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The Regional Municipality of Durham Information Report

From: Commissioner of Works
Report: #2020-INFO-70
Date: July 17, 2020

Subject:

Environmental Assessment Trigger for the Mixed Waste Pre-sort and Anaerobic Digestion Project

Recommendation:

Receive for information

Report:

1. Purpose

1.1 The purpose of this report is to provide information on the applicability of an Environmental Assessment (EA) requirement for the Mixed Waste Pre-sort and Anaerobic Digestion Project (Project).

2. Background

2.1 In March of 2007, the Ontario Government enacted Ontario Regulation (O. Reg.) 101/07, the Waste Management Projects Regulation, made under the EA Act. The purpose of O. Reg. 101/07 was to bring greater clarity to what waste projects are designated as an undertaking under the EA Act and to establish new EA requirements for waste projects consistent with the potential significance of such projects.

2.2 The Regional Municipality of Durham (Region) reviewed O. Reg. 101/07 as well as the accompanying Guide to Environmental Assessment Requirements for Waste Management Projects at the outset of this Project to determine which process

stream would apply to the Region's proposed facility. That review indicated that an EA is not required for the Project.

- 2.3 The Region was copied on a letter to the Minister of the Environment, Conservation and Parks from the Municipality of Clarington dated July 9, 2020. (Refer to correspondence from the Municipality of Clarington regarding Anaerobic Digestion as contained in Item 3 of the Durham Municipalities Correspondence Section of the July 17, 2020 Council Information Package.) That letter requests an order from the Ministry of the Environment, Conservation and Parks (MECP) prohibiting the Region from proceeding with the Project until a "full and proper Environmental Assessment (EA) can be conducted".

3. EA Requirements

- 3.1 The Region has had several discussions with MECP staff and followed up in writing regarding EA requirements in September 2019.
- 3.2 The MECP provided the following information in a March 2020 response letter:
- "In accordance with subsection 11(1)4 of O. Reg. 101/07 (Waste Management Projects) made under the Act, the establishment of a new waste disposal site at which waste would be handled, treated or processed and that would transfer less than 1,000 tonnes of waste per day for final disposal does not trigger provincial environmental assessment requirements."
- 3.3 The estimated forecast of residual waste that will be sent off site from the facility for final disposal will be under the 1,000 tonnes per day (average) threshold.
- 3.4 The Region's subsequent correspondence to the MECP dated July 15, 2020 (Attachment #1 and #2), provides a Project update and references the July 9, 2020 letter from the Municipality of Clarington to the MECP.

4. Conclusion

- 4.1 Residual waste for final disposal from this Project will not exceed 1,000 tonnes per day and therefore does not trigger the Provincial environmental assessment requirements.
- 4.2 The Regional Municipality of Durham has been in discussions with the Municipality of Clarington to understand the concerns and provide mitigation where possible. The Regional Municipality of Durham will continue to participate in discussions in an effort to resolve any perceived issues with the project.

- 4.3 Through design, the facility will be constructed to be compatible with other land uses in the Energy Park and through strict operating standards all potential environmental impacts will be negated.
- 4.4 This report has been reviewed by Legal – Corporate Services Department and the Planning and Economic Development Department.
- 4.5 For additional information, please contact Gioseph Anello, Director, Waste Management Services, at 905-668-7711 extension 3445.

5. Attachments

Attachment #1: Correspondence dated July 15, 2020 from Gioseph Anello, Director, Waste Management Services, The Regional Municipality of Durham, to Ms. Kathleen O’Neill, Director, Environmental Assessment, MECP, regarding Environmental Assessment for Organics Management Project.

Attachment #2: Correspondence dated July 15, 2020 from Elaine Baxter-Trahair, Chief Administrative Officer, The Regional Municipality of Durham, to the Honourable Jeff Yurek, M.P.P., Minister of Environment, Conservation and Parks, regarding Environmental Assessment for Organics Management Project.

