



**The Regional Municipality of Durham**  
**Energy from Waste-Waste Management**  
**Advisory Committee**

**Tuesday, November 26, 2024**

**7:00 PM**

**Council Chambers**

**Regional Headquarters Building**

**605 Rossland Road East, Whitby**

Please note: The Region of Durham continues to hold electronic meetings for Advisory Committees with limited in-person attendance at this time. Members of the public may [view the Committee meeting](#) via live streaming. If you wish to register as a delegate regarding an agenda item, you may register in advance of the meeting by noon on the day prior to the meeting by emailing [delegations@durham.ca](mailto:delegations@durham.ca) and will be provided with the details to delegate electronically.

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**1. Roll Call**

**2. Declarations of Interest**

**3. Adoption of Minutes**

A) Of the EFW-WMAC meeting held on September 24, 2024

Pages 4 to 9

**4. Presentations**

There are no presentations.

**5. Delegations**

There are no delegations.

**6. Correspondence**

- A) Correspondence dated October 22, 2024, from Linda Gasser, Durham Region Resident, regarding Bill C-59 Greenwashing Legislation and October 25, 2025 DYEC Tours Pages 10 to 19

**Recommendation: Receive for Information**

- B) Correspondence dated October 30, 2024, from Linda Gasser, Durham Region Resident, regarding Re: Further to Councillors' Questions October 2 - History and Overview of Durham's Monitoring Commitments re DYEC Air and Soil Monitoring Pages 20 to 42

**Recommendation: Receive for Information**

- C) Correspondence dated October 16, 2024, from Wendy Bracken, Durham Region Resident, regarding BBC News Article 'Burning Rubbish Now UK's Dirtiest Form of Power' Page 43

**Recommendation: Receive for Information**

- D) Correspondence dated October 30, 2024, from Wendy Bracken, Durham Region Resident, regarding DYEC Monitoring Not Keeping Up With Other Jurisdictions Pages 44 to 49

**Recommendation: Receive for Information**

**7. Administrative Matters**

- A) Update by Andrew Evans, Director, Waste Management Services, The Regional Municipality of Durham, regarding the membership application process for the next term of the EFW-WMAC (2025-2026).
- B) Update by Greg Gordon, EFW-WMAC Chair, regarding the finalization and presentation of the EFW-WMAC 2024 Annual Report for presentation to Durham Region's Works Committee and the Municipality of Clarington's Council in December 2024. Pages 50 to 59

**8. Other Business**

- A) Update by Lipika Saha, Manager, Waste Services, the Regional Municipality of Durham, regarding 2024 Community and Outreach Activities.
- B) Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Expanded Green Bin Program.
- C) Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Automated Cart-Based Garbage Collection Pilot Project.
- D) Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Durham York Energy Centre.
- E) Closing comments by Greg Gordon, EFW-WMAC Chair, on the EFW-WMAC's end-of-term.

**9. Date of Next Meeting**

**10. Adjournment**

Notice regarding collection, use and disclosure of personal information:

Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. This also includes oral submissions at meetings. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.

## The Regional Municipality of Durham

### Minutes

#### Energy From Waste – Waste Management Advisory Committee

Tuesday, September 24, 2024

A meeting of the Energy from Waste – Waste Management Advisory Committee was held on Tuesday, September 24, 2024 in Council Chambers, Regional Headquarters, 605 Rossland Road East, Whitby, at 7:05 PM. Electronic participation was permitted for this meeting.

#### 1. Roll Call

Present: G. Gordon, Whitby, Chair  
M. Cannon, Oshawa  
G. Baswick, Clarington  
G. Best, Whitby  
R. Fleming, Pickering  
J. Vinson, Clarington

**\*all members of the Committee participated electronically**

Absent: P. Haylock, Clarington, Vice-Chair  
K. Palinka, Oshawa  
T. Shomar, Clarington

#### Non-Voting Members

Present: Councillor Elhajjeh, Local Councillor, Municipality of Clarington  
B. Parayankuzhiyil, Facility Manager, Covanta

**\*all non-voting members of the Committee participated electronically**

#### Staff

Present: S. Ciani, Committee Clerk, Corporate Services – Legislative Services  
K. Dykman, Supervisor, Waste Services  
A. Evans, Director, Waste Management Services  
R. Inacio, Systems Support Specialist – Information Technology  
R. Jagannathan, Commissioner of Works  
L. Saha, Manager, Waste Services  
D. San Juan, Environmental Health Specialist, Health Department, Durham Region  
N. Williams, Project Manager, Waste Services  
**\*all staff members participated electronically**

**2. Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

**3. Adoption of Minutes**

Moved by G. Best, Seconded by M. Cannon,  
That the minutes of the EFW-WMAC meeting held on Tuesday, May  
28, 2024, be adopted.

CARRIED

**4. Presentations**

There were no presentations heard.

**5. Delegations**

A) Wendy Bracken, Clarington Resident, re: Information Report #2024-INFO-55:  
Durham York Energy Centre 2024 Compliance Source Test Update

Wendy Bracken, Clarington resident, appeared electronically before the Committee and provided a PowerPoint presentation regarding her concerns with Information Report #2024-INFO-55: Durham York Energy Centre 2024 Compliance Source Test Update.

Highlights from the presentation included:

- Pay Careful Attention to Statements Made in Reports
- Stack Testing Issues are Identified in STANTEC Oversight Report dated August 15, 2024, for the DIOXIN/FURAN Test
- Critical to Understand
- Durham York Energy Centre (DYEC) Emits Thousands of Pollutants but Just a Handful are Monitored at Stack Continuously
- Most Pollutants (Including the Most Toxic) are Stack Tested Less Than 0.5% of Annual Operating Time through Pre-Arranged Stack Tests Conducted Under Optimal Operating Conditions or are Not Monitored at All
- Unclear Whether CEMS Data was Also Excluded During Problematic Period of Low Steam Production
- STANTEC Auditing Process Involved, “Eliminating Data that May Have Been Influenced by Calibration or Purging Events that Took Place This Time.”
- Boiler 1 Temperature Below ECA Requirement, Boiler 2 Steam Production Below Criteria
- ECA: Absolute Temp Requirement of 1000°C
- Serious Concerns with Durham’s Reporting
- Conclusion

W. Bracken stated that in conclusion, better monitoring/reporting is needed that includes testing during other than normal operating conditions (OTNOC) conditions that is now required by the EU; and environmental monitoring (flora, fauna, and agriculture).

B) Wendy Bracken, Clarington Resident, re: the Durham York Energy Centre (DYEC) Long-Term Sampling System (LTSS) Quarterly Report Q1-2024 and Related September 13, 2024, Memorandum from the Commissioner of Works

Wendy Bracken, Clarington resident, appeared electronically before the Committee and provided a PowerPoint presentation regarding her concerns with the Durham York Energy Centre (DYEC) Long-Term Sampling System (LTSS) Quarterly Report Q1-2024 and related September 13, 2024, memorandum from the Commissioner of Works.

Highlights from the presentation included:

- Memorandum dated September 13, 2024, from Ramesh Jagannathan, Commissioner of Works, re: Durham York Energy Centre Quarterly (Q1 – 2024) Long-Term Sampling System Report
- Durham York Energy Centre Long-Term Sampling System Quarterly (Q1) Report January 2024-May 2024
- Table 1: AMESA Cartridge Replacement Schedule
- 7.1 Investigation
- More Issues at the DYEC with Dioxins/Furans: Long-Term (Monthly) Sampling of Dioxins/Furans Reporting is Very Incomplete, and it is Neither Traceable nor Transparent
- Many Hours and Months of Dioxin/Furan AMESA Data Have Already Been Invalidated/Omitted/Missing From 2020 to 2023
- DYEC has had Major Dioxin and Furan Emissions Exceedances
- ToxicoWatch Study of Paris Incinerator; French Government Warns Millions Not to Eat Backyard Chicken Eggs
- More Concerns: DYEC 2023 Soil Testing Report Shows 2023 Dioxin Concentrations More than Double 2013 Pre-DYEC Levels

W. Bracken responded to questions from the Committee.

## 6. Correspondence

There were no items of correspondence considered.

## 7. Administrative Matters

A) EFW-WMAC Work Plan (2023-2024) – Working Group Appointments

A. Evans reminded the committee members of the three areas of the workplan that could be further investigated:

1. Plan and Program Implementation (as it relates to the Long-Term Waste Management Plan, Extended Producer Responsibility (EPR), and changes and enhancements to the Region's Organics Program);
2. Diversion Program Assessment (review and assess opportunities for the Region to optimize and increase diversion opportunities within Durham Region); and
3. Technology and Facility Review (reviewing key technologies which are or may be utilized by the Region in delivery of waste management services).

Discussion ensued regarding whether a working group should be formed with respect to standardizing procedures regarding the testing and reporting at the DYEC.

Further discussion ensued regarding reviewing the materials presented by the delegate in order to have a more fulsome discussion at a subsequent EFW-WMAC meeting.

## **8. Other Business**

### **A) Update by Lipika Saha, Manager, Waste Services, the Regional Municipality of Durham, regarding 2024 Community and Outreach Activities**

L. Saha highlighted community and outreach activities across the Region such as the 50<sup>th</sup> anniversary of the Region and the Open Doors event held at the DYEC, as well as 2 curbside giveaway days, that were all well attended.

L. Saha advised that on October 19, 2024, staff will focus on in-house food waste production, and they have a few more events in the works for the remainder of the year.

A. Evans advised that battery collection week will occur October 7-11, 2024, and that the batteries can be placed on top of the green bins now instead of the blue bins.

### **B) Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Extended Producer Responsibility**

A. Evans advised that the Region transitioned on July 1, 2024, and that the Region is no longer collecting directly and that it has moved over to the producer organizations where Green for Life (GFL) and Miller have been contracted within the community for collection. He advised that there was some backlog initially but that the transition went well overall. He further advised that staff remain very engaged in the local business communities with respect to how the transition will affect the local businesses in the BIAs and downtown cores.

A. Evans responded to questions from the Committee regarding what will happen to the local businesses that will now have no recycling pick up; and when Durham's transitional recycling pick-up will stop.

C) Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Expanded Green Bin Program

A. Evans advised that the expanded Green Bin Program rolled out July 1, 2024, and that it went relatively well. He advised that staff talked to the service providers regarding the material coming in and were advised that the materials were a bit wetter than in other jurisdictions, which was expected for the program, and that it will take some time to build momentum.

A. Evans advised that staff would provide a more detailed update to the Works Committee and the EFW-WMAC towards the end of the year, and that staff will continue a promotion campaign to ensure residents know that additional green bins are currently on sale at a reduced rate.

D) Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Automated Cart-Based Garbage Collection Pilot Project

A. Evans advised that the Automated Cart-Based Garbage Collection Pilot Project occurred in mid/late July 2024 and that the residents are currently going through their 3<sup>rd</sup>/4<sup>th</sup> pick-up with the cart system. He advised that staff are continuing to educate residents on how the carts work and will be reaching out to the residents in the next couple of months to collect additional feedback through various pre, mid, and post surveys.

A. Evans also advised that staff will be looking into completing time and motion studies to see how the collection efficiency has changed, and how fast the bins can be picked up and put in the truck as opposed to manual collection.

E) Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Durham York Energy Centre

A. Evans advised the Committee that the requests to elevate the expansion application to a full Environmental Assessment were denied and was presented to the Works Committee where there were additional questions from members of the public. As a result, the Works Committee asked staff for an update report that will be presented to the Works Committee in November 2024.

A. Evans advised that the source test results from the first quarter are now published to the website and that there were no issues from a plant perspective with respect to meeting the compliance limits. The ECA limits were also met during the tests with no violations.



Detailed discussion ensued regarding whether there was a way to receive the reporting data in a less technical manner so the public can better understand the information being released.

