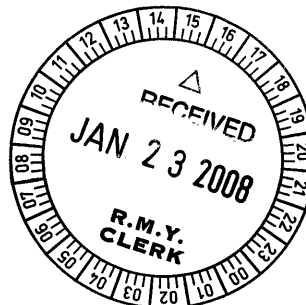


January 21, 2008

Pat Madill
Regional Clerk
Regional Municipality of Durham
605 Rossland Road East
Whitby, ON, L1N 2M8



Dear Ms. Madill:

RE: ENERGY FROM WASTE FACILITY
FILE NO.: E01.EN

At a meeting held on January 14, 2008, the Council of the Municipality of Clarington received delegations from several individuals with respect to the above matter. In consideration of the remarks from the delegations, the following resolution was passed:

"THAT the delegations of Linda Gasser, Kerry Meydam, Dave Renaud, Wendy Bracken, Paul Andre Larose, Kristen Robinson, and Wayne Ellis be received with thanks;

THAT the delegates be advised their information is important;

THAT they be welcomed to continue to address Council as the process unfolds;

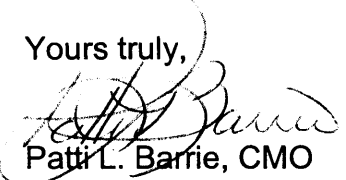
THAT the Regions of Durham and York be requested to delay the final selection of a preferred site for the Energy from Waste facility until such time as the submissions in response to the Request for Proposals have been reviewed, a preferred technology and vendor has been selected, and the sensitivity analysis in relationship to the site selection and the specific Human Health and Ecological Risk Assessment has been carried out;

THAT the final site selection be delayed until the business case for the Energy from Waste facility has been adopted by the Regional Councils of Durham and York, incorporating the appropriate costs for the Host Community Agreement as reflected in Resolution #GPA-632-07 and #C-592-07; and

THAT the Regional Municipalities of Durham and York, the Joint Waste Management Group and all delegations be advised of Council's decision."

For your information, I have included a copy of the Municipality of Clarington's Resolutions #GPA-632-07 and #C-592-07, referenced in the above resolution.

Yours truly,



Patti L. Barrie, CMO
Municipal Clerk

PLB/ta

cc: Denis Kelly, Clerk, York Region ✓
Joint Waste Management Group
Linda Gasser
Kerry Meydam
Dave Renaud
Wendy Bracken
Paul Andre Larose
Kristen Robinson
Wayne Ellis
David Crome, Director of Planning Services

Resolutions: GPA 632-07 and C-592-07

WHEREAS the Consultants retained by the Regions of Durham York Proponent to oversee an Environmental Assessment EA to site an Energy From Waste EFW facility have identified a property located in the Municipality of Clarington as the preferred site for said EFW facility

WHEREAS such EFW facility is to be developed and operating on a date that appropriately relates with the scheduled closure of the US State of Michigan border to all Canadian Municipal residual waste shipments

WHEREAS the Municipality of Clarington believes that the Proponent of the EFW facility shall be fully responsible for all costs and risks associated with the development and operation of the EFW facility

WHEREAS the Ontario Ministry of Environment must approve the Environmental Assessment process which includes a site specific Human Health and Environmental Risk Assessment and issue to the Proponent a license to operate the EFW facility

WHEREAS it is standard practice in North America that a Host Community Impact Agreement be entered into between the Proponent and the Host Community for any type of Municipal residual waste processing facility

NOWTHEREFORE the Municipality of Clarington resolves that staff is authorized to Undertake without prejudice negotiations with Durham Region and that the Regions of York and Durham are requested to

- 1 Agree to protect the health and safety of the residents of Clarington and Durham by incorporating into the design and installation of the EFW facility the most modern and state of the art emission control technologies that meet or exceed the European Union EU monitoring and measurement standards**
- 2 Agree to continue to support an aggressive residual waste diversion and recycling programs in order to achieve and exceed on or before December 2010 a 70 diversion recycling rate for the entire Region and such aggressive programs shall continue beyond 2010**
- 3 The Host Community Impact Agreement shall address but not be limited to the following major areas of concern and requirements**

- Provide 24/7 emission monitoring systems easily accessible by the public
 - Restrict the quantities types and sources of waste i.e. no City of Toronto Waste will be allowed
 - Establish a Community Liaison Committee including local Physicians
 - Provide infrastructures to facilitate economic development in Clarington
 - Absorb all Clarington costs that are related to the development and operations of the EFW facility
 - Compensate Clarington for any detrimental costs if any associated to an EFW facility sited within Clarington borders
 - Assume all risks and liabilities associated with the EFW facility
 - Provide a royalty and/or revenue sharing arrangement to Clarington for the life of the EFW facility in appropriate amounts and suitably indexed
 - The project shall have no adverse impacts on payments in lieu of taxes
 - No ash from the facility shall be deposited in any landfill site located within Clarington borders
- 4 To alleviate the concerns of the people of Clarington and Durham by acknowledging the foregoing and agreeing to negotiate with Clarington in good faith.
- 5 Staff is directed to forward this resolution to the Regions of York and Durham FORTHWITH