Respectfully submitted,

Original signed by:

Susan Siopis, P.Eng.
Commissioner of Works



Sent via standard mail and email (kathleen.oneill@ontario.ca)

July 15, 2020

Kathleen O'Neill, Director, Environmental Assessment
Environmental Assessment and Permissions Division
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5

**The Regional
Municipality of
Durham**

Works Department

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Dear Ms. O'Neill:

**RE: Mixed Waste Pre-Sort and Anaerobic Digestion Project
The Regional Municipality of Durham**

As a follow up to our letter of September 25, 2019, inquiring about Environmental Assessment Act (Act) requirements for the Regional Municipality of Durham's (Durham Region) proposed integrated waste management facility to manage organic waste materials, we wish to provide an update on the project. We note the recent Municipality of Clarington (Clarington) correspondence to Minister Yurek, dated July 9, 2020, requesting an Environmental Assessment (EA) for this project.

The Ministry of the Environment, Conservation and Parks (MECP) responded to our September 2019 inquiry through your letter dated March 20, 2020 and stated that:

"In accordance with subsection 11(1)4 of O. Reg. 101/07 (Waste Management Projects) made under the Act, the establishment of a new waste disposal site at which waste would be handled, treated or processed and that would transfer less than 1,000 tonnes of waste per day for final disposal does not trigger provincial environmental assessment requirements."

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The MECP also indicated that further details regarding the Project would be required for the MECP to confirm the applicable requirements, such as renewable energy approval or Environmental Compliance Approval (ECA), for the facility. To date, Durham Region has approved a project that includes:

- A Mixed Waste Pre-sort, that will remove organics, recyclables and non-combustibles from the curbside and multi-residential garbage streams;
- A wet anaerobic digester that will process both the Source Separated Organics along with the Facility Separated Organics from the Mixed Waste Pre-sort; and
- The treatment of the resultant biofuel to create a Renewable Natural Gas suitable for injection into the grid.

The residual waste from this project will be processed at the Durham York Energy Centre (DYEC) or if non-combustible, sent to landfill.

Durham Region appreciates the MECP's support for this project that will manage and divert our municipal waste, specifically organic waste materials, effectively from final disposal. The implementation of this project will provide Durham Region with capacity to 1) manage our organic waste, 2) meet the waste disposal requirements of our growing population, 3) defer the need for a DYEC expansion, 4) increase diversion, 5) facilitate a circular economy, and 6) improve our climate change performance.

Durham Region recently approved the siting of the proposed facilities on the lands adjacent and to the west of the DYEC. Clarington has indicated that they are an unwilling host for this project and have requested that the MECP direct the completion of an EA for this project. We have been in discussions with Clarington to understand the concerns and provide mitigation where possible. We will continue those discussions in an effort to resolve any perceived issues with the project. The Region can confirm that the design process will ensure that the facility will be compatible with other land uses in

K. O'Neill, Director, EA, MECP
EA for Organics Management Project
Durham Region
July 15, 2020
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the Energy Park and through strict operating standards all potential environmental impacts will be negated.

Durham Region is available to meet with the MECP to further discuss the project and the Municipality of Clarington concerns. Should you require additional information, please do not hesitate to contact me directly at 905-668-7711 ext. 3445 or gioseph.anello@durham.ca.

Sincerely,

Original signed by:

G. Anello, M.Eng., P.Eng., PMP
Director, Waste Management Services

- c. H. Malcolmson, Director, Environmental Permissions, MECP
- C. Dugas, Manager, York Durham District Office, MECP
- A. Evers, Manager (Acting), Environmental Assessment Services, MECP
- P. Martin, Supervisor, Air, Pesticides, and Environmental Planning, MECP
- P. Dunn, Senior Environmental Officer, York Durham District Office, MECP
- M. Keyvani, Senior Project Manager, Environmental Permissions Branch, MECP
- E. O'Leary, Environmental Resource Planner & EA Coordinator, Air, Pesticides, and Environmental Planning, MECP
- G. Battarino, Special Project Officer, Project Coordination, MECP
- M. Neild, DYEC Plant Manager, Covanta
- A. Huxter, Environmental Specialist, Covanta
- M. Cant, Principal, Vice-President, GHD
- V. Shortreed, Senior Environmental Engineer, GHD
- S. Siopis, Commissioner, Works, Durham Region
- J. Hunt, Director, Legal Services, Durham Region