**9. Next Meeting**

The next regularly scheduled meeting of the EFW-WMAC will be held on Tuesday, November 26, 2024, in Council Chambers, at 7:00 PM, Regional Headquarters, 605 Rossland Road East, Whitby.

**10. Adjournment**

Moved by R. Fleming, Seconded by M. Cannon,  
That the meeting be adjourned.

CARRIED

The meeting adjourned at 8:19 PM.

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G. Gordon, Chair, Energy from Waste – Waste  
Management Advisory Committee

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S. Ciani, Committee Clerk

Correspondence to Durham Region Council via email to [Clerks@Durham.ca](mailto:Clerks@Durham.ca)

October 22, 2024.

Regional Chair John Henry and Durham Region Council  
605 Rossland Rd East  
Whitby ON

**Re: Bill C-59 Greenwashing Legislation and October 25<sup>th</sup> 2024 DYEC Tours**

Durham Region councillors and staff should have been made aware that on June 20, 2024, Bill C-59, Canada's, *Fall Economic Statement Implementation Act, 2023*, received Royal Assent and became law. Among many other things, this legislation makes significant amendments to the Canadian *Competition Act* (the "Act").

Of immediate concern, who will monitor and/or vet the staff responses to the public's questions and the "Information Material" at the October 25<sup>th</sup> DYEC tour to ensure that this not another exercise in "greenwashing"?

See below extracts from two law firms around what Bill c-59 entails.

<https://www.blq.com/en/insights/2024/07/false-advertising-and-greenwashing-bill-c-59-changes-to-competition-act>

**BORDEN LADNER GERVAIS** extract

***New provisions on greenwashing claims – including a reverse onus***

*Businesses already face litigation risk for alleged greenwashing under existing federal and provincial laws. Adding to this, Bill C-59 expands the potential liability for greenwashing in two ways. First, Bill C-59 amends section 74.01 of the Competition Act to expressly address misleading environmental benefits claims made to the public:*

- Any statement, warranty or guarantee of a product's benefits for protecting or restoring the environment or mitigating the environmental, social and ecological causes or effects of climate change that are not based on an adequate and proper testing; and*
- Any representations with respect to the benefits of a business or business activity for protecting or restoring the environment or mitigating the environmental and ecological causes or effects of climate change that are not based on adequate and proper substantiation in accordance with internationally recognized methodology.*

*Secondly, the onus is placed on the advertiser making such claims to prove, if they are challenged, that the claims are based on adequate and proper testing or substantiation.*

These changes will make it significantly easier for the Commissioner of Competition (the Commissioner), **and soon private parties, to take enforcement action against greenwashing**. Previously, the Commissioner needed to rely on the general misleading advertising provisions of the Competition Act and bore the burden of proving that the environmental claims were materially false or misleading. These new provisions expressly identify types of problematic environmental claims, and force the advertiser, if challenged, to effectively bear the burden of proving that the claims are not misleading. This is a major change.

.....General provisions on false or misleading claims under the Competition Act

In recent years, businesses in Canada and abroad have faced increasing scrutiny for “greenwashing,” which the Bureau generally [refers to as false or misleading environmental advertisements or claims](#). Notwithstanding the new explicit provisions under Bill C-59, **greenwashing claims** are also subject to the general provisions on deceptive marketing in the Competition Act and in provincial consumer protection legislation.

**Section 52 of the Competition Act makes it an offence for a person to make a representation knowingly or recklessly to the public that is false or misleading in a material respect for the purpose of promoting a business interest.** Upon conviction for an indictable offence, a court can impose a fine without restrictions, imprisonment for up to 14 years, or both.

Also, section 74.01 of the Competition Act prescribes civil consequences for representations that are false or misleading in a material respect. Unlike the criminal provision under section 52 of the Act, section 74.01 does not require a person to have “knowingly or recklessly” made a false or misleading statement. Also, an offence under section 52 requires proof beyond a reasonable doubt, whereas the Commissioner need only prove misconduct under section 74.01 on a balance of probabilities. ....

*Private rights of action for greenwashing claims*

The changes that Bill C-59 bring will not only make it easier for the Commissioner to take action against greenwashing, but it will soon be easier for private parties to do so too. As of June 20, 2025, private parties can seek leave to bring actions for deceptive advertising directly before the Tribunal if they can show “public interest”. Therefore, individuals and businesses would no longer need to rely on the Bureau to act on their greenwashing complaints.

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<https://gowlingwlg.com/en/insights-resources/articles/2024/new-greenwashing-laws-under-the-competition-act>

GOWLINGS extract:

*In the absence of clear guidelines on what qualifies as an "internationally recognized methodology," and with expanded private access to the Competition Tribunal, green marketing in Canada may carry heightened risks, potentially leading to a chilling effect known as "greenhushing." Businesses are encouraged to conduct internal audits of their claims, including those on product packaging, advertisements and statements about their environmental practices, to ensure they are substantiated and aligned with international standards. Businesses may also wish to provide submissions to the Competition Bureau as it conducts public consultation in respect of potential revised environmental guidance on the new provisions aimed at greenwashing.*

*Navigating the complexities of greenwashing demands a robust strategy and meticulous attention to detail to mitigate reputational risks and potential legal liabilities. Ensuring the credibility and transparency of environmental claims, slogans and brands will be critical to maintaining consumer trust, as well as compliance with the new greenwashing provisions.*

Notices re October 25<sup>th</sup>, 2024 Tour at DYEC

Below are two notices that Durham sent out re an October 25, 2024 tour of the DYEC.

The first was forwarded to me by a Pickering resident. I received the second notice by subscribing to Durham news.

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**From:** noreply@esolutionsgroup.ca <noreply@esolutionsgroup.ca>  
**Sent:** October 18, 2024 12:12 PM  
**To:**  
**Subject:** City of Pickering - What's happening next week!

Hello

You have subscribed to receive updates from the calendar.

Below is a snapshot of what's happening in the coming week.

Date	Event
October 25 2024, 10:00 AM to 3:00 PM	<a href="#">Transforming Waste Into Energy!</a> Residents are invited to bring their children to the <b>Durham York Energy Centre</b> (DYEC) for a free public event on Friday, October 25 and learn how the Region of Durham is <b>transforming household waste into valuable resources.</b>  When: Friday, October 25 from 10 a.m. to 3 p.m.

Where: Durham York Energy Centre at 1835 Energy Drive in Courtice.

Why: Activities include:

- Guided tours to our control room to view the waste pit and see the “claw”.
- Interactive waste sorting games.
- Activity books and colouring pages.
- Stickers, temporary tattoos, photo opportunities, and button making.
- Meet the staff and have your questions answered by our team.
- **Informational displays.**

Note: No pre-registration is required. All children must be accompanied by an adult. Accessible parking and access will be available

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**Oct. 7.2024 Durham Notice:**

**Region of Durham News**

**10/7/2024 11:31:42 AM**

**Join us at the Durham York Energy Centre for our upcoming family-friendly events**

**Whitby, Ontario** – Durham Region residents are invited to bring their children to the Durham York Energy Centre (DYEC) for a **free** public event on Friday, October 25 and Friday, November 15 **and learn how we are transforming household waste into valuable resources.**

**When:** Friday, October 25 and Friday, November 15 from 10 a.m. to 3 p.m.

**Where:** Durham York Energy Centre at 1835 Energy Drive in Courtice.

**Why:** Activities include:

- Guided tours to our control room to view the waste pit and see the “claw”.
- Interactive waste sorting games.
- Activity books and colouring pages.
- Stickers, temporary tattoos, photo opportunities, and button making.
- Meet the staff and have your questions answered by our team.
- **Informational displays.**

**Note:** **The two event dates correspond with scheduled Professional Learning Activity (PA) Days for local schools.** No pre-registration is required. All children must be accompanied by an adult. Accessible parking and access will be available.

For more information, please visit [durham.ca/WasteEvents](http://durham.ca/WasteEvents).

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The two notices above are crafted to create the impression that the DYEC “transforms” waste materials into something positive without also providing sufficient details for readers to know whether that is true or not.

These two notices fail to advise readers that the DYEC IS a major source of air pollution AND is Durham’s single largest source of corporate GHG emissions.

The notice doesn’t state where testing reports and other DYEC documents could be accessed.

Will the tour leaders/speakers mention that the non-hazardous household waste burned is converted to gases emitted through the stack, some of which are toxic, carcinogenic, respiratory irritants, thus polluting air, land and water, of which contaminants only a tiny fraction is monitored continuously?

Will the tour speakers advise attendees that Durham ships ash residues laced with toxics to landfills in the U.S. and southwest Ontario?

Will tour leaders and/or Durham staff mention that they applied to burn yet more garbage just three years after start up, an increase from 140,000 to 160,000 tpy?

Will the tour speakers mention that the DYEC 2023 Soil Test Results show dioxins and furans loadings higher than predicted? See Slide 13 of Wendy Bracken's Oct. 2. 24 PowerPoint to Works Committee, something that Durham staff should have brought to the attention of Works Committee and Council. See: <https://pub-durhamregion.escribemeetings.com/filestream.ashx?DocumentId=5163>

### Greenwashing & Inappropriate Statements in staff report 2024 INFO 55 re DYEC Spring Source Test

On October 2<sup>nd</sup> at Works Committee, I stated concerns about Works staff language in their report about the Spring Compliance Stack test results and in their report 2024 INFO 55 repeated use of the word "safe. Those statements are inaccurate, not supported by evidence and misleading.

This is a concern because some Durham waste staff routinely use similar language in different settings to leave impression all is well with DYEC testing.

See Slides 3 & 4 my PowerPoint to Works Committee for examples of other misleading claims that I cited at: <https://pub-durhamregion.escribemeetings.com/filestream.ashx?DocumentId=5160>

At October 2<sup>nd</sup> Works meeting I delegated about the "issues" Durham had with their spring compliance source test, which were not referenced in the Durham staff report 2024-INFO-55 which can be found in the consultant's reports attached.

See INFO 55 Attachment 1, page 2: <https://pub-durhamregion.escribemeetings.com/filestream.ashx?DocumentId=5158>

Extract: .....*A second issue developed during the repeat test as steam production on Boiler 2 started to decline. After approximately 20 minutes of prolonged low steam levels, the sampling was halted at 11:52 AM. Feedstock with a high moisture content was suspected to be the cause of the declining steam production. Sampling resumed at 12:08 PM when steam production achieved approximately 90% of the target (33.6 thousand kilograms per hour (kg/h)).*

So basically, the DYEC could not make it through a three four-hour stack test without a process upset and stopped measuring during the 16-minute test pause were not measured? Isn't that kind of like cheating? Is MECP okay with this nonsense?

There were also stack testing issues described in 2024 INFO 17 about the Fall Compliance Source Test: See Ausenco Attachment 2 page 2 at: <https://pub-durhamregion.escribemeetings.com/filestream.ashx?DocumentId=3705>

Extract: *Source tests for dioxin and furans for both Units 1 and 2 are typically run concurrently. However, it was necessary to take Unit 2 offline due to plugging of the feed chute for Boiler 2. The timing of this incident prevented Unit 2 from being tested concurrently with Unit 1. Unit 1 was tested on September 21st and 22nd , while Unit 2 was tested on October 3rd and 4th , 2023.*

I really hope that Council AND the MECP Minister and staff copied with this letter are paying close attention to these concerns, which again relate to dioxins and furans emissions which can result in adverse human health and environmental impacts.

### Greenwashing DYEC's GHGs and Durham's GHGs reporting

I delegated to Durham Council last April that the DYEC GHGs staff reported to you in 2024 COW 12 are different than what reported to Ontario and NPRI and also that the DYEC annual GHGs are increasing.

See my April 24, 2024 PowerPoint at: <https://pub-durhamregion.escribemeetings.com/filestream.ashx?DocumentId=4020>

Also, given Bill C-59, will amendment(s) be required to the Durham's Host Community Agreement with Clarington, which is referred to in Report 2024 COW 1. Would Durham require Clarington Council to engage in misleading greenwashing about the DYEC? (Obviously this is something Clarington needs to sort out as well.)

