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DURHAM / YORK RESIDUAL WASTE STUDY DRAFT TERMS OF REFERENCE

The Solid Waste Management Committee recommends the following:

- 1. The presentation by Dave Merriman, MacViro Consultants, be received; and**
- 2. The recommendation contained in the following report, October 6, 2005, from the Commissioner of Transportation and Works be adopted:**

1. RECOMMENDATION

It is recommended that:

1. This report be received for information.

2. PURPOSE

This report outlines the status of the development of the Environmental Assessment Terms of Reference for the Durham/York Residual Waste Study and informs Committee and Council of the release of the draft document for public comment.

3. BACKGROUND

Regional Council adopted Clause 1 of Report No. 4 of the Solid Waste Management Committee on May 19, 2005 to initiate the public consultation process required by the Ontario Environmental Assessment Act to develop a long-term plan for residual waste management in York Region. On June 23, 2005, Council adopted Clause 1 of Report No. 4 of the Commissioner of Transportation and Works to enter into an agreement with The Regional Municipality of Durham to partner with them to jointly undertake an Environmental Assessment (EA) to develop a long-term plan for residual waste management in both York and Durham Regions.

4. ANALYSIS AND OPTIONS

Under the Environmental Assessment Act, a Terms of Reference (ToR), or outline of how the pending EA will be conducted and what will be considered, must first be completed. Both Durham and York have held three series of workshops to engage the public on the development of the ToR. In addition, notices were sent to over 300 local environmental agencies and groups notifying them of the Durham / York Residual Waste

Study (Study) and requesting that they formally register to receive ongoing information on the Study. The public workshops in York Region were as follows:

- Workshop 1 – May 31, June 1, June 2
 - Introduction of the Study and discussion on the comparative evaluation criteria for alternative technologies.
- Workshop 2 – June 21, 22, 23, 27
 - Discussion on the comparative evaluation criteria for site selection.
- Workshop 3 – September 13, 14, 15
 - Discussion on a consultation plan.

Attendance at these sessions was low which is to be expected since the general public typically doesn't get involved until specific sites are identified. The interest in waste management issues in York Region and environmental concerns identified by the citizens who attended was excellent. All of the comments received in these sessions have been incorporated into the development of the draft ToR.

MacViro Consultants Inc. and Jacques Whitford Limited are the consultants on this project and have prepared the Draft Environmental Assessment Terms of Reference (*see Attachment 1*) in accordance with the requirements of Section 6.(1) and 6.(2)(a) of the Ontario Environmental Assessment Act. The following sections summarize the key elements of the draft ToR.

4.1 Purpose of the Undertaking

The purpose of the undertaking is:

- To process - physically, biologically and/or thermally - the waste that remains after the application of both Regions' at-source waste diversion programs in order to recover resources - both material and/or 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.

Specifically, the waste to be managed will be:

- 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 respective Regions at Regional waste disposal facilities.
- Municipal Solid Waste (MSW) from neighbouring non-Greater Toronto Area (GTA) municipalities that may, in exchange, provide disposal capacity for Durham and York's processing residues.

At-source programs refer to those initiatives undertaken at the source of waste generation (e.g. at home or work/business) to eliminate the generation of waste or to divert wastes to an appropriate facility (e.g. separation of blue box recyclables from the waste stream by the home owner for curbside collection or backyard composting).

4.2 Range of Alternatives to be Evaluated in the Study

Both Durham and York Regions have expressed a desire to identify a preferred long term alternative that maximizes the resource recovery and minimizes reliance on landfill as a primary method of disposal. Landfill facilities will be assumed to continue to play a role for the disposal of materials such as process residues that cannot be otherwise diverted. A landfill only system, whereby a new landfill site capable of managing all waste that remains after at-source diversion would not meet the proposed purpose of the undertaking, and thus will not be considered in this proposed Study. Furthermore, the results of consultation in both Durham and York indicate public support for minimizing the role of landfill in future disposal systems, and the need or preference to recover resources that remain in the residual waste stream.

