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May 28, 2024

The Honourable Andrea Khanjin, M.P.P.
Minister of Environment, Conservation and Parks
Via Email: minister.mecp@ontario.ca

Dear Hon. Andrea Khanjin:

Re: Proposal to Increase Durham York Energy Centre Throughput to 160,000 Tonnes Per Year

File Number: PG.25.06

At a meeting held on May 27, 2024, the Council of the Municipality of Clarington approved the following Resolution #PD-035-24:

Whereas In July 2019, Durham & York Regions initiated an Environmental Screening process for a throughput capacity increase from 140,000 tonnes per year to 160,000 tonnes per year;

And whereas on April 22nd, 2024, the Minister of the Environment in her letter to the Regions wrote that “the Regions can now proceed with the project subject to any other required permits or approvals”;

And whereas in the Host Community Agreement between Durham Region and Clarington, Section 6.1: “Durham shall continue to implement and support an aggressive residual waste diversion and recycling program to achieve and/or exceed their 70% diversion recycling rate for the entire Region”;

And whereas Durham has not maximized Waste Reduction and Diversion opportunities and should do so before proceeding to expand capacity. (As at 2022 Durham’s RPRA Diversion Rate was 62% which includes credits for bottom ash);

And whereas five years have passed since the EA Screening study commencement with enhancements to waste management programs projected to occur at Durham Region to divert more organic waste and reduce garbage. 1) expanded green bin materials to be accepted beginning July 1, 2024. 2) offering

source separated organics collection to multi-residential households in Durham, possibly in 2025;

And whereas DYEC Monitoring/Surveillance is not keeping up with other jurisdictions. In the Host Community Agreement, Section 3.2, “Durham shall ensure that the EFW facility utilizes maximum achievable control technology (MACT) for emissions control and monitoring systems”;

And whereas in the Host Community Agreement, Section 3.3, “Durham shall ensure that, where technically feasible, the EFW Facility utilizes 24/7 monitoring systems for such parameters as are deemed appropriate by the Ministry of the Environment”;

And whereas in the Host Community Agreement, Section 4.3: “At the time of any expansion, Durham will give consideration to improvements to the emission control system to meet the then current MACT standards and shall apply for a new or amended Certificate of Approval if required by the Province of Ontario”;

Now therefore be it resolved that Clarington Council requests that Durham Region Council, at their May 29th, 2024, meeting take action to request Staff to produce an Update Report before proceeding with the DYEC Capacity Increase that would address and include the following:

- a. Re-evaluation of 2019 assumptions about need for the throughput increase given programs to capture additional organics from the garbage and in light of Durham’s recent focus on Waste Reduction as per 2022 Durham’s Long Term Waste Plan;
- b. An updated summary potential environmental/ecological impacts using most recent data;
- c. A written opinion from Durham’s Medical Officer of Health on potential health impacts of capacity increase as well as recommendations on improvements to DYEC Monitoring Plans;
- d. Identification of all financial costs associated with capacity increase including required ECA study costs and confirming whether or not Durham & York would be eligible to receive the provincial power subsidy for waste beyond 140,000 tonnes per year;
- e. Copies of documents and comments to/from Durham/York and their consultants and the MECP since the submission of the December 2021 Env. Screening Report;

- f. Summary showing how the concerns/comments submitted by the Municipality of Clarington & the public were addressed in the EA Screening process and how and when any unresolved issues would be addressed; and
- g. An evaluation of DYEC Monitoring Programs and emission control technologies, as well as identification of improvements required to meet commitments in EFW Business Cases and Host Community Agreement.

That if Durham proceeds to apply for the Environmental Compliance Approval (ECA) Amendment, that even if Durham and York were considered to be exempt from the requirement to post on the Environmental Registry (ERO) that Durham will request that ECA application(s) & supporting documents be posted to ERO;

That Durham commits to promptly posting all ECA applications/study documents to the DYEC project website;

That if not already done, Durham posts the attachment to Minister's April 22nd letter to them, as had been requested by the Minister, on the DYEC website immediately to inform public and update DYEC webpages;

That Regional Council appoint a Clarington Regional Councillor to the Durham Works Committee; and

That copies of this motion be sent to The Hon. Andrea Khanjin, Ontario Minister of the Environment, Conservation & Parks, Lower Tier Municipalities in Durham Region, Durham Region MPPs.

Yours truly,



John Paul Newman
Deputy Clerk

JPN/lh

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