From page 3 of Durham's 2024-COW-1: <https://pub-durhamregion.escribemeetings.com/filestream.ashx?DocumentId=2998>

*Through the negotiations associated with the development of the Durham York Energy Centre (DYEC), Durham Region and the Municipality of Clarington signed a Host Community Agreement in 2010 which included agreement by Clarington to "strongly encourage and promote development within the Clarington Energy Business Park and other areas of Clarington to utilize district heating and cooling provided by the energy from waste (EFW) Facility".*

**Sources of low carbon heat** are in proximity to planned higher density transit-oriented mixed-use development within the Courtice MTSA, including the DYEC and the Courtice Water Pollution Control Plant (WPCP).

### The DYEC Produces Dirty Power Subsidized by Ontario Ratepayers



Some of you would have recently seen the BBC article from last week, which reinforced many of the concerns residents have brought forward to Durham council over many years, both before and post approval.

<https://www.bbc.com/news/articles/cp3wxqje5pwo> **Burning rubbish now UK's dirtiest form of power**

See Energy Justice in the US: **Trash Incineration More Polluting than Coal**

<https://www.energyjustice.net/incineration/worsethancoal#:~:text=Trash%20incinerators%20are%20the%20dirtiest,per%20unit%20of%20energy%20produced>

Extract:

*Trash incinerators are the dirtiest way to make electricity by most air pollution measures. Even with air pollution control equipment, trash incinerators emit more pollution than (less controlled) coal power plants per unit of energy produced. Coal power plants are widely understood as the most air-polluting energy source, but few realize how much worse trash incinerators are for air quality.*

*To make the same amount of energy as a coal power plant, trash incinerators in 2018 released 65% more carbon dioxide (CO<sub>2</sub>), as much carbon monoxide, three times as much nitrogen oxides (NO<sub>x</sub>), five times as much mercury, nearly six times as much lead and 27 times more hydrochloric acid (HCl).*

How will Durham describe the power produced at the DYEC and in light of Bill C-59?

#### What Actions Will Durham Region Take to Comply with Bill C-59?

Have Durham staff and Council been briefed and do they fully understand Durham's obligations under Bill C-59?

Since the earliest days of the first EA through to recent Works staff reports, we have heard responses to councillor, advisory committee questions and read staff reports that included statements that at times misrepresented, minimized and/or dismissed concerns about the adverse impacts of burning of garbage.

Without providing any evidence, Works staff have repeatedly stated that burning garbage is better than landfill, though ignoring that burning means you need a landfill for the ash, and as if there were no better ways of addressing waste.

You can watch to EFW WMAC September 24<sup>th</sup> meeting and the Works Committee October 2<sup>nd</sup> meetings as just two recent examples how concerns continue to responded to after the passing of Bill C-59.

On a related note, see the recent complaint about Nuclear industry greenwashing, another form of power production that Durham has made greenwashing statements about. [https://www.ccnr.org/Competition Bureau submission Oct 15 2024.pdf](https://www.ccnr.org/Competition_Bureau_submission_Oct_15_2024.pdf)

What action(s) will Durham take to ensure that NO PUBLIC DOLLARS are expended on DYEC and other greenwashing?

Who will vet Durham's waste related educational materials, presentations to schools and when hosting DYEC or other tours, to ensure they are accurate and not greenwashing?

When would the Durham and DYEC websites be updated to ensure they comply?

Who will vet Durham staff reports/memos/plans to ensure they no longer contain greenwashing language?

### Conclusion and Request

Of immediate concern, who is going to vet the tour leader/staff presentations/ "Information Material" and caution staff about their responses to the public's questions at the October 25<sup>th</sup> DYEC tour?

I urge Chair Henry, Durham Councillors and Senior Management to consider the many changes that Durham might be required to implement to comply with Bill C-59.

I respectfully request that Council advise of actions to address greenwashing and Bill C-59 and do so via a staff report that appears on a public agenda.

Thank you for your attention.

Linda Gasser

Whitby, Ontario

Email: [REDACTED]

Cc: Elaine Baxter Trahair, Durham CAO

Jason Hunt Durham Legal

Ramesh Jagannathan Durham Commissioner of Works

Andrew Evans, Durham Director Waste

B. Goodwin, Durham Commissioner of Corporate Services

Sandra Austin, Durham Executive Director, Strategic Initiatives

York Region Council c/o York Clerks

Erin Mahoney , York Region CAO

Mayor Adrian Foster & Clarington Council c/o Clarington Clerks

Jamil Jivani, Durham MP

Todd McCarthy, Durham MPP

Hon. Andrea Khanjin Minister MECP Ontario

Dr. Rachel Fletcher MECP Director Central Region

Katherine O'Neill, MECP Director Environmental Assessment Branch

Celeste Dugas, MECP Durham York District Office

**Durham Clerks: please distribute this letter to Durham's:**

Energy from Waste, Waste Management Advisory Committee

Energy from Waste Advisory Committee

Durham Environment and Climate Advisory Committee

Via Email to: [Clerks@Durham.ca](mailto:Clerks@Durham.ca)

October 30, 2024.

Works Committee Chair Dave Barton and Committee Members  
Regional Municipality of Durham  
605 Rossland Road East  
Whitby ON

**Re: Further to Councillors' Questions October 2nd – History & Overview of Durham's Monitoring Commitments re DYEC Air & Soil monitoring**

Dear Chair Barton and Works Committee Members:

At the October 2<sup>nd</sup>, 2024 Works meeting, councillors asked questions about monitoring at the DYEC but were provided limited information. Many of the staff and councillors involved at the time monitoring commitments and plans were developed are no longer at the Region.

Below I provide some history and an overview of DYEC monitoring for **Air and Soil only**.

For input about water-related monitoring plans and reports, CLOCA's staff have attended the annual Energy from Waste Advisory Committee meeting over the last few years and could be asked for an update.

Because many of the documents I reference are no longer accessible via direct link to same, I provide extracts of relevant portions. This unfortunately adds to the length of this overview.

**Consultants Retained by Durham for the Environmental Assessment (EA) & Environmental Compliance Approval (ECA) studies and EA Screening**

A concern raised repeatedly by the public, and by some councillors, was that several consultants retained to develop the EA and ECA studies, reports, submissions, monitoring plans were members of the former, now defunct, Canadian Energy from Waste Coalition (CEFWC) which lobbied governments and promoted "energy from waste", aka garbage incineration.

CEFWC consultant firms would be very familiar with the limitations of incinerator technology and performance, including problems around dioxin and furan emissions and were aware that the incinerator industry wanted to pitch to new clients and build more incinerators. Of several incinerators proposed during the mid-2000s, e.g. Halton and Niagara, ONLY Durham and York proceeded to build an incinerator.

Below see the extract of CEFWC members. Covanta was one of the CEFWC funders at the time of the EA and Durham retained as consultants the firms I have highlighted in yellow over the course of the EA and ECA, with Golder also retained to produce Air Quality reports in advance of and for Durham and York's EA Screening process (2019-2024). Borden Ladner Gervais (BLG) was one firm Durham retained as

external legal counsel including for a period after EA Approval. I don't know if Durham continues to retain BLG.

[Canadian Energy-From-Waste Coalition registers provincial lobbyist](#)

July 18, 2007



Ontario Lobbyist Registry

**The Coalition's members are as follows:**

- AlterNRG, Suite 334, 466 Speers Road, Oakville, Ontario, Canada, L6K 3W9;
- **Covanta Energy**, 40 Lane Rd., Fairfield, New Jersey, United States, 07004;
- Veolia-Montenay, 5150 Riverbend Drive, Burnaby, British Columbia, Canada, V3N 4V3;
- Waste Management inc., P.O.Box 3027, Houston, Texas, United States, 77253;
- **Borden Ladner Gervais**, Scotia Plaza, 40 King Street West, Toronto, Ontario, Canada, M5H 3Y4;
- Canadian Plastics Industry Association, 5915 Airport Rd., Suite 712, Mississauga, Ontario, Canada, L4V 1T1;
- Cement Association of Canada, 1500 Don Mills Road, Suite 703, Toronto, Ontario, Canada, M3B 3K4;
- Canadian Union of Public Employees, 244 Eglinton Avenue East, Toronto, Ontario, Canada, M4P 1K2;
- **Golder Associates**, 2390 Argenta Road, Mississauga, Ontario, Canada, L5N 5Z7;
- **Jacques Whitford**, P.O. Box 38212, Dartmouth, Nova Scotia, Canada, B3B 1X2;
- **Genivar**, 600 Cochrane Drive, Suite 500, Markham, Ontario, Canada, L3R 5K3;

Limitations of 2019-2024 EA Screening Process to Burn more Garbage at DYEC

Works Committee should understand the many limitations of the self-directed EA Screening process.

There was no public consultation other than 3 “drop in” events in 2019 but these occurred when few EA documents were available for review. Though requested there was NO public consultation after the EA Screening Report Submission was posted at the end of December 2021.

The April 22, 2024 MECP Minister’s letter to those who had submitted Elevation Requests dismissed these requests, which had not been responded to within the 30-day deadline for Ministry response in effect at the time (Feb. 2022). Concerns were raised about issues not identified/addressed in the EA Screening documents, with requesters asking that the self-directed EA Screening process be elevated to an Individual EA – i.e. same level of study as the initial EA had been.

Concerns and deficiencies submitted by elevation requesters were dismissed not because they were without merit, but because the province had amended Environmental Assessment Act legislation. So there has not been a thorough examination of many issues during the EA Screening. See April 22.24 letter to Elevation requesters at: <https://pub-durhamregion.escribemeetings.com/filestream.ashx?DocumentId=4126>

The MECP Minister gave the Regions the “go ahead” in her letter dated April 22,2024. See: <https://pub-durhamregion.escribemeetings.com/filestream.ashx?DocumentId=4125>

### Durham Region Council’s 2008 Monitoring & Emissions Controls Commitments

When opposition to the incinerator started to heat up in 2007, the Durham Chair and staff at the time made multiple promises to Durham and Clarington councils and the community that emission controls and monitoring would be state of the art, “the best of the best”.

Public concerns noted the outdated regulatory environment in Ontario and that the minimal monitoring likely to be required by the Ministry as well as the outdated Air Standards would not be sufficient to measure and identify adverse impacts to public health and the natural environment. Various promises, including by staff who promised the “best of the best” monitoring and controls, helped to bring around some councillors who might have been on the fence to ultimately support proceeding with the EA submission, which vote passed by a very close 16-12 on June 24, 2009.

It's important to note that Durham’s Monitoring/Operational commitments in 2008 went beyond the minimal monitoring that was expected and ultimately required, by the Ministry of the Environment in the Environmental Compliance Approval of June 28, 2011.

### January 23, 2008 Council Motion became Durham Region Commitments

Minutes - Regional Council

- 80 -

January 23, 2008

MOVED by Councillor Nicholson, SECONDED by Councillor Neal,  
(73) "THAT the foregoing motion (72) of Councillors Trim and Johnson be amended by adding the following as a new part b):

- 'b) THAT the Joint Waste Management Group of the Regions of York and Durham be requested to 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;"
- CARRIED UNANIMOUSLY ON THE  
FOLLOWING RECORDED VOTE:

MOVED by Councillor Nicholson, SECONDED by Councillor Neal,  
(74) "THAT the foregoing motion (72) of Councillors Trim and Johnson be further amended by adding the following as a new part c):

- 'c) THAT the Joint Waste Management Group of the Regions of York and Durham be requested to commit to including in the Request for Proposals and Certificate of Approval, Maximum Achievable Control Technology (MACT) for the emission standards and monitoring of the EFW facility; and."
- CARRIED

MOVED by Councillor Nicholson, SECONDED by Councillor Neal,  
(75) "THAT the foregoing motion (72) of Councillors Trim and Johnson be further amended by adding the following as a new part d):

- 'd) 'THAT the Region of Durham agrees to continue to support an aggressive residual waste diversion and recycling program in order to achieve and/or exceed on or before December 2010, a 70% diversion recycling rate for the entire Region and that such aggressive programs shall continue beyond 2010."
- CARRIED

Three members still on Durham Council supported the above motions: Chair Henry and councillors Nicholson & Neal

#### Environmental Assessment (EA) & Environmental Compliance Approval (ECA) Requirements/Conditions

- 1) EA Notice of Approval dated Oct.21.2010, OC approved Nov. 3.2010 at:

[https://www.durhamyorkwaste.ca/en/education-and-resources/resources/Documents/Environmental Assessment Notice of Approval.pdf](https://www.durhamyorkwaste.ca/en/education-and-resources/resources/Documents/Environmental%20Assessment%20Notice%20of%20Approval.pdf)

See pages 9 – 11 for descriptions of conditions and requirements for monitoring plans related to Waste Diversion, Emissions Monitoring and Air Emissions Operational Requirements. References to other monitoring also in EA.