During development of the ToR, alternative methods to process the waste remaining after diversion, or “alternatives to”, were screened for reasonableness and applicability to the purpose of the undertaking. Those that passed the screening are identified in the ToR for consideration during the Study and include:

- Mechanical Treatment
- Biological Treatment
- Thermal Treatment

Each of the proposed processing alternatives will require landfill disposal capacity for process residues. The landfill component will be identified following the identification of the preferred “alternative to”. Options to address that landfill component, depending on the amount of capacity required, may include:

- Contracting out
- Identification of new capacity; and/or
- Establishment of supply agreements with neighbouring municipalities outside the Greater Toronto Area.

During the Study, Durham and York will decide whether to pursue the landfill capacity jointly or individually.

Following the identification of the preferred “alternative to” (i.e. Residual Processing System), “Alternative Methods” (i.e., Facility(ies) Site(s)) for the preferred alternative residual processing facility(ies) will be identified and evaluated. The process of identifying siting alternatives for a processing facility(ies) will not seek to consider all lands within the study area, but rather, will focus on those unconstrained lands considered reasonably available and accessible to Durham and York. Accordingly, the following types or categories of sites will be considered at the Environmental Assessment (EA) evaluation:

- Publicly owned lands that meet the minimum site size, configuration requirements for the type of facility(ies) being pursued and that are located in areas that are unconstrained from a land use perspective.
- Lands offered by a “willing seller” property owner that exhibit the minimum site size, configuration requirements for the type of facility(ies) being pursued and that are located in areas that are unconstrained from a land use perspective.

The only circumstances that would lead to the consideration of privately owned lands not being offered by the property owner (i.e. expropriation) would be a determination, in consultation with the public and Ministry of the Environment (MOE), that the first two categories of sites do not present a reasonable range of siting alternatives.

4.3 Description of the Environment Potentially Affected

The Study area includes all lands within the geographic boundaries of York and Durham. The “environment” under consideration in the Study has the following components:

- Natural environment
- Socio-economic
- First Nations communities
- Economic development
- Industry
- Agriculture
- Tourism
- Transportation systems and corridors
- Power generation and transmission corridors
- Legal / jurisdictional considerations

4.4 Evaluation Methodologies and Criteria

The evaluation of the ways to manage the waste remaining after diversion (“alternatives to” the undertaking) will comprise a comparison of the advantages and disadvantages associated with each alternative. Advantages and disadvantages associated with alternative residual processing systems will be defined using a net effects analysis.

The evaluation of “alternative methods” of carrying out the undertaking will be comprised of a facility(ies) site selection process. Site selection will start with a review of the entire study area to identify those areas considered un-constrained from the standpoint of locating the facility component(s) of the preferred residuals processing system. These available areas will then be systematically evaluated to identify a long-list of sites followed by additional screening and comparative steps to narrow that list down to a preferred siting option.

A Request for Proposal (RFP) process will be used to select a vendor of the preferred technology (“alternative to”) following the selection of a preferred Durham/York Site(s). This RFP will request firm price proposals for a facility(ies) to be developed on the identified site(s). In addition to this “base bid” proposal request, vendors may be offered

the option of proposing the preferred technology on their own site. Any site offered at this stage would have to meet certain minimum specified requirements, such as being located in Ontario and would be subject to the same complete comparative evaluation process as for a site within the Study area. Following this comparison an overall preferred vendor and site would be selected.

4.5 Consultation Plan for the Environmental Assessment (EA)

In general, there are four types or categories of parties to be consulted over the course of the Study. These categories, together, are considered to cover the full range of stakeholders which may have an interest in the Study and include:

- Public Liaison or Advisory Committees which are committees designated by the proponent to represent a broad range of interests across the study area community and to focus public input to the Study.
- First Nations Groups as identified by Durham and York in consultation with the Ontario Native Affairs Secretariat that may be potentially affected by the outcome of the Study.
- Government and Agencies which represent the interests and mandate of various governmental departments, ministries and agencies potentially affected by the outcome of the Study.
- General Public which includes all residents and businesses within the study area, which may have a broad or general interest in the study or that, may be directly affected by the study outcome. Over the course of the ToR development, a contact list of those individuals and groups expressing interest in the study has been compiled and will be updated as the study proceeds. The current contact list is included in the Consultation Record supporting this EA Terms of Reference.