July 15, 2020

The Honourable Jeff Yurek, M.P.P.
Minister of Environment, Conservation and Parks
Via E-Mail: minister.mecp@ontario.ca

**The Regional
Municipality of Durham**
Office of the Chief
Administrative Officer

Dear Minister Yurek:

**RE: Mixed Waste Pre-Sort and Anerobic Digestion Project
Regional Municipality of Durham**

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Elaine Baxter-Trahair
B.M. Edu, MBA
Chief Administrative Officer

The Regional Municipality of Durham (the Region) was copied on a letter sent to you from the Municipality of Clarington (Clarington) dated July 9, 2020. In that letter Clarington requests an order from your office prohibiting the Region from proceeding with a Mixed Waste Pre-sort and Anaerobic Digestion facility (Project) until an a “full and proper Environmental Assessment can be conducted”.

As background information, the Region has approved a Project that includes:

A Mixed Waste Pre-sort, that will remove organics, recyclables and non-combustibles from the curbside and multi-residential garbage steams;

A wet anaerobic digester that will process both the Source Separated Organics along with the Facility Separated Organics from the Mixed Waste Pre-sort; and

The treatment of the resultant biofuel to create a Renewable Natural Gas suitable for injection into the grid.

The residual waste from this Project will be processed at the Durham York Energy Centre (DYEC) located immediately adjacent to the Project site.

In preparation for the Project, the Region had several conversations with Ministry of the Environment, Conservation and Parks (MECP) staff and provided written correspondence to Ministry staff (September 25, 2019), regarding the Environmental Assessment Act (Act) requirements for the Project. The Ministry of the Environment, Conservation and Parks (MECP) responded to that inquiry through a letter dated March 20, 2020 and stated that:

“In accordance with subsection 11(1)4 of O. Reg. 101/07 (Waste Management Projects) made under the Act, the establishment of a new waste disposal site at which waste would be handled, treated or processed and that would transfer less than 1,000 tonnes of waste per



day for final disposal does not trigger provincial environmental assessment requirements.”

The Region's Project will not exceed 1,000 tonnes of waste per day for final disposal.

**The Regional
Municipality of Durham**
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The Region is proposing a fully integrated waste management system that will manage and divert our municipal waste, specifically organic waste materials, effectively from final disposal. The implementation of this project will provide Durham Region with capacity to manage our organic waste, meet the waste disposal requirements of our growing population, delay the need for a DYEC expansion into the future, increase diversion, facilitate a circular economy and improve our climate change performance.

We appreciate the Ministry's support of this project and look forward to showcasing this Project, the first of its kind in terms of the full integration of a waste management system in Ontario.

Elaine Baxter-Trahair
B.M. Edu, MBA
Chief Administrative Officer

We have been in discussions with the Municipality of Clarington to understand the concerns and provide mitigation where possible. We will continue those discussions in an effort to resolve any perceived issues with the Project. The Region can confirm that through design, the facility will be compatible with other land uses in the Energy Park and through strict operating standards, all potential environmental impacts will be negated.

Durham Region is available to meet with the MECP to further discuss the project. Should you require additional information, please do not hesitate to contact me directly at 905-668-7711, extension 3000 or Gioseph Anello at extension 3445 or Gioseph.anello@durham.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elaine Baxter-Trahair', with a long horizontal flourish extending to the right.

Elaine Baxter-Trahair
Chief Administrative Officer

Cc Lindsay Park, MPP Durham
June Gallagher, Deputy Clerk, Municipality of Clarington
Susan Siopis, Commissioner, Works, Region of Durham
Ralph Walton, Regional Clerk, Region of Durham