See EA Schedule 1 on page 19, states Air Emissions Operational Requirements. Some operational requirements set out in EA Schedule 1 are more stringent than those in Table 1 on page 7 of A7 Guideline.

A7 Guideline October 2010 : <https://www.ontario.ca/page/guideline-7-air-pollution-control-design-and-operation-guidelines-municipal-waste-thermal>

Note that Section 3.2 on page 14, of A-7 Guideline also references continuous and long-term monitoring that MECP did not require AND that Durham did not adopt. Related details found in 2013 monitoring report section below.



2) Environmental Compliance Approval dated June 28, 2011.

Multiple conditions. Testing, Monitoring, Auditing start Page 25, Condition 7  
Environmental Compliance Approval (ECA) dated June 28, 2011 at:

<https://www.durhamyorkwaste.ca/en/facility-approvals/resources/Documents/EnvironmentalComplianceApproval.pdf>

### Jacques Whitford's February 2009 Environmental Surveillance Report

The February 2009 Environmental Surveillance Report re monitoring recommendations was produced by consulting firm Jacques Whitford, which firm (as mentioned above) was a member of the Canadian Energy from Waste Coalition. See extracts of their recs. about continuous sampling of dioxins.

#### **Extract of Recommendations from Summary page xi:**

FINAL REPORT

arithmetic average of 3 stack tests conducted in accordance with standard methods, (3) Calculated as the geometric average of 24 hours of data from a continuous emission monitoring system, (4) Calculated as the arithmetic average of 24 hours of data from a continuous emission monitoring system

#### **Option 1c) Inclusion of New Stack Sampling Technology for Dioxins and Furans not Routinely Implemented in Ontario EFW or Incineration Facilities**

Stack emissions of dioxins and furans have historically been measured by periodic stack testing (along with other contaminants of concern). Since there is a heightened public awareness of dioxin and furan emissions from EFW facilities, a considerable amount of research has been focused on development of methods for more frequent sample collection and analysis of stack emissions of dioxins and furans.

Technology now exists for continuous sampling (not monitoring) of dioxins and furans in stacks. In-stack dioxins and furans concentrations are sampled for a period of time at regular intervals (e.g., once a month, quarterly, or semi-annually). The sample media is removed, sent for laboratory analysis of dioxins and furans and replaced in the stack. The advantage of this technology is that more frequent sampling of dioxins and furans can be achieved for an EFW facility.

Based on a motion passed at Durham Regional Council, the Request for Proposal (RFP) for vendors stipulates that some form of continuous dioxins and furans sampling and periodic analysis must be included in the design and operation of the proposed EFW facility.

Although this technology was not included as part of this review, the Study Team believes that it would provide additional information to ensure that dioxins and furans concentrations used in the risk assessment are being achieved.

#### **ADDITIONAL LEVELS OF ENVIRONMENTAL SURVEILLANCE NOT RECOMMENDED BY THE STUDY TEAM**

Although the Study Team concluded that the most scientifically defensible environmental surveillance option to ensure the protection of public and environmental health was stack monitoring and testing (Option 1), there are additional environmental surveillance options being employed around the world at individual incineration facilities.

These options include:

- Option 2: ambient air monitoring;
- Option 3: environmental monitoring (soil, vegetation, agricultural products); and,
- Option 4: human biomonitoring.

During the review, the Study Team concluded that a modern municipal waste incinerator that would employ the maximum achievable pollution control technology (MACT), would not significantly increase contaminant levels in the environment. This was supported by the scientific literature, the grey literature and the external contact interview process.

Additional recs from page xii:



In addition to meeting the minimum stack emissions requirements laid out in Guideline A-7, the Study Team supports the decision of Durham Regional Council to:

- Adopt the more stringent of the Guideline A-7 and EU Directive chemical emissions standards; and,
  - Implement an in-stack dioxins and furans sampling technology.
- 

2009 COW-1 Dr. Kyle's Report to Council Extract of Dr. Kyle's Recommendations

Block



**Report No.: 2009-COW-01**

**Date: June 16, 2009**

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**SUBJECT: EFW Risk Assessment and Environmental Surveillance**

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**RECOMMENDATION:**

**That the Committee of the Whole recommends to the Regional Council that:**

- a) **The final Site Specific Human Health Risk Assessment (SSHRA) for the proposed 140,000 tonnes EFW facility is accepted and submitted to the Ontario Ministry of the Environment for its review, if and when the EFW environmental assessment is approved, subject to it being in concordance with the caveats expressed in Appendix D of this report;**
- b) **That if the EFW environmental assessment is approved and the proposed EFW facility is constructed, once operational, an environmental surveillance program is implemented in accordance with all applicable legislation, policies, guidelines, and instruments and the following guiding principles:**
  - i. **That continuous and periodic stack testing of chemical emissions, including dioxins and furans, that meet or exceed the more stringent of the Ontario Guidelines A-7 and EU Directive chemical emissions standards forms the basis of environmental surveillance in accordance with the International Best Practices Review,**
  - ii. **That stack testing be supplemented by independent ambient air and soil testing for a minimum of three years at which time its effectiveness will be evaluated,**
  - iii. **That independent testing of flora and fauna be considered if in-stack, ambient air and soil test results regularly exceed levels predicted by the SSHRA,**
  - iv. **That stack testing not be supplemented by human biomonitoring,**
  - v. **That the environmental surveillance results are communicated to the public in as an accessible, accurate, open, timely, transparent, and understandable a manner as possible,**

- vi. That a Durham waste diversion and management advisory committee, or similar advisory group, which is appointed by and is accountable to the Regional Council, is in place to act as a forum for, and comprises Clarington and Durham residents and representatives from Clarington, the EFW facility, Ontario Ministry of the Environment (MOE), and the Region of Durham to assess, monitor, review, and advise the Region on the effectiveness of the environmental surveillance program, independent environmental testing, the quality of public reporting of environmental surveillance data, the environmental performance of the facility, and other related strategic waste diversion and management issues,
- vii. That the Health Department is consulted by the MOE before it finalizes its requirements for the Region's environmental surveillance program;
- c) That the Region continues to pursue the goal of 70% waste diversion and to advocate for amendments to the *Waste Diversion Act, 2002* to be enacted and implemented;
- d) That the Region adequately supports the environmental surveillance program, independent environmental testing, the public reporting of environmental surveillance data, and the work of the proposed Durham waste diversion and management advisory committee;
- e) That the Minister of the Environment, Durham's MPPs and municipalities, Joint Waste Management Group, Site Liaison Committee, and the Regional Municipality of York are so advised.

Durham-Clarington Host Community Agreement (HCA) re Monitoring & Diversion commitments

**HCA, Section 3.2,** *"Durham shall ensure that the EFW facility utilizes maximum achievable control technology (MACT) for emissions control and monitoring systems."*

**HCA Section 3.3,** *"Durham shall ensure that, where technically feasible, the EFW Facility utilizes 24/7 monitoring systems for such parameters as are deemed appropriate by the Ministry of the Environment..."*

**HCA Section 4.3:** *"At the time of any expansion, Durham will give consideration to improvements to the emission control system to meet the then current MACT standards and shall apply for a new or amended Certificate of Approval if required by the Province of Ontario."*

July 26, 2011 – Durham – York Co-Owners Agreement Poison Pill

Durham Works staff recommended that Durham adopt a Co-Owners agreement that included a poison pill, which makes monitoring improvements in addition to what required by MECP, at the initiating municipality's cost. This was a terrible recommendation for Durham, which majority of Durham councillors then (some still on council today) but it's a sweet deal for York who is unlikely to initiate requests for better monitoring to protect Durham.

Section 4.7 of Report June 2011 WR-10 also included in subsequent 2011 WR-11.

- 4.7 If either Co-Owner chooses to enhance the environmental monitoring program of the Facility, either on-site or off, beyond that required under the Certificate of Approval issued by the Ministry of the Environment from time to time, then the initiating Co-Owner shall be responsible for payment of any costs related thereto.

Co-Owners Agreement Report 2011-WR-10 posted on DYEC site:

[https://www.durhamyorkwaste.ca/en/facility-approvals/resources/Documents/Durham\\_York\\_Co-Owners\\_Agreement.pdf](https://www.durhamyorkwaste.ca/en/facility-approvals/resources/Documents/Durham_York_Co-Owners_Agreement.pdf)

(Version posted DYEC website (2011-WR-10) is not the most current. See 2011-WR-11 referenced later in July 26, 2011 Council agenda extract:

**UNFINISHED BUSINESS**

1. At a Council meeting held on June 29, 2011 the following item, (Item 4 of the Eighth Report of the Works Committee) was referred back to staff for a subsequent consolidated report to Regional Council:

4. ENERGY FROM WASTE FACILITY: DURHAM/YORK CO-OWNER'S AGREEMENT (2011-WR-10)

*RECOMMENDATION TO COUNCIL*

*THAT the Durham/York Energy from Waste Co-owners' Agreement be approved.*

*The following resolution was adopted with respect to the foregoing:*

*MOVED by Councillor Diamond, SECONDED by Councillor Collier, (268) "THAT the foregoing motion (172) of Councillors Pidwerbecki and Mercier to adopt the recommendation contained in Item 4 of the Eighth Report of the Works Committee be referred back to staff for further analysis, including: consolidation with all relevant related issues including the Certificate of Approval; a written report from the Medical Officer of Health; an explanation as to why staff recommend that any environmental safety enhancements would be solely at Durham Regions' expense; and with a subsequent consolidated report to Regional Council."*

On July 26, 2011 the motion below to amend Section 4.7 of Co-Owners Agreement failed – see amendment and vote below.

MOVED by Councillor O'Connell, SECONDED by Councillor England, (192) "THAT the recommendation contained in Item 1. b) of Unfinished Business, being Report No. 2011-WR-11 of the Commissioner of Works, be amended by adding the following as a new part i) and re-lettering the existing recommendation to a new part ii):

- 'i) THAT Section 4.7 of the Co-owners' Agreement, as outlined in Attachment No. 1 to Report No. 2011-WR-11 of the Commissioner of Works, be deleted and replaced with the following:

4.7 - If either Co-Owner chooses to enhance the environmental monitoring program of the Facility, either on-site or off, then the responsibility for payment of any cost thereto shall be limited to the percentage, corresponding to each Co-Owners' ownership interest with respect to the facility'."

MOTION DEFEATED ON THE FOLLOWING RECORDED VOTE:

	<u>YES</u>	<u>NO</u>
<b>COUNCILLORS</b>	Drumm	Aker
	England	Ballinger
	Jordan	Bath
	McLean	Chapman
	Neal	Clayton
	O'Connell	Coe
	Parish	Drew
	Rodrigues	Foster
		Henry
		Mercier
		O'Connor
		Perkins
		Pidwerbecki
		Ryan
		Woo

Members Absent  
Collier  
Diamond  
Marimpietri  
Mitchell  
Novak

DYEC Air Emissions Monitoring Plans & Reports

After EA & ECA approvals, between 2011 and 2013 Durham retained consultants to develop the required monitoring/testing plans.

