


Clarington

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December 17, 2024

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

 Corporate Services Department Legislative Services Division	
Date & Time Received:	December 17, 2024 2:06 pm
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Notes/Comments:	

Dear Hon. Andrea Khjanjin:

Re: Regarding Response from the Region of Durham on the Durham York Energy Centre (DYEC) Capacity Increase

File Number: PG.25.06

At a meeting held on December 16, 2024, the Council of the Municipality of Clarington approved the following Resolution #PD-084-24:

Whereas Clarington previously advised the Minister of Environment, Conservation and Parks through its correspondence dated May 28, 2024, Re: Proposal to Increase Durham York Energy Centre Throughput to 160,000 Tonnes Per Year, that Clarington was requesting Durham Regional Council to produce an Update Report that would address a number of unresolved issues and concerns related to the Regions' EA Screening proposal to expand waste throughput by 20,000 tonnes each year;

And whereas Clarington also advised the Minister through correspondence dated May 28, 2024, Re: AMESA Monitoring and Reporting, that Clarington was again requesting Durham Regional Council to provide Clarington all of the DYEC AMESA data/results (including invalidated sampling results and rationale for invalidation), as well as all underlying reports for all sampling periods from 2015 to present and to "Ensure that all future Quarterly AMESA reports include the allunderlying data and provide a detailed rationale explaining any invalidated results and report all sampling results even if invalidated";

And whereas Durham Region responded to Clarington's two correspondence items through Durham Report #2024-WR-7, dated November 6, 2024, which was received for information by Durham Works Committee on November 6, 2024;

And whereas Durham, in its response Durham Report #2024-WR-7, did not sufficiently address, or did not address at all, the following Clarington's requests:

- request for an updated evaluation of the need to expand throughput that would take into account programs to capture additional organics from the garbage that have come into effect since the original needs assessment done in 2019;
- requests for documentation as well as a summary on how the concerns/comments submitted by the Municipality of Clarington & the public were addressed in the EA Screening process as well as how and when any unresolved issues would be addressed (for example, summary table(s) referenced in their response did not include attachments the table itself referenced making it impossible to see how/if issues were addressed); and
- request for 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;

And whereas Durham, in WR-7, did not respond at all to Clarington's requests "that Durham will request that ECA application(s) and supporting documents be posted to ERO" and "That Durham commits to promptly posting all ECA applications/study documents to the DYEC project website";

And whereas Durham, in their report 2024-WR-7, did not directly answer Clarington's requests for all dioxin/furan AMESA data/results and underlying reports, nor did they answer whether they would commit to providing them in the future. Durham also did not provide any of the requested AMESA data/results/underlying reports;

And whereas a lengthy period (five (5) years) has passed since the last public consultation on the throughput expansion in 2019 and two years have passed since the Environmental Screening Report (ESR) was released;

And whereas there have been numerous developments as well as new information/results that have occurred which should be considered and have potential to affect the Regions' proposed application to amend their ECA to expand waste burning capacity by 20,000 tonnes every year at the DYEC including:

- Durham's Expanded organics collection program and multi-residential Source Separated Organics collection;
- At the DYEC, there have been more months of AMESA data invalidation reported, on one occasion dioxin/furan source testing was paused part way through a test run due to an operational issue then resumed, and the

2023 dioxin/furan soil testing result at the downwind station was more than double the 2013 pre-construction level and above what was predicted in the original EA health risk assessment. These findings point to the need for more and better monitoring/reporting; and

- DYEC reported GHGs (in CO₂e) are currently 25% higher than had been estimated in the 2009 EA.

And whereas the European Union, in their Best Available Techniques (BAT) conclusions adopted in 2019, include continuous emissions monitoring for total particulate matter, continuous emissions monitoring for mercury, periodic monitoring for poly-brominated dioxins/furans, long-term dioxin/furan sampling that includes dioxin-like PCBs. None of this described monitoring is currently required for the DYEC;

And whereas the EU BAT conclusions also require monitoring during OtherThan-Normal-Operating-Conditions (OTNOC). This is currently not required at the DYEC;

Now therefore, be it resolved that the Municipality of Clarington requests the Minister of Environment, Conservation, and Parks to:

1. Direct the Ministry Staff that any ECA application(s) submitted by the Owner(s) of the DYEC to amend the throughput capacity be posted on the ERO for public and Municipal comment and that the posting includes the full application and all supporting documents;
2. Direct Ministry staff to require public reporting as a condition of ECA approval of all dioxin/furan long-term sampling system (AMESA) data/results, including all underlying documents, on the DYEC website, as is done with other monitoring reports such as the Air Emissions Source Testing reports, Ambient Air reports, Soil Testing reports;
3. Direct Ministry staff to review and update the monitoring requirements for the DYEC given developments in the EU and the U.S. (Oregon Senate Bill 488);
4. Direct that Ministry Staff notify the Municipality of Clarington when each of the above steps has been taken so that Clarington may comment; and
5. That this resolution be circulated to
 - Durham Regional Council and York Regional Council
 - All Durham M.P.P
 - Lisa Trevisan, Assistant Deputy Minister, Environmental Assessment and Permissions Division, Ministry of the Environment, Conservation and Parks

- Alison Pilla, Assistant Deputy Minister, Environmental Policy Division, Ministry of the Environment, Conservation and Parks
- Kathleen O'Neill, Director, Environmental Assessment, Ministry of the Environment, Conservation and Parks
- Dr. Rachael Fletcher, Director (Acting) Central Region, Ministry of the Environment, Conservation and Parks
- Celeste Dugas, Manager, York Durham District Office, MECP.

Yours truly,



John Paul Newman
Deputy Clerk

JPN/lh

- c:
- Durham Regional Council
 - York Regional Council
 - The Honourable Todd McCarthy, M.P.P., Durham
 - The Honourable David Piccini, M.P.P., Northumberland-Peterborough South
 - Patrice Barnes, M.P.P., Ajax
 - Laurie Scott, M.P.P, Haliburton-Kawartha Lakes-Brock
 - Jennifer K. French, M.P.P, Oshawa
 - The Honourable Peter Bethlenfalvy, M.P.P., Pickering-Uxbridge
 - Lorne Coe, M.P.P., Whitby
 - Lisa Trevisan, Assistant Deputy Minister, Environmental Assessment and Permissions Division, Ministry of the Environment, Conservation and Parks
 - Alison Pilla, Assistant Deputy Minister, Environmental Policy Division, Ministry of the Environment, Conservation and Parks
 - Kathleen O'Neill, Director, Environmental Assessment, Ministry of the Environment, Conservation and Parks
 - Dr. Rachael Fletcher, Director (Acting) Central Region, Ministry of the Environment, Conservation and Parks
 - Celeste Dugas, Manager, York Durham District Office, MECP
 - Wendy Bracken
 - H. Anderson, Executive Administrator, Mayor and Council
 - C. MacDonald, Councillors' Office Assistant