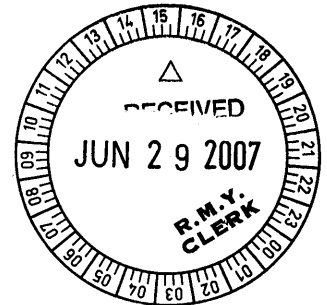




TOWN OF NEWMARKET

Anita Moore
Town Clerk
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YORK
CLERK'S OFFICE
FILE No. - P27



June 26, 2007

Mr. Andy Campbell
Director of Solid Waste Management
York Region Administration Building
17250 Yonge Street, 4th Floor
Newmarket, ON L3Y 6Z1

Dear Mr. Campbell:

**RE: Community Services Report – Commissioner 2007-49
Proposed York/Durham Energy from Waste Project**

I am writing advised that at the regular meeting of Council held on June 25, 2007, the following recommendations were adopted:

THAT Community Services Report – Commissioner 2007-49 dated June 12, 2007 regarding the proposed York/Durham Energy from Waste Project be received and the following recommendations, as amended, be adopted:

1. a) **THAT the Region of York be advised that the Town of Newmarket has concerns regarding the potential community impacts of the proposed Energy from Waste Project under consideration for the site on Bales Road in the Town of East Gwillimbury and is not in a position to support the project based upon the information available to date,**
- b) **FURTHERMORE THAT the Region of York be advised that the Town of Newmarket has concerns regarding the Bales Road site if the Memorandum of Understanding as proposed remains unchanged thereby making the Region of Durham the primary decision maker for the project including directing consultants, communications, discussions regarding power purchase arrangements, negotiations for a host agreement, siting of the energy from waste facility, and more. The Town of Newmarket currently has not been provided with information that would justify a York Region location for a facility that is largely built for, and controlled by, another jurisdiction;**

Newmarket's vision: A community well beyond the ordinary

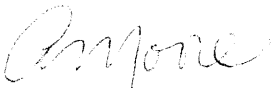
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VISIT OUR WEBSITE AT: www.newmarket.ca

- 2) **AND THAT the Region of York be requested to address the community impacts and include Town of Newmarket representatives in the detailed analysis of the site proposed on Bales Road including analysis of the following:**
- (a) **Local air quality impacts**
 - (b) **Site specific water quality, terrestrial, aquatic and ecological assessments**
 - (c) **Detailed land use assessments**
 - (d) **Preliminary traffic impact assessments**
 - (e) **Economic/Financial review**
 - (f) **Detailed assessment of current infrastructure and servicing**
 - (g) **The potential for increased tonnage due to Dongara failure, ICI contracts, or other unforeseen circumstances;**
- 3) **AND THAT the Region of York be requested to include Newmarket as a participant in the peer review being conducted with respect to the Energy from Waste technology option for disposing of residual waste.**

Please note the requests contained in Recommendations 2 and 3. If you have any questions or concerns please contact Mr. Rob Prentice, Commissioner of Community Services directly.

Yours sincerely,



Anita Moore
Town Clerk

AM:jb

cc—Mr. Denis Kelly, Regional Clerk ✓

Mr. R. Prentice, Commissioner of Community Services
Report attached.



TOWN OF NEWMARKET

R. Prentice, Commissioner
Community Services
rprentice@newmarket.ca

June 12, 2007

COMMUNITY SERVICES REPORT – COMMISSIONER 2007 - 49

TO: Committee of the Whole

SUBJECT: Region of York

ORIGIN: York Durham Residual Waste Study
Energy from Waste Project, Bales Road, East Gwillimbury

RECOMMENDATIONS

THAT Community Services Report – Commissioner 2007-49 dated June 12, 2007 regarding the proposed York/Durham Energy from Waste Project be received and the following recommendations be adopted:

1. THAT the Region of York be advised that the Town of Newmarket has concerns regarding the potential community impacts of the proposed Energy from Waste Project under consideration for the site on Bales Road in the Town of East Gwillimbury and is not in a position to support the project based upon the information available to date .
2. AND THAT the Region of York be requested to address the community impacts and include Town of Newmarket representatives in the detailed analysis of the site proposed on Bales Road including analysis of the following:
 - (a) Local air quality impacts
 - (b) Site specific water quality, terrestrial, aquatic and ecological assessments
 - (c) Detailed land use assessments
 - (d) Preliminary traffic impact assessments
 - (e) Economic/Financial review
 - (f) Detailed assessment of current infrastructure and servicing