Air Emissions Monitoring tab at: <https://www.durhamyorkwaste.ca/en/environmental-monitoring/air-emissions.aspx>

AEMP Monitoring Plan at: <https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/AirEmissions/Air Emissions Monitoring Plan AEMP.pdf>

Reports at: <https://www.durhamyorkwaste.ca/en/environmental-monitoring/air-emissions.aspx#Reports>



### No AMESA Monitoring Plan Developed or Posted to DYEC Website

Unlike with other air monitoring plans, there was no monitoring/sampling plan produced for the long term sampling of dioxins and furans by a qualified external consultant that I am aware of.

We first learned in 2019 that Durham seemingly delegated to Covanta to conduct the AMESA sampling, to receive the lab analyses of cartridges, do the calculations. Note that AMESA sampling is intended to monitor Covanta plant's operations and performance and provide data between stack tests.

See Covanta AMESA Investigation checklist at: [https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/AirEmissions/2021/AMESA\\_Investigation\\_Checklist\\_Rev.0\\_ACCpdf.pdf](https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/AirEmissions/2021/AMESA_Investigation_Checklist_Rev.0_ACCpdf.pdf)

I have seen no evidence there is ongoing oversight by a third party qualified consultant over the sampling program and/or verification of the sampling results reported.

Durham staff withheld ALL AMESA data from 2015-2019, which staff claimed was being conducted.

There was an AMESA Workplan letter to MECP dated Feb. 11. 2021 at: [https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/AirEmissions/2021/20210211\\_RPT\\_DYEC\\_AMESA\\_Report\\_20210203\\_ACC.pdf](https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/AirEmissions/2021/20210211_RPT_DYEC_AMESA_Report_20210203_ACC.pdf)

Durham Staff Reports 2021 WR-5 and 2021 WR-10 provided some explanations of what Durham was to report going forward.

In March 2021, Durham reported 2020 sampling results on page 31 of the 2020 ECA Report at: [https://www.durhamyorkwaste.ca/en/operations-documents/resources/2020/20210330\\_RPT\\_2020\\_DYEC\\_ECA\\_Annual\\_ACC.pdf](https://www.durhamyorkwaste.ca/en/operations-documents/resources/2020/20210330_RPT_2020_DYEC_ECA_Annual_ACC.pdf)

Since 2021 Durham has produced undated and unsigned quarterly "reports" though with numerous sampling periods invalidated and not reported. See slide 7 from W. Brackens's Oct. 2<sup>nd</sup> Presentation to Works at: <https://pub-durhamregion.escribemeetings.com/filestream.ashx?DocumentId=5163>

In addition to W. Bracken's list, see Page 6-7 of Q 1 2024 "report" for additional result invalidated at: [https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/AirEmissions/2024/20240618\\_RPT\\_DYEC\\_LTSS\\_2024\\_Q1\\_DRFT\\_FNL.pdf](https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/AirEmissions/2024/20240618_RPT_DYEC_LTSS_2024_Q1_DRFT_FNL.pdf)

### Ambient Air (AA) Monitoring Plan and Reports

Initially there were three Ambient Air sites. A Fenceline AA station was decommissioned after some time – I don't know specific date. Only TWO Ambient Air sites required remain.

Further to a motion at Oct. 9, 2013 Council meeting, one additional AA site was established for a short period with monitoring conducted at that site (Crago Road) between 2014-2018

AA Plan at: [https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/AmbientAir/Ambient\\_Air\\_Monitoring\\_Plan.pdf](https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/AmbientAir/Ambient_Air_Monitoring_Plan.pdf)

AA Reports at: <https://www.durhamyorkwaste.ca/en/environmental-monitoring/ambient-air.aspx#Ambient-Air-Reports>

Crago AA reports at: <https://www.durhamyorkwaste.ca/en/environmental-monitoring/ambient-air.aspx#Additional-Monitoring>

### Source (Stack) Testing

Though in their 2008 business case Durham staff wrote there could be quarterly stack testing, on Oct. 9, 2013, ONE additional voluntary stack test was added to the ONE test required by MECP, for a total of two per year.

### Soil Testing

Post DYEC start up soil testing conducted for years 2015, 2016 and 2017. After that only every three years. Testing done in 2020 and 2023.

Soil Testing Plan July 10, 2020 Revision 4 at: [https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/Soil/Soil\\_Testing\\_Plan.pdf](https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/Soil/Soil_Testing_Plan.pdf)

Soil Testing Reports at: <https://www.durhamyorkwaste.ca/en/environmental-monitoring/soil.aspx#Reports>

Note concerns. DYEC 2023 Soil Testing Report shows **2023 Dioxin Concentrations More than Double 2013 Pre-DYEC Levels.** That's a 114% Increase in Soil Concentration (Percent Loading).

See slide 13 from W. Bracken PowerPoint to Works Oct.2.2024 at: <https://pub-durhamregion.escribemeetings.com/filestream.ashx?DocumentId=5163>

Durham should review the 2023 Soil test and Dr. Kyle's recommendation re Soil Testing in b)iii and further to the October 9, 2013 staff commitment to review monitoring plans -see more details below.

### October 2013 Joint Committee/Council approval of monitoring & testing-Report 2013-J-26 – Referenced Project Agreement Constraints re Monitoring

Staff produced Report 2013-J-26 which included their monitoring recommendations.

Staff and their consultants recommended AGAINST continuous monitoring for Particulate Matter (PM) and Continuous sampling for Mercury, though this was included in Section 3.2 of Guideline A-7 and was technically feasible at the time.

Despite Council's commitments to the public made on January 23, 2008, the Project Agreement Durham signed with Covanta may constrain improvements. Council should inform themselves around if there are constraints and what they may be. See below last paragraph page 8 of Report 2013-J-26:

Monitoring program modifications also have potential to impact the contractual terms and conditions detailed in the Project Agreement with Covanta, and would be subject to negotiations with Covanta that could significantly increase capital and operational costs beyond this estimate. This is particularly relevant to any additions to the CEM suite. As previously noted, any transfer of risk back to the Regions, through added measures not contemplated within the existing Project Agreement, could result in additional costs and liabilities to the Region over the term of the Project Agreement.

Clarington Council motions re Monitoring from September 30, 2013 with extract below:  
<https://weblink.clarington.net/WebLink/DocView.aspx?id=63000&dbid=0&repo=Clarington>

Council Meeting Minutes - 24 - September 30, 2013

Item #13

Resolution #C-322-13

Moved by Councillor Woo, seconded by Councillor Traill

THAT the Municipality of Clarington request that the Regional Municipality of Durham amend the Regional Report, regarding the Energy-from-Waste (EFW) incinerator plant, as it appears on the October 9, 2013 Regional Council Agenda, to undertake continuous sampling of mercury and continuous emission monitoring of all total particulate matter at the incinerator stack.

"CARRIED AS AMENDED LATER IN THE MEETING"  
 (See following motion)

Resolution #C-323-13

Moved by Councillor Neal, seconded by Councillor Traill

THAT the foregoing Resolution #C-322-13 be amended by adding the following paragraph:

"THAT Clarington seek a legal opinion from an environmental lawyer at a cost not to exceed \$10,000 as to whether the Region's final monitoring plan will comply with sections 3.2 and 3.3. of the Host Community Agreement and if not, what remedies Clarington can avail itself to enforce the Community Agreement."

"CARRIED ON THE FOLLOWING RECORDED VOTE:"

Council Member	Yes	No	Declaration of Pecuniary Interest	Absent
Councillor Neal	√			
Councillor Novak				√
Councillor Partner	√			
Councillor Traill	√			
Councillor Woo	√			
Councillor Hooper	√			
Mayor Foster	√			

The Monitoring motions recorded in the minutes of the Oct. 9, 2013 Durham Council meeting are multiple pages long and are attached to this document.

One additional Ambient Air monitoring location was approved on Oct. 9<sup>th</sup> 2013 – it operated from 2014-2018. The public learned from staff that MECP did not review that Crago monitoring data and we don't know if Durham staff did.

At Oct. 9, 2013 council ONE additional voluntary stack test was added for three years, to the single test required by MECP, for a total of two source tests per year.

There was an attempt to kill off the voluntary source test. I can't remember the exact meeting date but it could have been around 2019. Your staff should know.

Suggested Matters for Works Committee to Consider When Evaluating the staff Throughput Increase "Update" Report

- a) Works members and ALL Durham councillors should review the complete (unredacted) project agreement with Covanta. You must be informed enough to be able to determine whether or not, and to what degree, the project agreement does, or does not, limit or preclude monitoring improvements that would allow better protection of public health and the natural environment.

In 2010, Durham Chair at the time signed the project agreement with Covanta just days after EA Approval, and did so before the incoming Council convened though several incoming councillors wrote asking him that he hold off signing.

A redacted agreement is posted at: <https://www.durhamyorkwaste.ca/en/facility-approvals/resources/Documents/DurhamYorkCovantaProjectAgt.pdf>

- b) You should also request and review a report from Oct. 9, 2013 Council agenda described as Confidential Report 2013-J-27, described as Confidential Report from the Commissioner of Works, Confidential Memorandum containing legal advice from the Regional solicitor with respect to potential legal liability and contractual implications arising from proposals for additional monitoring.
- c) Councillors who were around during the 2015 and 2016 stack test exceedances for dioxins should also recall that MECP didn't shut the DYEC down after the second massive stack test exceedance in May 2016. Covanta stated they wanted to continue to operate. It was the Regions that decided to shut down one boiler. Multiple issues were identified at the DYEC and repairs were required. There are staff reports and citizens' letter to MECP and their responses to concerns raised in the Sept. 30, 2016 CIP at: <https://www.durham.ca/en/regional-government/resources/Documents/Council/CIP/093016.pdf>
- d) The MECP has been underfunded for years. MECP lags other jurisdictions around incinerator testing and monitoring. In 2023 the State of Oregon in required continuous emissions monitoring and/or continuous sampling at incinerators -see list below.



- e) Oregon Senate Bill 488 at:  
<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB488/Enrolled>

Extract from page 1:

(2)(a) The owner or operator of a municipal solid waste incinerator shall develop a plan to **continuously monitor or sample emissions** of:

- (A) Carbon monoxide;
- (B) Sulfur dioxide;
- (C) Nitrogen oxides;
- (D) Opacity;
- (E) PCB;
- (F) Dioxin/furan;
- (G) Cadmium;
- (H) Lead;
- (I) Mercury;
- (J) Arsenic;
- (K) Total chromium;
- (L) Manganese;
- (M) Nickel;

Section 3 (b: ) Make emissions data available to the Department of Environmental Quality **and the public.**

- f) See related news articles re Oregon incinerator monitoring requirements at links below:

Updated Aug. 7, 2023

**Oregon becomes first state to require higher standard of continuous emissions monitoring at incinerators** <https://www.wastedive.com/news/oregon-incinerator-emissions-law-sb-488-covanta-marion/689838/>

*“An Oregon bill that requires waste incinerators to continuously monitor a broader range of emissions became law on Aug. 4 with the signature of Gov. Tina Kotek.”*

.....