To effectively disseminate information on the study and to provide opportunities for the public and agencies to provide specific or general input to the Study, Durham and York have developed a communications strategy. Elements of the communications strategy include maintenance of a study website (www.durhamyorkwaste.ca); the development and issuance of public advisories, notices and news; and the provision of a range of avenues for communication between the public and Study representatives. This strategy will be maintained and updated, as required, for the entirety of the Study.

Over the course of the Study, additional public consultation events will take place. It is anticipated that the scope of consultation events will move from initiatives and events addressing and seeking input from the larger community to a program that is more focused on the individuals and community with the greatest potential to be impacted by the proposed undertaking.

Following each public consultation event, comments received will be tabulated and addressed following the same process as utilized in the development of the ToR. Comments will be summarized in a table format outlining the comment, the response to the comment, and any changes to the Study that may be required to address the issues raised. These response tables will then be provided to the commenter and made available to the general public through the Study website.

4.6 Next Steps

The draft ToR was released for public review and comment on October 5, 2005. All agencies that have identified that they wish to be included in the Study process have been notified. In addition, the following public open houses are scheduled at 4:30pm:

- October 18 – York Region Administration Centre, Newmarket
- October 19 – Radisson Hotel, Markham
- October 20 – Le Jardin Special Event Centre, Vaughan

The commenting deadline for the draft ToR is November 6, 2005. Staff from both Regions and our consultants will incorporate the input from the public and prepare the Proposed ToR for submission, by the Joint Waste Management Group, to York and Durham Committee and Councils for adoption and submission to the Minister of the Environment for approval under the Environmental Assessment Act.

Additional key dates this fall and winter are:

- Public and Agency comments addressed and incorporated into proposed EA Terms of Reference.
 - o October 29 to November 22, 2005
- JMG to approve the release of the proposed EA Terms of Reference to respective Committee and Councils.
 - o November 23, 2005
- Durham and York Council approval to submit proposed EA Terms of Reference to Minister for Review.
 - o December 15, 2005
- Formal EA Terms of Reference 30 day review period.
 - o December 2005/January 2006
- Ministerial review of proposed EA Terms of Reference.
 - o January/February 2006
- Ministerial approval of proposed EA Terms of Reference.
 - o February/March 2006
- Initiate EA Study
 - o March/April 2006

Staff intends to have the ToR prepared for Council consideration in December 2005.

5. FINANCIAL IMPLICATIONS

The estimated costs for a joint EA have been provided by MacViro as outlined in Table 1. Adequate funds have been included in the 2005 Capital Budget and draft 2006 Capital Budget.

Table 1
Estimate of Residual Waste Disposal Environmental Assessment Costs

Item	Timing	Individual Costs for either Durham or York	Costs for Partnership of Durham and York	Costs for Either Party in Partnership
Formulation of Partnership	2005		\$50,000	\$25,000
Preparation of EA Terms of Reference	2005	\$450,000	560,000	280,000
Establishment of Need and Purpose of the Undertaking	2005	40,000	80,000	40,000
Selection of Preferred Technology ("Alternatives To")	2006	1,200,000	1,350,000	675,000
Selection of Site for Facility ("Alternative Methods")	2007	1,250,000	2,300,000	1,150,000
Completion of EA and EPA Studies	2008	1,250,000	1,400,000	700,000
Negotiations with Facility Developer and Obtaining Other Approvals	2009	500,000	600,000	300,000
Estimated Total Planning and Approvals Cost		\$4,690,000	\$6,340,000	\$3,170,000
Construction of Facility	2010 and 2011			
Start of Facility Operations	Late 2011 or early 2012			

6. LOCAL MUNICIPAL IMPACT

All of the local municipalities are included in the formal contact list for the Study and will be issued a copy of the Draft ToR.

7. CONCLUSION

The Terms of Reference for the Durham York Residual Waste Study has been prepared in accordance with the Environmental Assessment Act. The draft document has been issued for public comment.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)