Newmarket's vision: A community well beyond the ordinary

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3. **AND THAT the Region of York be requested to include Newmarket as a participant in the peer review being conducted with respect to the Energy from Waste technology option for disposing of residual waste.**

COMMENTS

The Region of York and the area municipalities have adopted a target for the diversion of 65% of the waste stream through recycling, yard waste and SSO green bin programs by 2010. There is also a further target of 75% diversion in the next 10 years. The remaining 35% of the waste stream is currently managed through landfill operations. The Region plans to diversify the management of this residual waste through a combination of landfill, processing into fuel pellets and through a proposed energy from waste plant currently under consideration in a joint project between the Region of Durham and the Region of York.

The process for the York Durham Energy From Waste (EFW) project began with a joint study in the spring of 2005. Terms of Reference were approved in 2006 and the preferred technologies were identified in June of 2006. The partnership is currently in the process of site selection and the development of a RFQ. The process selected involves the thermal treatment of residual waste and the recovery of the energy from the process to produce electricity or to facilitate a district heating system. Following the thermal treatment, remaining recyclable materials are removed from the ash and the remainder is disposed of in landfill. The process of burning reduces the quantity of the residual waste stream by 90%. The energy recovered from the processing of 250,000 tonnes of residual waste can produce enough power for approximately 15,000 homes.

Site Selection

The project is currently in the site selection process and based upon a presentation by the Region of York to the Town of Newmarket on June 12, 2007 there are currently three sites under consideration in the Municipality of Clarington and one site under consideration on property owned by the Region of York on Bales Road in East Gwillimbury. The site is East Gwillimbury is on the extreme southern boundary of that municipality and within approximately 3 km of the urban areas of Newmarket and within 1 km of the northern boundary of Whitchurch Stouffville.

The site selection criteria employed in the process considered locations of approximately 25 to 30 acres that were either publicly owned or were owned by a willing host. Other screening criteria used during the site selection process included federally or provincially protected lands, designated residential areas, natural heritage features, prime agricultural lands, designated parks and residential areas, and the federally regulated airport lands. The project will examine data for the sites regarding local air quality monitoring (where required), specific water quality, terrestrial, aquatic and ecological assessments, detail land use assessments, stage 1 archaeological assessments, preliminary traffic impact assessments, economic/financial review and infrastructure and servicing considerations.

The comparative evaluation of the sites will consider:

1. Public health and safety and the natural environment (high priority)
2. Social and cultural considerations (medium priority)
3. Economic/financial considerations (medium priority)
4. Technical considerations (medium priority)
5. Legal considerations (low priority)

Site specific analysis will be conducted of a number of factors including:

The preferred site will be identified in September of 2007. As members of Council are aware, the Town of East Gwillimbury has rejected the proposal to establish the EFW project at the site on Bales Road. This site is still under study by York and Durham and is the only publicly owned site under consideration.

Identification of Residents Concerns

Council received a deputation from the Communities First organization in May of this year. The concerns of the residents relate to the health impacts of the proposed EFW facility. The presentation to Council outlined information from the Ontario Medical Association regarding the incidence of illness and death as a result of air pollution in Ontario, the number of Bad Air Days in Newmarket compared to other urban areas in Ontario as reported through the Air Quality Index, climatic data and concerns regarding the effluent from the proposed facility. In addition, the deputation raised concerns thermal treatment or residual waste will not encourage efforts to reduce the amount of waste produced in Ontario through expanded recycling and reuse of materials the reduction of waste materials in our production and consumption practices.

Energy from Waste Technology Peer Review

The York/Durham partnership conducted a technical review of options for the disposal of residual waste and has proposed the use of EFW solution. The Town of Newmarket does not have internal resources to critically examine the technology proposed. To assist the area municipalities, the York/Durham partnership has allocated \$200,000 for a peer review of the proposed technology. This presents an opportunity for area municipalities to participate in a review. It is recommended that Newmarket request the opportunity to participate in the review in order to be in a position to better answer the questions of our residents.