*Environmental groups have praised the bill’s passage, saying **continuous monitoring “provides a more accurate depiction of the levels of toxic emissions discharged into our air and atmosphere on a daily basis.”** They cite studies of European incinerators that found dioxin emissions were anywhere from 32 to 1,290 times higher than is reported through short-term sampling.*

*“Continuous monitoring and continuous sampling technologies have been tested and verified by the U.S. Environmental Protection Agency since 2006, and are available for a wide range of regulated air pollutants from waste incinerators”..... “Dioxins and furans — the most toxic chemicals known to science — are probably the most underestimated.”*

- g) Reworld to close Oregon facility, further limiting West Coast incinerator presence  
Published Oct. 16, 2024 (Covanta now known as Reworld)  
<https://www.wastedive.com/news/reworld-marion-oregon-closure-letter-incinerator/729984/>  
“Reworld sent a letter to local officials informing them of its plan to close a facility in Marion County. It comes shortly after the company also made public plans to close a California site.
- h) From Report 2013-J-26 see staff recommendation, page 13, commitment to evaluating EACH monitoring plan:
- **Each monitoring plan will be evaluated at least annually and amended as required to ensure environmental protection and the well-being of the public;**
  - **The value of additional monitoring is best evaluated following the analysis of data obtained once the Energy from Waste Facility has been operational for at least one year;**

Therefore, more than 8 years of monitoring results and data should be reviewed.

- i) Works Committee should request and review Annual Reconciliation Reports with Covanta and determine if Covanta/Reworld met performance guarantees set out in the project agreement over the last 8 years. The total of financial adjustments used to be reported publicly, with companion confidential reports to Council, but that stopped when this was delegated to staff.
- j) Questions Works Committee should ask staff about Monitoring Plan Evaluations staff committed to in Report 2013-J-26:

Have Durham staff evaluated at least annually each monitoring plan as then Works Commissioner recommended in report 2013-J-26? Note also in Oct. 9 2013 minutes, commitment to evaluate after first full year and report, see page 46 Section g)

If staff conducted annual evaluations, how were these evaluations documented and to whom were they reported?

If annual evaluations of each monitoring plan have NOT been done, Works Committee should ask why not, AND

Works Committee should direct staff to conduct the recommended annual evaluations and present results and recommendations to Works Committee and Council via written report BEFORE any decision around submitting ECA applications is made.

Thank you for your attention.

Linda Gasser  
Whitby  
Email: [REDACTED]

Attachment: Extract Oct. 9.2013 Council minutes re DYEC monitoring motions pages 45-51

Cc: Durham Region CAO E. Baxter Trahair  
York Region CAO Erin Mahoney  
Durham Works Commissioner Ramesh Jagannathan  
Durham Director Waste Andrew Evans  
Durham MoH Dr. Robert Kyle  
Durham Region Solicitor & Director of Legal Services Jason Hunt  
Clarington Council via Clarington Clerk  
York Region Council via Clerk  
MECP Celeste Dugas, Durham York District Office  
EFW AC, EFW WMAC & DECAC committees via Durham Clerks

Minutes - Regional Council

- 45 -

October 9, 2013

Parish  
Perkins  
Pidwerbecki  
Rodrigues  
Ryan  
Woo

MOVED by Councillor Ryan, SECONDED by Councillor Henry,  
(327) "THAT Regional Council recess for 10 minutes."  
CARRIED

Council recessed at 4:20 p.m. and reconvened at approximately 4:34 p.m.

### **EIGHTH REPORT OF THE JOINT COMMITTEES**

#### 1. FRENCH LANGUAGE SERVICES ACT (2013-J-24)

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##### RECOMMENDATIONS TO COUNCIL (AS AMENDED)

- a) THAT until such time that the Regional Municipality of Durham receives satisfactory assurances from the relevant Provincial Ministries and agencies that the costs of designation under the F.L.S.A. related to Provincial Services and programs will be covered by the Province of Ontario and until that's delivered Regional Council not support the geographic area of Durham being a designated area under the *French Language Services Act*; and
- b) THAT Report #2013-J-24 of the Chief Administrative Officer be forwarded to the Minister responsible for Francophone Affairs, all local MPPs and the eight local municipalities.

#### 2. ENERGY FROM WASTE (EFW) ENVIRONMENTAL MONITORING PROGRAM REVIEW (2013-J-26)

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##### RECOMMENDATIONS TO COUNCIL (AS AMENDED)

- a) THAT to affirm that the existing Energy from Waste Facility Environmental Monitoring Program meets all regulatory requirements and exceeds Regional Council approved monitoring plans:

- i) THAT the Regional Municipality of Durham will undertake one additional annual stack test commencing in 2015, for at least three years;
  - ii) THAT the third party, independent and impartial testing agent approved by the Commissioner of Works be retained to carry out the additional annual stack test for the duration of the three years;
  - iii) THAT an independent report of data collected and analysed be presented to Regional Council;
  - iv) THAT the Commissioner of Works approach the Region of York for financial contributions towards this program in accordance with the principles identified in the co-owner's agreement;
- b) THAT the Regional Municipality of Durham in co-operation with the Municipality of Clarington undertake to site and provide an additional fixed air monitoring station for a three year period;
  - c) THAT following the first full year of monitoring during operations, and subsequent to the Ministry of the Environment review of the monitoring results, staff report back on any recommended revisions to the Energy from Waste Facility Environmental Monitoring Program; and
  - d) THAT the three motions from the Energy from Waste – Waste Management Advisory Committee (Host Community Committee), Municipality of Clarington and Township of Uxbridge, with respect to additional monitoring, be received for information, with a copy of Report No. 2013-J-26 to be forwarded to these municipalities.
3. CONFIDENTIAL REPORT OF THE COMMISSIONER OF WORKS – CONFIDENTIAL MEMORANDUM CONTAINING LEGAL ADVICE FROM THE REGIONAL SOLICITOR WITH RESPECT TO POTENTIAL LEGAL LIABILITY AND CONTRACTUAL IMPLICATIONS ARISING FROM PROPOSALS FOR ADDITIONAL MONITORING (2013-J-27)

THAT Confidential Report #2013-J-27 of the Commissioner of Works be received for information.

4. DURHAM/YORK ENERGY CENTRE, ENERGY FROM WASTE (EFW)  
FACILITY CONSTRUCTION UPDATE REPORT (2013-J-28)

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RECOMMENDATION TO COUNCIL

THAT project update Report #2013-J-28 be received for information.

Respectfully submitted,  
D. Mitchell, Chair  
Finance & Administration Committee

L. Coe, Chair  
Health & Social Services Committee

N. Pidwerbecki, Chair  
Works Committee

MOVED by Councillor Mitchell, SECONDED by Councillor Coe,  
(328) "THAT the recommendations contained in Items 3 and 4 of the Eighth  
Report of the Joint Committees be adopted."

CARRIED

MOVED by Councillor Mitchell, SECONDED by Councillor Coe,  
(329) "THAT the recommendations contained in Item 1 of the Eighth Report of  
the Joint Committees be adopted."

CARRIED AS AMENDED  
LATER IN THE MEETING  
(See Following Motion)

MOVED by Councillor Parish, SECONDED by Councillor Perkins,  
(330) "THAT the foregoing main motion (329) of Councillors Mitchell and Coe  
to adopt the recommendations contained in Item 1 of the Eighth Report  
of the Joint Committees be amended in Part a) by adding the following  
words at the beginning thereof after the word 'THAT':

'until such time that the Regional Municipality Durham receives  
satisfactory assurances from the relevant Provincial Ministries and  
agencies that the costs of designation under the F.L.S.A. related  
to Provincial Services and programs will be covered by the  
Province of Ontario and until that's delivered'"

so that Part a) of Item 1 now reads as follows:

- “a) THAT until such time that the Regional Municipality of Durham receives satisfactory assurances from the relevant Provincial Ministries and agencies that the costs of designation under the F.L.S.A. related to Provincial Services and programs will be covered by the Province of Ontario and until that’s delivered Regional Council not support the geographic area of Durham being a designated area under the *French Language Services Act*, and”

CARRIED

The main motion (329) of Councillor Mitchell and Coe to adopt the recommendations contained in Item 1 of the Eighth Report of the Joint Committees, as amended, was then put to a vote and CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

<u>COUNCILLORS</u>	<u>YES</u>	<u>NO</u>
	Aker	Nil
	Ballinger	
	Bath	
<u>Members Absent</u>	Chapman	
O’Connell	Clayton	
O’Connor	Coe	
	Collier	
	Diamond	
	Drew	
	Drumm	
	England	
	Foster	
	Henry	
	Jordan	
	Marimpietri	
	McLean	
	Mercier	
	Mitchell	
	Neal	
	Novak	
	Parish	
	Perkins	
	Pidwerbecki	
	Rodrigues	
	Ryan	
	Woo	

Regional Chair Anderson vacated the Chair at 5:59 p.m. and assumed the Chair at 6:06 p.m. Councillor Henry chaired the meeting in his absence.

MOVED by Councillor Mitchell, SECONDED by Councillor Coe,  
 (331) "THAT the recommendations contained in Item 2 of the Eighth Report of the Joint Committees be adopted."

CARRIED AS AMENDED  
 LATER IN THE MEETING  
 (See Following Motions)

MOVED by Councillor Novak, SECONDED by Councillor Foster,  
 (332) "THAT the foregoing main motion (331) of Councillors Mitchell and Coe to adopt the recommendations contained in Item 2 of the Eighth Report of the Joint Committees be amended by adding a new Part b) to read as follows and by re-lettering the remaining parts accordingly:

- 'b) THAT the Regional Municipality of Durham in co-operation with the Municipality of Clarington undertake to site and provide an additional fixed air monitoring station for a three year period'."

CARRIED ON THE FOLLOWING  
 RECORDED VOTE:

<u>Members Absent</u>	<b>COUNCILLORS</b>	<b><u>YES</u></b>	<b><u>NO</u></b>
O'Connell		Aker	Chapman
O'Connor		Ballinger	Collier
		Bath	Drew
		Clayton	England
		Coe	Jordan
		Diamond	McLean
		Drumm	Mitchell
		Foster	Neal
		Henry	Parish
		Marimpietri	Rodrigues
		Mercier	
		Novak	
		Perkins	
		Pidwerbecki	
		Ryan	
		Woo	



MOVED by Councillor Woo, SECONDED by Councillor Diamond,  
 (333) "THAT the foregoing main motion (331) of Councillors Mitchell and Coe to adopt the recommendations contained in Item 2 of the Eighth Report of the Joint Committees be amended by adding a new Part d) to read as follows and by re-lettering the existing Part d) to e):

- 'd) To undertake continuous sampling of mercury and continuous emission monitoring of all total particulate matter at the incinerator stack'."

MOTION DEFEATED

ON THE FOLLOWING RECORDED VOTE:

<u>Members Absent</u>	<b>COUNCILLORS</b>	<b><u>YES</u></b>	<b><u>NO</u></b>
England		Diamond	Aker
Henry		Drumm	Ballinger
O'Connell		Jordan	Bath
O'Connor		Neal	Chapman
Ryan		Parish	Clayton
		Rodrigues	Coe
		Woo	Collier
			Drew
			Foster
			Marimpietri
			McLean
			Mercier
			Mitchell
			Novak
			Perkins
			Pidwerbecki

MOVED by Councillor Diamond, SECONDED by Councillor Collier,  
 (334) "THAT the foregoing main motion (331) of Councillors Mitchell and Coe to adopt the recommendations contained in Item 2 of the Eighth Report of the Joint Committees be referred to staff to prepare a follow-up report to Tri-Committee to:

- i) Respond to concerns regarding apparently contradictory information received in the staff report dated October 8, 2013, regarding its "State of Technologies for Continuous Particulate Matter Emission Monitoring Devices" with particular reference to issues raised at the meeting of October 9, 2013; and further
- ii) THAT additional options that incorporate Council's long-standing commitments to public safety be presented to Tri-Committee."

