



## The Regional Municipality of Durham

### Works Committee Agenda

Council Chambers  
Regional Headquarters Building  
605 Rossland Road East, Whitby

**Wednesday, November 4, 2020**

**9:30 AM**

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Please note: In an effort to help mitigate the spread of COVID-19, and to generally comply with the directions from the Government of Ontario, it is requested in the strongest terms that Members participate in the meeting electronically. Regional Headquarters is closed to the public, all members of the public may view the Committee meeting via live streaming, instead of attending the meeting in person. 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.

**1. Roll Call**

**2. Declarations of Interest**

**3. Adoption of Minutes**

A) Works Committee meeting – October 7, 2020

Pages 4 - 12

**4. Statutory Public Meetings**

There are no statutory public meetings

**5. Delegations**

There are no delegations

**6. Presentations**

6.1 Ramesh Jagannathan, Director of Transportation and Field Services,  
re: Automated Enforcement – Update

- 6.2 Gio Anello, Director of Waste Management Services, re: Draft Blue Box Regulations and Durham Concerns – Update

## 7. Waste

### 7.1 Correspondence

- A) Memorandum from Susan Siopis, Commissioner of Works, dated October 16, 2020, re: Disposal of Waste Electrical, Electronics and Fluorescent Lightbulbs for Industrial, Commercial and Institutional (ICI) Sector 13 - 14

Recommendation: Receive for Information

- B) Report #2020-INFO-95: Mixed Waste Pre-sort and Anaerobic Digestion Update 15 - 74

**Pulled by Councillor Collier from the October 16, 2020 Council Information Package**

Recommendation: Receive for Information

- C) Email Correspondence from Linda Gasser, Whitby resident, dated October 26, 2020, re: Durham Waste Management Annual Reports & Environmental Assessment (EA) Condition 10 and recent Third-Party Audit 75 - 79

Recommendation: Receive for Information

### 7.2 Reports

There are no Waste Reports to consider

## 8. Works

### 8.1 Correspondence

- A) Email Correspondence from Libby Racansky, Courtice resident, dated October 12, 2020, re: Wells on Hancock Rd., Courtice and Extension of Water Pipes 80 - 82

Recommendation: Refer to staff for a response

### 8.2 Reports

- A) Amendment and Renewal of Lease for Premises with First Capital Holdings (Ontario) Corporation and 1615 Dundas St. E. Commercial Centre Inc. at 1615 Dundas Street East in the Town of Whitby for the Regional Municipality of Durham Health Department, Dental Clinic and Breast-Feeding Clinic (2020-W-49) 83 - 87

**9. Advisory Committee Resolutions**

There are no advisory committee resolutions to be considered

**10. Confidential Matters**

There are no confidential matters to be considered

**11. Other Business**

**12. Date of Next Meeting**

Wednesday, December 2, 2020 at 9:30 AM

**13. Adjournment**

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## The Regional Municipality of Durham

### MINUTES

#### WORKS COMMITTEE

Wednesday, October 7, 2020

A regular meeting of the Works Committee was held on Wednesday, October 7, 2020 in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was permitted for this meeting.

#### 1. Roll Call

Present: Councillor Mitchell, Chair  
Councillor Marimpietri, Vice-Chair  
Councillor Barton  
Councillor Crawford  
Councillor McLean  
Councillor John Neal  
Councillor Smith  
Regional Chair Henry  
**\* all members of Committee except Councillor Mitchell and Regional Chair Henry participated electronically**

Also

Present: Councillor Dies  
Councillor Mulcahy  
Councillor Joe Neal  
Councillor Roy  
Councillor Wotten

Absent: None

Staff

Present: G. Anello, Director of Waste Management Services  
D. Beaton, Commissioner of Corporate Services  
J. Demanuele, Director of Business Services, Works Department  
J. Hunt, Director of Legal Services, Corporate Services – Legal Services  
R. Jagannathan, Director of Transportation and Field Services  
J. Presta, Director of Environmental Services  
R. Inacio, Systems Support Specialist, Corporate Services – IT  
S. Siopis, Commissioner of Works  
S. Glover, Committee Clerk, Corporate Services – Legislative Services  
C. Tennesco, Committee Clerk, Corporate Services – Legislative Services

**2. Declarations of Interest**

There were no declarations of interest.

