to be necessary and how this would be mitigated with the possible expansions to 250,000 and 400,000 tonnes/yr. as there would be additional receptors compared to existing conditions. Since it is likely there will be more "receptors" in the immediate area at that time it is recommended that the Acoustic Assessment be revisited and updated at the time of the expansions.

3.2.6 *Appendix C-6 Visual Assessment Technical Study Report*

The Visual Assessment Technical Study Report was reviewed by Clarington Staff. The comments and the Region's Project Team Disposition is Attachment 8 to this report.

The Visual Assessment was carried out for beyond the boundaries of the Clarington Energy Business Park, it followed current practices and standards for visual impact assessments. However, the visual assessment for receptors within the CEBP is to be updated based on the peer review comments and visualizations provided to the Region's Project Team on June 12, 2009. The most current information regarding other projects (e.g. Highway 407 and OPG) and the status of the Clarington Energy Business Park will be included. Staff will work with the Region's Project Team to help finalize all of the technical comments on the visual assessment for the July 31st submission timeframe.

Details regarding the proposed measures used to mitigate the visual effect of the Facility while not available at this time should be referenced in Section 13 – Commitments of the Final EA Report. It has been duly noted that the cash allowance, no less than nine million dollars, in the RFP is described in the Host Community Agreement; however, from an economic perspective this is not a direct benefit to Clarington as it can be assumed that regardless of where this facility was sited the Regions would have made provision to ensure that the architectural treatment was world class.

As stated in the disposition comments, the visual impact assessment focused on the "worst case" scenario where the basic design specifications and dimensions were used. The actual facility will employ high quality design and architectural principles to ensure that the facility will be consistent with the prestige commercial and industrial business park that is envisioned.

Given that the 250,000 and 400,000 tonne/yr scenarios will have visual impacts within the CEBP the visual assessment should be updated at the time of these expansion phases and include the receptors that are within the CEBP at that time.

3.2.7 *Appendix C-7 Natural Environmental Assessment Technical Study Report*

The Natural Environment Assessment Technical Study Report was reviewed by SENES Consultants (Paul Patrick). The comments and the Region's Project Team Disposition is

Attachment 9 to this report. The Region's Project Team has agreed to edit/update the report based on the peer review comments which is acceptable.

3.2.8 *Appendix C-8 Social/Cultural Assessment Technical Study Report*

The Social/Cultural Assessment Technical Study Report was reviewed by SENES Consultants (Gwen Brice) with additional comments provided by AECOM and Steven Rowe. The peer review comments and the Region's Project Team Disposition is Attachment 10 to this report.

The outstanding issues with regard to this report are the types of mitigation that will be undertaken to address the social impacts of this project. The Host Community Agreement addresses a number of the economic and anticipated social/cultural impacts of the project however; given the timing of the approval of the HCA these mitigation measures were not included in the overall study. During a meeting on June 12, 2009 the Region's Project Team committed to addressing many of the outstanding issues raised in the Visual, Economic and Social/Cultural Assessments. The concerns identified from the Visual and Economic Assessments have impacts and mitigation measures that ripple through the Social/Cultural Assessment.

The peer reviewers will work with the Region's Project Team to finalize all of the technical comments on the social/cultural assessment for the July 31st submission timeframe. A review of the final documentation will be required to confirm that commitments made in the disposition table are satisfactorily addressed. Should any outstanding items remain they will be reported to Clarington Council for direct submission to MOE as part of the formal review.

3.2.9 *Appendix C-9 Stage 2 Archaeological Assessment and Built Heritage Assessment Technical Study Report*

The Stage 2 Archaeological Assessment and Built Heritage Assessment Technical Study Report was reviewed by Clarington Staff. The peer review comments and the Region's Project Team Disposition is Attachment 11 to this report. The peer review team is satisfied with the dispositions provided by the Region's Project Team.