MOTION DEFEATED ON THE FOLLOWING RECORDED VOTE:

<u>Members Absent</u>	<b>COUNCILLORS</b>	<b><u>YES</u></b>	<b><u>NO</u></b>
England		Collier	Aker
Henry		Diamond	Ballinger
O'Connell		Jordan	Bath
O'Connor		Neal	Chapman
Ryan		Parish	Clayton
		Rodrigues	Coe
		Woo	Drew
			Drumm
			Foster
			Marimpietri
			McLean
			Mercier
			Mitchell
			Novak
			Perkins
			Pidwerbecki

The main motion (331) of Councillors Mitchell and Coe to adopt the recommendations contained in Item 2 of the Eighth Report of the Joint Committees, as amended, was then put to a vote and CARRIED AS AMENDED ON THE FOLLOWING RECORDED VOTE:

<u>Members Absent</u>	<b>COUNCILLORS</b>	<b><u>YES</u></b>	<b><u>NO</u></b>
England		Aker	Collier
Henry		Ballinger	Diamond
O'Connell		Bath	Drumm
O'Connor		Chapman	Jordan
Ryan		Clayton	Neal
		Coe	Parish
		Drew	Rodrigues
		Foster	Woo
		Marimpietri	
		McLean	
		Mercier	
		Mitchell	
		Novak	
		Perkins	
		Pidwerbecki	



VIA Email to [Clerks@durham.ca](mailto:Clerks@durham.ca)

October 30, 2024

Works Committee Chair Dave Barton and Works Committee Members  
Regional Municipality of Durham  
605 Rossland Road East  
Whitby, ON

Dear Chair Barton and Works Committee Members,

I am writing to you to provide some information to you regarding air emissions monitoring that is not only available and encouraged by scientific bodies and governments to enhance protection of the environment and public health, but which is also being required by various countries, states and local governments, for incineration facilities in other jurisdictions, including Europe and the United States. In this letter, I focus on recent updated European monitoring documents.

I send this information to you in advance of the expected DYEC update report, which will include monitoring considerations, to help provide context and information to you as decision makers. So far, I have not seen this information provided to you by staff nor by Covanta (who have are now named Reworld).

The information below provides evidence that the DYEC monitoring has not been keeping up with the science nor with the actions around monitoring and reporting in other jurisdictions.

All of this information must also be considered together with the information that have been provided to you in numerous delegations about performance, monitoring and reporting concerns with the DYEC.

These concerns include the dioxin/furan exceedances in the stack and in the ambient air, the complete lack of transparency around dioxin/furan AMESA monitoring with years of withheld AMESA results and underlying reports and many months of withheld and invalidated AMESA data, as well as elevated dioxin/furan soil testing results. There is an obvious pattern here and dioxin and furan concerns are mounting. Better, more comprehensive and frequent monitoring and reporting is needed to address these concerns.

Bottom line - the status quo monitoring and reporting is not enough to protect the public and the environment and the citizens of Durham, particularly those in Clarington and Oshawa who are most directly impacted by the incinerator emissions. Incineration comes with many risks and adverse environmental impacts. Citizens must have and deserve the best monitoring and

reporting available that is keeping step with the science. Will you and would you accept anything less for Durham citizens?

### Monitoring in Europe

Durham committed many years ago that the incinerator would meet or exceed European Union (EU) monitoring and measurement standards.

Please see the October 30<sup>th</sup> correspondence that Linda Gasser sent to you which provides a detailed account including the exact wording of the Durham resolutions.

The European Commission (EC) adopted its Best Available Techniques (BAT) Conclusions on November 12, 2019. You can find the decision and the full BAT Conclusions at:

[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2019.312.01.0055.01.ENG&toc=OJ%3AL%3A2019%3A312%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2019.312.01.0055.01.ENG&toc=OJ%3AL%3A2019%3A312%3ATOC)

It is important to note that in the decision the EC states:

*“Best available techniques (BAT) conclusions are the reference for setting permit conditions for installations covered by Chapter II of Directive 2010/75/EU and competent authorities should set emission limit values which ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques as laid down in the BAT conclusions.”* (emphasis added)

In other words, the BAT Conclusions are not just what is technically achievable, but indeed are the reference for setting permit conditions and emission limits for the EU member states.

Scroll down to the fourth BAT conclusion (BAT 4) and you will find that one lays out the frequency emissions are to be tested, and whether a pollutant will be monitored continuously, periodically (infrequent stack tests) or by long-term sampling. It states:

*“BAT 4. BAT is to monitor channelled emissions to air with at least the frequency given below and in accordance with EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.”* (emphasis added)

Scroll down further in the BAT Conclusions and you will find the table containing a list of pollutants and minimum frequency for testing. I have copied parts of that table below to show

examples of where the DYEC monitoring falls short of the EC monitoring and have added some explanations.

**Examples where DYEC does not meet the European BAT requirements include highlighted**

**sections below:** Note the first five columns are excerpts from the BAT Conclusions (see pages 14, 15 of 51 paged document). The stand-alone column on the right was created to show how current monitoring at the DYEC is different for these pollutants. Definitions for Dust and other pollutants are taken directly from the BAT conclusions.

Substance/ Parameter	Process	Standard(s) <sup>(4)</sup>	Minimum monitoring frequency <sup>(5)</sup>	Monitoring associated with	DYEC Monitoring
Dust  (defined as Total particulate matter (in air))	Bottom ash treatment	EN 13284-1	Once every year	BAT 26	<b>Durham does NOT continuously monitor Particulate Matter (instead uses crude substitute Opacity)</b>
	Incineration of waste	Generic EN standards and EN 13284-2	Continuous	BAT 25	
Hg	Incineration of waste	Generic EN standards and EN 14884	Continuous <sup>(8)</sup>	BAT 31	<b>DYEC does NOT continuously monitor Mercury instead has two stack tests totaling 18 hours/yr)</b>
TVOC	Incineration of waste	Generic EN standards	Continuous	BAT 30	<b>No continuous monitoring of Total Volatile Organic Compounds; DYEC monitors organic matter</b>
PBDD/F	Incineration of waste <sup>(9)</sup>	No EN standard available	Once every six months	BAT 30	<b>Polybrominated dioxins/furans are NOT monitored at the DYEC at all</b>

Substance/ Parameter	Process	Standard(s) <sup>(4)</sup>	Minimum monitoring frequency <sup>(5)</sup>	Monitoring associated with	DYEC Monitoring
PCDD/F  (Chlorinated Dioxins/Furans)	Incineration of waste	EN 1948-1, EN 1948-2, EN 1948-3	Once every six months for short-term sampling	BAT 30	Durham needs to check if reference standards used in Durham are as stringent as Europe including sampling and recovery procedures during source tests.
		No EN standard available for long-term sampling, EN 1948-2, EN 1948-3	Once every month for long-term sampling <sup>(10)</sup>	BAT 30	
Dioxin-like PCBs	Incineration of waste	EN 1948-1, EN 1948-2, EN 1948-4	Once every six months for short-term sampling <sup>(11)</sup>	BAT 30	To my knowledge, judging what was provided in Durham 2021-WR-10, the DYEC does NOT include monitoring of dioxin-like PCBs in using long-term sampling. Only chlorinated Dioxins and Furans are collected/analyzed.
		No EN standard available for long-term sampling, EN 1948-2, EN 1948-4	Once every month for long-term sampling <sup>(10) (11)</sup>	BAT 30	

European Commission Conclusion BAT 5 is regarding conducting dioxin/furan emissions testing during OTHER THAN NORMAL OPERATING CONDITIONS (OTNOC). Presently Durham is relying on only two – 12-hour duration stack tests per year for its source testing of dioxins and furans and the testing is conducted only during normal steady state operating conditions. It is simply not adequate. BAT 5 is extremely pertinent to the situation we have in Durham given the mounting evidence of dioxin furan exceedances and source testing problems. I have copied BAT 5 in full here (emphasis added):

BAT 5. BAT is to appropriately monitor channelled emissions to air from the incineration plant during OTNOC.

*Description*

The monitoring can be carried out by direct emission measurements (e.g. for the pollutants that are monitored continuously) or by monitoring of surrogate parameters if this proves to be of equivalent or better scientific quality than direct emission measurements. Emissions during start-up and shutdown while no waste is being incinerated, including emissions of PCDD/F, are estimated based on measurement campaigns, e.g. every three years, carried out during planned start-up/shutdown operations.

In addition to the above, the BAT Conclusions also provide detailed descriptions of best operating techniques and practices, as well as BAT-associated emission levels (BAT-AELs) for channelled emissions to air. The BAT-AELs as well as the BAT emission control techniques should be checked against the what is employed at the DYEC and what emission limits are required in the present DYEC Environmental Compliance Approval (ECA) as well as those set in the United States to see how Durham compares.

Comparing stack results against outdated emission limits does not protect us. Your Committee needs a full report comparing our requirements against the BAT-AELs.

It is notable as well that the BAT Conclusions also set BAT-AELs for long-term sampling of dioxins and furans. Here I have copied the table directly from the document.

**BAT-associated emission levels (BAT-AELs) for channelled emissions to air of TVOC, PCDD/F and dioxin-like PCBs from the incineration of waste**

Parameter	Unit	BAT-AEL		Averaging period
		New plant	Existing plant	
TVOC	mg/Nm <sup>3</sup>	< 3–10	< 3–10	Daily average
PCDD/F <sup>(29)</sup>	ng I-TEQ/Nm <sup>3</sup>	< 0,01–0,04	< 0,01–0,06	Average over the sampling period
		< 0,01–0,06	< 0,01–0,08	Long-term sampling period <sup>(30)</sup>
PCDD/F + dioxin-like PCBs <sup>(29)</sup>	ng WHO-TEQ/Nm <sup>3</sup>	< 0,01–0,06	< 0,01–0,08	Average over the sampling period
		< 0,01–0,08	< 0,01–0,1	Long-term sampling period <sup>(30)</sup>



Staff should also provide to you information that compares the DYEC against the ash testing techniques and monitoring parameters set out in the BAT Conclusions.

I conclude by stating that I have just been able to detail some of what has been set out in the European BAT Conclusions, but there is much more from other documents and from other jurisdictions (including Oregon – see Linda Gasser’s correspondence) that shows the DYEC monitoring is not keeping up.

You need all such information and comparisons to make an informed decision.

Thank you for your attention,

Wendy Bracken

**Energy from Waste-Waste Management Advisory  
Committee (EFW-WMAC)**

# **DRAFT FOR DISCUSSION**

**2024 Annual EFW-WMAC Report**

**Presentation to:**

**Durham Region Works Committee**

**December 4, 2024**

**and**

**Municipality of Clarington Council**

**December 16, 2024**

If you require this information in an accessible format, please contact 1-800-372-1102 ext. 3560

### **2023-2024 EFW-WMAC Committee Members**

G. Baswick, Municipality of Clarington (appointed October 30, 2023)

G. Best, Town of Whitby

G. Gordon (Chair), Town of Whitby

J. Vinson, Municipality of Clarington

K. Palinka, City of Oshawa

M. Cannon, City of Oshawa

P. Haylock (Vice Chair), Municipality of Clarington

R. Fleming, City of Pickering

T. Shomar, Municipality of Clarington

## **December 6 and December 18, 2023 – Annual Report Presentation by EFW-WMAC Chair and Vice Chair to Durham Region Works Committee and Municipality of Clarington Council**

- Annual report presentation by the EFW-WMAC Chair and Vice Chair was well received by the both the Durham Region Council and Clarington council.
- Appreciation was expressed for all committee members who volunteer their personal time to support Durham Region’s EFW-WMAC initiatives.

## **February 4, 2024 – Scheduled Meeting Q1**

Update by Lipika Saha, Manager, Waste Services, the Regional Municipality of Durham, regarding 2024 Community and Outreach Activities.,

Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Durham York Energy Centre.

## **EFW-WMAC Work Plan (2023-2024)**

There are three key areas of the EFW-WMAC Workplan that the Committee can examine:

1. **Plan and Program Implementation** (as it relates to the Long-Term Waste Management Plan, Extended Producer Responsibility (EPR), and changes and enhancements to the Region’s Organics Program).
2. **Diversification Program Assessment** (review and assess opportunities for the Region to optimize and increase diversion opportunities within Durham Region).
3. **Technology and Facility Review** (reviewing key technologies which are or may be utilized by the Region in delivery of waste management services).

