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PROPOSED TERMS OF REFERENCE DURHAM/YORK RESIDUAL WASTE ENVIRONMENTAL ASSESSMENT

The Solid Waste Management Committee recommends the adoption of the recommendations contained in the following report, November 28, 2005, from the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. Council approve the Proposed Terms of Reference for the Durham/York Residual Waste Environmental Assessment.
2. The Regional Clerk forward the proposed Terms of Reference to the Minister of the Environment for approval.

2. PURPOSE

The purpose of this report is to receive authorization to submit the Proposed Terms of Reference (TOR) for the Durham/York Residual Waste Environmental Assessment (EA) to the Minister of the Environment for approval.

3. BACKGROUND

On May 19, 2005, Council adopted Clause 1 of Report No. 4 of the Solid Waste Management Committee to undertake public consultation as required under the Environmental Assessment Act, for the Durham/York Residual Waste EA Study. On June 23, 2005, Council adopted Clause 1 of Report No. 4 of the Commissioner of Transportation and Works to partner with Durham Region on the EA study.

On October 27, 2005, Council adopted Clause No. 1 of Report No. 6 of the Solid Waste Management Committee to receive the Draft Terms of Reference for the EA study.

4. ANALYSIS AND OPTIONS

The consulting team of MacViro Consultants Inc. (MacViro) and Jacques Whitford Limited (Jacques) have prepared the Proposed TOR for the Durham/York Residual Waste Environmental Assessment (*see Attachment 1*) consistent with the Draft TOR presented to Committee in October. The Draft TOR has been modified to reflect the comments received from the public, approval agencies and the Ministry of the

Environment. The following sections summarize the key elements of the TOR and substantiate changes from the draft document previously released.

4.1 TOR Key Elements

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 Substantiate Changes from the Draft TOR

The Draft TOR was circulated to 458 groups and agencies as listed in Table 1.

Table 1
Draft TOR Circulation

Agency	Number
Federal	47
Local authorities	123
First Nations	21
Local media	18
Provincial	86
Regional services	58
Special interest groups	<u>105</u>
Total	458

In addition, all information related to the project is on our website at www.durhamyorkwaste.ca. The comment period for the Draft TOR was until November 11, 2005. All of the comments received were summarized and posted on the web site along with our response. Overall, the comments received were supportive of the Region finding a long-term sustainable solution to waste management.

Specifically, comments were received from five branches at the Ministry of the Environment, sixteen government review agencies, two first Nations and first Nations representatives, two non-governmental organizations and seven members of the public. As a result of these comments the following changes have been made to the Draft TOR:

- Concerns that a 60% diversion projection was not adequate. Therefore, waste quantities have been revised to plan for a 60% diversion rate for the first 20 years of the study and then gradually increasing to 75% by the end of the 35 year planning period.
- Concerns that the EA process takes too long to complete. Therefore the facility siting approach has been streamlined by soliciting Requests for Proposals for a preferred vendor and private sector site at the same time as short-listing publicly available sites. This will allow a single short-list of sites to be prepared and announced to reduce the overall project schedule.
- Concern that a Federal Environmental Assessment could be triggered if federal lands or funding are used. The TOR now commit to a coordinated Federal / Provincial EA if required.

In addition a number of minor changes were made to the documents to address comments provided by the various reviewers.

Staff from both York and Durham Regions believe that the proposed Terms of Reference are complete and meet the legislative requirements of the Environmental Assessment Act. It is therefore proposed that Council approve the Proposed TOR and submit it to the Minister of the Environment for approval.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. A separate report to the Solid Waste Management Committee on the December 2005 agenda deals with the consulting costs to complete the EA study if approved by the Minister.

6. LOCAL MUNICIPAL IMPACT

All local municipalities received the Draft TOR and were requested to comment by November 11, 2005. The local municipalities will continue to be involved in the EA study over the next three years as they are key stakeholders in the process.

7. CONCLUSION

MacViro and Jacques have completed the preparation of the Proposed Terms of Reference for the Durham/York Residual Waste Environmental Assessment. It is proposed that the Proposed TOR be submitted to the Minister of the Environment for approval.

The Senior Management Group has reviewed this report.

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