3.2.10 *Appendix C-10 Traffic Assessment Technical Study Report*

The Traffic Assessment Technical Study Report was reviewed by AECOM (Will McCrae, Garry Pappin). The comments and the Region's Project Team Disposition is Attachment 12 to this report. The peer review team is satisfied with the majority of responses provided by the Region's Project Team in the disposition. The approval of the Host Community Agreement and Recommendation 8 of Regional Report 2009-COW-03 (acquisition/expropriation of certain lands) will mitigate and address a number of the specific issues raised by the peer review team. The Traffic Assessment is for the "worst case" scenario which is that construction access and ongoing delivery of waste would be on the existing public road system; however, the mitigation that is being suggested through the Host Community Agreement is that both of these activities occur along the private lane adjacent to the railway tracks.

As stated by the Region's Project Team "refinements to the haul route would be confirmed subsequent to the EA submission, and would be addressed in the permitting

documentation reflected in conditions of approval for design and operation of the Facility”.

There is a commitment in the EA to update the Traffic Assessment for future expansions of the facility if the 400,000 tonne/yr. scenario is reached prior to 2023.

Currently the Traffic Assessment assumes that all waste material arriving at the site is by transfer trailer except for packer trucks from Clarington. The Region may wish to route the packer trucks from South Oshawa to the site rather than through a transfer station. As noted in Comment 13 on the disposition sheets by the Peer Reviewers, should a revised method of haulage be chosen after the project is approved, an addendum to the report should be prepared to identify potential impacts and mitigation. This would not be a change to the EA.

3.2.11 *Appendix C-11 Economic Assessment Technical Study Report*

The Economic Assessment Technical Study Report was reviewed by SENES (Malcolm Martini). The comments and the Region's Project Team Disposition is Attachment 13 to this report. The peer reviewers to date have not received the final version of this report which is to be updated based on the Business Case prepared for the Region of Durham.

As noted in the dispositions by the Region's Project Team significant work remains to be added and clarified within the economic assessment for the report to be finalized. The peer reviewers will work with the Region's Project Team to finalize all of the technical comments on the economic assessment for the July 31st submission timeframe. Should any outstanding items remain they will be reported to Clarington Council for direct submission to MOE as part of the formal review.

There is no reason to update this study if and when the facility expands.

3.2.12 *Appendix C-12 Site Specific Human Health and Ecological Risk Assessment (HHERA) Technical Study Report*

The Site Specific Human Health and Ecological Risk Assessment (HHERA) Technical Study Report was reviewed by SENES (Harriet Phillips/Mehran Monabotti). The comments and the Region's Project Team Disposition is Attachment 14 to this report.

The peer review concluded that the Site Specific HHERA for the EFW treatment facility for the 140,000 tonne/yr. scenario is comprehensive and conforms to risk assessment guidance.

The peer review identified a number of areas where the study could be clarified to be more transparent. However, it was concluded that these changes would not change the overall conclusions of the assessment as the risks are predicted to be very low, and in fact the calculated risks would likely be lower when the appropriate technology and site is selected. A specific discussion on nano-particles was suggested to address a concern identified by the public. As well, it was suggested that a "plain-language" summary of the report be prepared so that members of the public can better understand the approach and results of the risk assessment.

If and when the facility expands to 250,000 and/or 400,000 tonne/year, these studies should be revised based on the revised baseline conditions existing in the area. This means a revised Air Quality study should be conducted and its data used for developing the HHERA. Further, effects of the EFW plant upset conditions should be studied within the scope of expanded capacities as these could have significant effects.

4.0 CONCLUSION

- 4.1 This report provides an overview of the peer review process, the comments provided by the peer review team, and the disposition of these comments by the Region's Project Team (Attachments 2-14). Staff have reviewed the further comments by the peer reviewers and, as such, are recommending that they be submitted to the Region's Project Team as the Municipality's comments on the Durham/York Residual Waste Environmental Assessment Pre-Submission.
- 4.2 Staff and the peer reviewers will work with the Region's Project Team to help finalize the technical comments for the July 31st submission timeframe.
- 4.3 The Residual Waste Environmental Assessment lays the foundation for many aspects of the subsequent works for the EFW. Specifically there will be a process for the determination of the architectural design of the EFW. The commitments within the EA documentation and the Host Community Agreement will be important to the overall development of the Clarington Energy Business Park as an economic driver for the Municipality and Region.