L. Saha advised that there will be a number of special events in waste management occurring in 2024 that members of the EFW-WMAC could volunteer to participate in.

The Committee questioned why the City of Oshawa and the Town of Whitby did not participate in the 2023 Curbside Giveaway Days, and whether local Councils have to opt-in in order to participate in that event. Subsequent to this meeting, two curbside giveaway events were arranged for the City of Oshawa and Town of Whitby (Reference September 24 Minutes of Meeting).

A. Evans advised that the Durham York Energy Centre (DYEC) facility remains fully operational with no issues to report. He advised that the DYEC processed the full 140,000 tonnes of waste in 2023, and that the annual report is due at the end of March 2024 to the

Ministry of the Environment, Conservation and Parks (MECP).

Discussion occurred regarding tours that the Committee members have taken, and that a number of nuclear engineering students toured the DYEC in February 2024.

A. Evans advised that the Biocover Pilot Systems are comprised of an above ground filter and in-cover bio window that were constructed in May 2023. These systems will now be evaluated to assess their performance in terms of methane reduction.

Staff will be reporting to the MECP in 2024 to assess whether monitoring should continue.

Committee members agreed with staff that extended monitoring would allow staff to see the effectiveness of the biocover over multiple seasons.

The Committee questioned how black polystyrene trays will be processed at the material handling Facility. The reply was that black polystyrene cannot be processed because of the chemical constituents. Dealing with this waste stream will belong to the Extended Producer Responsibility Organization(s). For example, influencing packaging vendors to phase out black polystyrene trays and containers.

## **May 28, 2024 – Scheduled Meeting Q2**

Update by Lipika Saha, Manager, Waste Services, the Regional Municipality of Durham, regarding 2024 Community and Outreach Activities.

L. Saha highlighted community and outreach activities across the Region.

R. Fleming shared with the Committee that she attended the Compost giveaway event that was held in the City of Pickering and had a great time. She advised that many broken blue boxes were exchanged and that many residents also purchased extra blue boxes.

Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Extended Producer Responsibility A. Evans advised that there has been a lot of interest in extended producer responsibility (EPR) and reminded the Committee that it will take effect July 1, 2024 resulting in the private sector taking over the recycling program. The Committee questioned the communication on the EPR Program. Durham staff are working to wrap up current contracts as required and ensure that the right messaging is being provided to the residents.

Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Expanded Green Bin Program.

A. Evans advised that the expanded Green Bin Program will also begin July 1, 2024, which means that additional materials will be accepted in the green bin because of enhancements made at the collection facilities. A. Evans responded to questions from the Committee regarding hand-out materials that could be provided to residents at Local Environment Day

on June 13, 2024; and whether there will be green bins located in local parks.

Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Automated Cart-Based Garbage Collection Pilot Project.

A. Evans advised that staff are looking at an automated cart-based system similar to what the City of Toronto uses, for implementation in the Region. He advised that staff have sought permission to complete a pilot program for the cart-based system in the Town of Ajax and the Township of Scugog.

A. Evans responded to questions from the Committee regarding how big the carts would be and roughly how many garbage bags would fit in them.

Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Durham York Energy Centre.

A. Evans advised that the annual operations report for the Durham York Energy Centre (DYEC) facility, as well as the DYEC audit and annual ground monitoring reports have been submitted to the Ministry of the Environment, Conservation, and Parks (MECP).

A. Evans advised that Dr. Adams presented at the May 8, 2024, Works Committee meeting on Report #2024-WR-5: Durham York Energy Centre - Analysis of Ambient Air and Emissions Monitoring to Identify Local Air Shed Impacts which is available on the May 8, 2024, Works Committee agenda. He also advised that the Region received correspondence from the MECP indicating that the elevation requests were denied for the screening report, and that the Region can move forward to the next stage which would be to complete the Environmental Compliance Assessment (ECA).

### **September 24, 2024 – Scheduled Meeting Q3**

Delegation by Community Member on DYEC Compliance Source Test report and Long-Term Sampling System (LTSS) Quarterly Report Q1 2024.

The delegation covered various aspects of reporting emission levels, data collection and test protocols.

Discussion occurred regarding whether a working group to be formed to review standard methods and procedures available as it relates to the DYEC. Additional discussion occurred on the committee having a more detailed review of the delegation material. This detailed review could be part of the 2025 work program and/or discussion at a future EFW-WMAC meeting.

### **Other Discussions**

A) Update by Lipika Saha, Manager, Waste Services, the Regional Municipality of Durham, regarding 2024 Community and Outreach Activities. The committee members will continue to support Outreach Activities. As mentioned in the May meeting, a committee member

participated in the Compost Giveaway event. An Environmental Day occurred in October. Staff are planning to promote the Enhanced Green Bin program at upcoming community events.

- B) Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Extended Producer Responsibility.

A. Evans advised that the Region transitioned on July 1, 2024, and that the Region is no longer collecting recyclable materials directly and that it has moved over to the producer organizations where Green for Life (GFL) and Miller Waste Systems have been contracted within the community for collection. There was some backlog initially, but the transition went well overall. Committee members asked about Commercial business collection. A. Evans advised that staff remain very engaged in the local business communities with respect to how the transition will affect the local businesses in the BIAs and downtown cores.

- C) Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Expanded Green Bin Program.

The expanded Green Bin Program rolled out July 1, 2024, and went relatively well. Staff talked to the service providers regarding the material coming in and were advised that the materials were a bit wetter than in other jurisdictions, which was expected for the program, and that it will take some time to build momentum.

A. Evans advised that staff would provide a more detailed update to the Works Committee and the EFW-WMAC towards the end of the year. Committee members responded they have seen Green Bin and EPR communication via various media platforms. Additional communication will be sent to residents on additional green bins that are currently on sale at a reduced rate.

- D) Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Automated Cart-Based Garbage Collection Pilot Project.

A. Evans advised that the Automated Cart-Based Garbage Collection Pilot Project occurred in mid/late July 2024 (Ajax and Township of Scugog) and that the residents are currently going through their 3rd /4th pick-up with the cart system. He advised that staff are continuing to educate residents on how the carts work and will be reaching out to the residents in the next couple of months to collect additional feedback through various pre, mid, and post surveys.

- E) Update by Andrew Evans, Director, Waste Management Services, the Regional Municipality of Durham, regarding Durham York Energy Centre.

A. Evans advised the Committee that the requests to elevate the DYEC expansion application to a full Environmental Assessment were denied and were presented to the Works Committee, where there were additional questions from members of the public. As a result, the Works Committee asked staff for an update report that will be presented to

the Works Committee in November 2024.

A. Evans advised that the source test results from the first quarter are now published to the website and that there were no issues from a plant perspective with respect to meeting the compliance limits. The ECA limits were also met during the tests with no violations.

Detailed discussion and questions from the Committee members occurred on possible methods to present reporting data in a less technical manner to improve public understanding.

## **Work Program Update**

### **Long Term Waste Management Plan Implementation and Recycling**

Diversion of waste to DYEC and increase of organics going into the green bin program was supported.

Committee members did research on current metrics related to organic waste and recycling.

Older multi-story residential buildings and small businesses are an area where constraints and current EPR government contract terms prevent waste diversion. This will be a continuing topic for WMAC work with the Durham Region Works Department on advocating increased diversion from these building and businesses.

As part of the continuing work program, the WMAC proposes visiting recently completed multi residential buildings to review built in recycling and organic waste infrastructure.

Recycling of large and small propane bottles (less than 20lbs) showed that once they age out, the bottles are returned as hazardous waste to Waste Transfer Stations. Larger bottles can be refurbished by Facilities in Ontario under certain conditions which have a cost to the consumer or to Durham Region. This can be further evaluated in the 2025 work program.

There is currently no refurbishment or refilling of the small 1lb “green” coloured propane bottles. The cost and effort for this small container refurbishment are high compared to the value of the bottle. A possible refilling evaluation could be investigated. Refilling facilities currently do not have registered fittings and safety procedures for this.

Certified propane bottle refurbishment facilities in Ontario have the following requirement; “Propane cylinders must be recertified every 10 years. This process begins with a visual inspection followed by replacing the relief valve, and then a new stamp is embedded into the steel collar to show the latest inspection date. The cylinder must be completely empty of propane before replacing the relief valve. If the cylinder is not empty when brought to be



recertified, the facility can offer the service of burning off the remaining propane. Cylinders are not recertifiable if they have signs of excessive rust, gouging, denting, or have been involved in a fire, show signs of bulging, dented welds, or collars or foot rings that are broken or damaged.

Spent printer cartridges can be recycled at office product retailers. This recycling could be communicated to communities. Some cartridge refilling services have previously been provided by retailers.

Battery recycling is communicated to Durham Region Residents with two pick up days. The process for pick up has been simplified. Recycling is also available at big box stores and some commercial enterprises. Continuing reinforcement on recycling is required to avoid the detrimental effect of battery metals and acids in the environment.

WMAC will continue assessment of other waste diversion methods and brainstorming of innovative diversion opportunities. The curbside large item pickup program is an example where the time place at the street could be picked up by interested individuals interested in the item.

## **Anaerobic Digestion Research and Knowledge**

As this program was delayed due current financial and interest rate costs, research was not conducted by WMAC in 2024. This work program item will be included in the 2025-2026 WMAC plan.

## **Community and Outreach Activities**

Committee members did participate in some outreach activities. It was not possible to present in local schools given schedule conflicts. Clarington Council previously communicated interest in a committee member presenting at one of their high schools. This will be brought up at the December council meeting to find an interested high school. (Presentation on WMAC information, Careers, and works department Circular Economy/recycling). The same point will be mentioned at the Durham Region Council Meeting. An important aspect of outreach is communication and teaching about what the circular economy is, and its benefits as well as importance for the environment.

## **Durham Region's Organics Management Project**

A committee member participated in the Pickering compost event which had a good community turnout with positive interactions.

Committee members confirmed seeing communication on the expansion of the green bin program to include pet waste and diapers. Media communication on the sale of green bins has also been completed. (some families will have much more organic waste). This expansion is important for diversion of waste from landfill and the DYEC.

## **Extended Producer Responsibility**

Committee members did not report any personal or neighbour issues with recycling transition. Further oversight in the 2025 work program is recommended (example-additional recycling stream investigation). The initial transfer of recycling to the EPR company(s) was deemed to go well.

## **MRF (Material Recovery Facility)**

In response to a question from the Committee regarding an update on the Region's Material Recovery Facility (MRF) tender, A. Evans advised that HGC was the successful bidder and they will be operating the facility under contract to the Region until Durham's transition to EPR.

## **Landfill Biocover/Landfill Management**

WMAC recommended continuation of biocover pilot which is part of landfill management and greenhouse gas emissions reduction goals.

## **Durham York Energy Centre (DYEC) Familiarization and Research**

Oversight on facility reports (1) and (2) below, showed the facility is operating at a high capacity with no environmental compliance issues to report.

(1) Review of the summary statements in the Compliance Source Test showed test results were below the concentration limits prescribed in Schedule C of the Environmental Compliance Approval. (Report #2024-INFO-55).

(2) A high-level review of the AMESA Long-Term Sampling System (LTSS) DYEC LTSS quarterly report (Q1-January 2024 to May 2024) was completed.

This quarterly report does meet the requirement for enhanced communication of AMESA data and provides discussion of operational data for dioxins and furans at the Durham York Energy

Centre (DYEC) used as an input to facility operations.

As mentioned in prior committee meetings, it would be appropriate to include DYEC source test and AMESA report review and understanding to the 2025 work program. This review needs to consider simplification of how the report is communicated to the public.

The report properly referenced ECA Condition 7(3) which requires dioxins and furans emissions trend analysis and evaluation of Air Pollution Control equipment performance. The report also properly states AMESA results themselves do not constitute a compliance point for the facility operations.

Committee members completed a tour of the MRF and DYEC on January 22, 2024.