**3. Adoption of Minutes**

Moved by Councillor Smith, Seconded by Councillor McLean,  
(75) That the minutes of the regular Works Committee meeting held on  
Wednesday, September 9, 2020, be adopted.

CARRIED

**4. Statutory Public Meetings**

There were no statutory public meetings.

**5. Delegations**

There were no delegations.

**6. Presentations**

There were no presentations.

**7. Waste**

7.1 Correspondence

A) 2020-INFO-79: Update on Single-Use Plastics Policies in the Regional Municipality of Durham

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Detailed discussion ensued regarding the single-use plastics policies within the Region of Durham and whether there are any active initiatives taking place; and concerns regarding the lack of leadership from the Provincial and Federal governments with respect to banning single-use plastics, and that the Region of Durham should take the lead.

In response to the concerns raised, S. Siopis advised that staff are actively involved in pressing forward on extended producer responsibility (EPR), and discussions have occurred with Corporate Services – Legal about what authority Durham Region has over banning single-use plastics.

Further discussion ensued regarding potential consequences of inaction and whether the Region should operate business as usual; how waste has been managed during the pandemic; whether tax dollars should be used to address the expected challenge from the plastic's industry regarding banning single-use plastics; the stockpiling of bottled water by the public and increasing social media messaging around the safety and quality of Durham's tap water; and how to serve

Durham's residents in the safest way and implementing a ban on single-use plastics at the right time.

In response to a question regarding whether there has been an impact from COVID on the waste composition and whether it could be seen at the Durham York Energy Centre (DYEC), G. Anello advised that there has been an impact on the garbage composition and that it could be seen at the DYEC. He advised that the heat value increased due to the increase in film plastic found in the garbage. As a result, less garbage was burned to achieve the steam quality necessary to optimize the generation of electricity.

Moved by Councillor Marimpietri, Seconded by Councillor Crawford,  
(76) That Information Report #2020-INFO-79: Update on Single-Use Plastics Policies in the Regional Municipality of Durham be received for information.

CARRIED ON THE FOLLOWING  
RECORDED VOTE:

Yes

Councillor Barton  
Councillor Crawford  
Regional Chair Henry  
Councillor Marimpietri  
Councillor McLean  
Councillor Smith  
Councillor Mitchell, Chair

No

Councillor John Neal

Members Absent: None

Declarations of Interest: None

- B) Email correspondence from Linda Gasser, dated October 5, 2020, expressing concerns regarding Report #2020-INFO-79: Update on Single-Use Plastics Policies in the Regional Municipality of Durham; and requesting that the comment period for the Long-Term Waste Management Plan (LTWMP) be extended until October 31, 2020; that the LTWMP website include links to Durham's climate strategies; that the LTWMP Guiding Principles be developed through public consultation arising from the 2019 principles and that the term "waste as a resource" be clearly defined; that Information Report #2020-INFO-79 and related reports be included on the LTWMP website; and that the Works Committee direct staff to provide a thoroughly researched report to come back to the Works Committee with additional information about municipal and other government actions/strategies across Canada around the reduction or elimination of Single Use Plastics, including pitfalls and lessons learned to date, and that the Report be posted to the LTWMP website
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In response to a question, S. Siopis advised that once staff have reviewed the correspondence in its entirety, they will provide a response back to Ms. Gasser.

Moved by Councillor Crawford, Seconded by Councillor Barton,

(77) That the email correspondence from Linda Gasser, dated October 5, 2020, expressing concerns regarding Report #2020-INFO-79: Update on Single-Use Plastics Policies in the Regional Municipality of Durham and on the Long-Term Waste Management Plan guiding principles and policies, be received for information.