Attachments:

Attachment 1	Glossary of Terms
Attachment 2	Disposition Sheets – Draft Environmental Assessment
Attachment 3	Disposition Sheets – Appendix C-1 Air Quality
Attachment 4	Disposition Sheets – Appendix C-2 Surface Water and Groundwater
Attachment 5	Disposition Sheets – Appendix C-3 Facility Energy and Life Cycle
Attachment 6	Disposition Sheets – Appendix C-4 Geotechnical Investigation
Attachment 7	Disposition Sheets – Appendix C-5 Acoustic Assessment
Attachment 8	Disposition Sheets – Appendix C-6 Visual Assessment
Attachment 9	Disposition Sheets – Appendix C-7 Natural Environment Assessment
Attachment 10	Disposition Sheets – Appendix C-8 Social/Cultural Assessment
Attachment 11	Disposition Sheets – Appendix C-9 Stage 2 Archaeological Assessment and Built Heritage Assessment
Attachment 12	Disposition Sheets – Appendix C-10 Traffic Assessment
Attachment 13	Disposition Sheets – Appendix C-11 Economic Assessment
Attachment 14*	Disposition Sheets – Appendix C-12 Site Specific Human Health and Ecological Risk Assessment (HHERA)

* (Under Separate Cover)

List of Interested Parties to be Notified of Councils decision:

Region of York, Works	Paul Andre Larose	Brian and Sharon
Region of Durham, Works	Don Wilkinson	Thompson
Jim McKay, Jacques	Noah Hannah	Bill and Lorna Turner
Whitford Stantec	Katherine Miles	Doug Woods
Ministry of Environment	Donna Mcaleer-Smith	Don Wright
Joachim Baur	Kristin Robinson	Lakeridge Health
Alexandra Bennett	Steve Tharme	Lorraine Huinink
Barry Bracken	David Climenhage	John Oates
Kathi Bracken	Steve Conway	Rev. Christopher Greaves
Wendy Bracken	Chester Miles	Leslie Heinrichs
Karen Buck	Bernadine Power	Diana Kanarellis
Terry Caswell	Hilary Balmer	Elaine and Vincent Ho
Katie Clark	Willis & Marilyn Barrabal	Ron Campbell
Shirley Crago	Stewart and July Dayes	Stephanie Adams
Kevin Diamond	Maureen Dingman	Betty Robinson
Wayne Ellis	Carl Zmozynski	Nicola Keeme
Linda Gasser	Gaston Morin	Mable M. Low
James Gibson	Ann and Mike Buckley	Rebecca Harrison
Glenda Gies	Fraser and Cathy Grant	Charlie and Irene Briden
Tenzin Gyaltsan	Jean and Wallace Mcknight	Nadia McLean-Gagnon
Ron Hosein	Stephanie Adams	Dorothy Barnett
Dr. Debra Jefferson	Julie Allen-Freeman	Marc Tepfenhart
Laurie Lafrance	John and Dale Cerniuk	Rosemary Davies
Lee McCue	Garland and Anne Foote	Wendy & Ron
Warren McCarthy	Slyvain Gagnon	Libby Racansky
Cathrine McKeever	Melissa Girard	Beav201
Kerry Meydam	Beth Hewis	Louis
John Mutton	Manuel Jimenez	Sandra Viau
Karen Nichol	Debbie Kuehn	Tim Finnis
Dave Renaud	John MacDonald	Hugh Allison
Jim Richards	Ralph Machon	Marke Nelson
Andrew Robson	Mary Anne and Gerry Martin	Jeremy Woodcock
Yvonne Spencer	Kristin McKinnon-Rutherford	Kevin LeGrand
Nicole Young	Lorna McSwan	Doug Anderson
Lucy Wunderlich	Bretn Mersey	Elaine Gillies
Ontario Power Generation	Donna Packman	
Anthony Topley	Devon Richard	

GLOSSARY OF TERMS

EA	Environmental Assessment
EBR	Environmental Bill of Rights
EFW	Energy From Waste
EPA	Environmental Protection Act
HHERA	Human Health and Ecological Risk Assessment
IC&I Waste	Industrial, Commercial, and Institutional waste
MOE	Ontario Ministry of the Environment
MSW	Municipal Solid Waste
RFP	Request for Proposals
RFQ	Request for Qualifications
C of A	Certificate of Approval