Community Impacts

The construction of an EFW facility could have traffic impacts and air quality impacts on the surrounding community. As stated above, the York Durham partnership is proposing to undertake analysis of the preferred sites over the next two months. The information provided to the Town of Newmarket regarding air quality, traffic impacts, land use assessments and site servicing is preliminary and there remain a number of unanswered questions. The Communities

First residents group has raised a number of concerns regarding air quality impacts that require further analysis that has not yet been undertaken by the partnership.

In addition to the traffic and air quality impacts, the proposed facility would contribute sufficient energy to supply an estimated 15,000 homes. The introduction of an energy resource of this magnitude by diverting residual waste is also a community impact in the northern municipalities in York Region in light of the anticipated shortages of distribution facilities.

The Town of Newmarket has engaged LEA Consulting Limited to examine the traffic impacts of the proposal. The Regional traffic studies are not expected to be completed until mid July of 2007 and therefore it is not possible to comment on this matter at this time.

Financial Impacts

The EFW project is being financed by the Region of York as part of a strategy to secure various options for the processing and disposal of residual waste from the area municipalities. The local financial impact would be reflected in the Regional Levy. A further financial impact is the negotiation of an agreement with the host municipality regarding the location of the site. This may include the payment of tipping fees or royalties to the host community. The site under consideration is on the boundaries of Newmarket, East Gwillimbury and Whitchurch-Stouffville and these communities would share the air quality and traffic impacts. In addition to the host community, the partnership should consider community impacts where they occur in communities in close proximity. The project should include provisions that would enable those communities to mitigate or compensate for those impacts.

Changing Nature of the Partnership

The EFW project commenced as an equal partnership between Durham and York Regions. The Region of York recently approved amendments to the memorandum of understanding governing the process to reduce the equity share of York Region to 12% and to only commit to a minimum volume of residual waste of 20,000 tonnes per year. York will have the option to expand its participation in the project beyond the 20,000 tonne minimum during the 25 year term of the agreement and purchase increased ownership on the facility. In addition, the Region of Durham will become the primary decision maker for the project including directing consultants, communications, discussions regarding power purchase arrangements, negotiations for a Host Community Agreement, siting of the energy from waste facility, etc.

Through these changes in the partnership the Region of York is not taking a role in the decision making on the site location. Further information should be obtained from the Region of York confirming whether they have the right to refuse the Bales Road site if the Region of Durham selects that property as the preferred location.

Conclusions

The York-Durham partnership is in the process of identifying the preferred sites. A number of studies are still underway that would address the community impacts that are of concern to the Communities First organization and the Town of Newmarket. Although staff do not have enough information at this time to make a final recommendation, it is extremely important to participate actively in the process to ensure that a full and complete evaluation is conducted and the questions and concerns of the Town and residents are fully answered before a decision is made on the site. To this end it is recommended that the Region be requested to include the Town of

Newmarket during the site analysis. In addition, the Town of Newmarket should take the opportunity to participate in the peer review of the EFW process being financed by the partnership.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

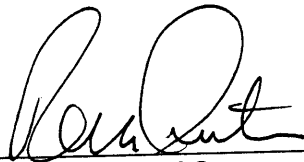
The identification of environmentally sustainable solutions to the disposal of residual waste is essential to the goals of the Town for living well through environmental protection. The protection of the municipality from community impacts of the project under study is also critical to the preservation of the environment in the community.

COMMUNITY CONSULTATION POLICY

The York Durham partnership is conducting a public consultation process in conjunction with the project. The next consultations are scheduled on the evenings of June 19 and 21 at the Roman Palace Banquet Hall on Leslie Street.

BUDGET IMPACT (CURRENT AND FUTURE)

The Town of Newmarket has engaged a consultant to review the traffic implications of the proposed EFW on Bales Road. This information will be available as the Region completes its studies. If the Town of Newmarket is given the opportunity to participate in the site studies or peer review of the technology, our participation will be through staff and if necessary outside expertise using funds within existing budgets.



Commissioner of Community Services