CARRIED

- C) Email correspondence from Wendy Bracken, dated October 6, 2020, expressing concerns regarding the work and consultation being done on the Long-Term Waste Management Plan (LTWMP), and the lack of evidence that the four guiding principles that are to be followed during the development of the LTWMP have been endorsed by Regional Council. She requests that the Works Committee direct Works staff to respond to the EFW-WMAC members regarding proof of endorsement of the guiding principles. She also expresses concerns regarding the report on single-use plastics. She noted that at the last EFW-WMAC meeting a motion was passed to schedule a special meeting to form and submit comments on the LTWMP. She requests that the Works Committee direct Works staff to set up a Special EFW-WMAC meeting before October 27, 2020
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Moved by Councillor Smith, Seconded by Councillor Barton,

(78) That the email correspondence from Wendy Bracken, dated October 6, 2020, expressing concerns regarding the work and consultation being done on the Long-Term Waste Management Plan (LTWMP) and its guiding principles and policies, and regarding Report #2020-INFO-79: Update on Single-Use Plastics Policies in the Regional Municipality of Durham, be received for information.

CARRIED

## 7.2 Reports

There were no Waste Reports to consider.

## 8. **Works**

### 8.1 Correspondence

- A) Correspondence from the City of Oshawa, dated October 2, 2020, requesting that the Region of Durham investigate the traffic congestion concerns on Wilson Road between King Street East and Bond Street East
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Moved by Councillor John Neal, Seconded by Councillor Marimpietri,  
(79) That correspondence from the City of Oshawa, dated October 2, 2020, requesting that the Region of Durham investigate the traffic congestion concerns on Wilson Road between King Street East and Bond Street East, be referred to staff for a response.

CARRIED

## 8.2 Reports

### A) Servicing and Responsibility Agreement with the City of Pickering for the Extension of a Sanitary Sewer and a Watermain through Provincial Lands to Service the Proposed Kubota Development, in the City of Pickering (2020-W-46)

Report #2020-W-46 from S. Siopis, Commissioner of Works, was received.

Moved by Regional Chair Henry, Seconded by Councillor Crawford,  
(80) That we recommend to Council:

- A) That the Regional Municipality of Durham be authorized to enter into a Servicing and Responsibility Agreement with the City of Pickering for the extension of a sanitary sewer and a watermain through Provincially owned lands, in the City of Pickering at an estimated cost of \$1,750,000, to be fully funded by the City of Pickering;
- B) That the City of Pickering be responsible for any and all costs, other than normal operational and maintenance costs of the sanitary sewer and watermain, until such time as the City of Pickering can acquire ownership or a Regional easement over the lands within which these Regional services will be located; and
- C) That the Regional Chair and Clerk be authorized to execute any necessary documents or agreements.

CARRIED

### B) Approval to Award Additional Capital Financing for Regional Municipality of Durham Contract T-1019-2020 for the Renovation and Expansion of the Regional Environmental Laboratory at the Duffin Creek Water Pollution Control Plant, in the City of Pickering (2020-W-47)

Report #2020-W-47 from S. Siopis, Commissioner of Works, was received.

Moved by Regional Chair Henry, Seconded by Councillor Crawford,  
(81) That we recommend to Council:

- A) That the low compliant bid of BDA Inc. in the amount of \$9,995,284\* be awarded for Regional Municipality of Durham Contract T-1019-2020; and



- B) That the total project budget for Regional Municipality of Durham Contract T-1019- 2020 be increased by \$2,817,480, for a revised project budget of \$12,117,480, financing as noted in the following table:

Source of Funding	Residential Development Charges	Commercial Development Charges	Industrial Development Charges	User Revenue	Contribution from York Region	Total Financing
Water Supply Capital Budget Project Y1602	2,041,350	62,775	-	220,875	2,325,000	4,650,000
Sanitary Sewerage Capital Budget Project Y1602	1,724,725	128,250	296,050	175,975	2,325,000	4,650,000
<b>Total Previously Approved Financing</b>	<b>3,766,075</b>	<b>191,025</b>	<b>296,050</b>	<b>396,850</b>	<b>4,650,000</b>	<b>9,300,000</b>
Additional Financing from Reallocation 2020 Water Supply Capital Budget Item 171	618,437	19,018	-	66,915	704,370	1,408,740
Additional Financing from Reallocation 2020 Sanitary Sewerage Capital Budget Item 72	519,825	32,401	-	152,144	704,370	1,408,740
<b>Total Revised Financing</b>	<b>4,904,337</b>	<b>242,444</b>	<b>296,050</b>	<b>615,909</b>	<b>6,058,740</b>	<b>12,117,480</b>

(\* ) before applicable taxes  
 CARRIED

- C) Approval to Negotiate and Award a Sole Source Service Agreement with Aquatic Informatics (WaterTrax) for the Provision of Water Supply and Sanitary Sewerage Data Management Services (2020-W-48)

Report #2020-W-48 from S. Siopis, Commissioner of Works, was received.

Moved by Regional Chair Henry, Seconded by Councillor Crawford,  
(82) That we recommend to Council:

- A) That a sole source service agreement be negotiated and awarded to WaterTrax Inc. to provide water supply and sanitary sewerage data management services for a term of three years, commencing on January 31, 2021 at a cost of \$110,812.32\* per year for a total estimated contract value of \$332,436.96\*;
- B) That financing for the water supply and sanitary sewerage data management services provided by WaterTrax Inc. be provided from the annual Water Supply and Sanitary Sewerage Systems Business Plans & Budgets; and
- C) That the Commissioner of Finance be authorized to execute the necessary documents related to the sole source service agreement.  
(\* before applicable taxes

CARRIED

## 9. Advisory Committee Resolutions

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

#### A) Resolution regarding Extension of Comment Period for the Long-Term Waste Management Plan

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S. Siopis advised that the comment period for the Long-Term Waste Management Plan (LTWMP) ended on September 30, 2020. She also advised that over 2,000 responses had been received during the comment period. She further advised that staff will continue to monitor the website for any further comments sent in, and that there would be many more opportunities for the public to provide input.

In response to a question regarding an Energy From Waste – Waste Management Advisory Committee (EFW-WMAC) special meeting being scheduled in the coming months, G. Anello advised that staff are working with Legislative Services to arrange those meetings on the topics of the Long-Term Waste Management Plan (LTWMP), and Extended Producer Responsibility (EPR). He advised that all comments received on the LTWMP will be accepted as part of the Record of Consultation.

Moved by Regional Chair Henry, Seconded by Councillor McLean,  
(83) That the public comment period for the Long-Term Waste Management Plan be extended from September 30, 2020 until October 31, 2020.

CARRIED

## 10. Confidential Matters

There were no confidential matters to be considered.

**11. Other Business**

**11.1 Sorting at the Waste Transfer Stations**

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In response to a question regarding how waste loads are sorted when vehicles arrive at the Waste Transfer Stations, G. Anello advised that there is a fee charged for a mixed load brought in by residents, and that the residents are expected to sort their items into the appropriate bins. He also advised that staff are monitoring the bins and doing additional sorting when necessary.

**11.2 Disposal of Florescent Lightbulbs in the Regional Municipality of Durham**

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Councillor Smith raised a question regarding where members of the Industrial, Commercial, and Institutional (ICI) sector can dispose of fluorescent lightbulbs that are categorized as hazardous waste. He advised of a situation where a local volunteer committee member from the medical centre tried to dispose of florescent bulbs at the Brock Waste Transfer Station but was turned away because the facility was not permitted to accept hazardous waste from the ICI sector. He was advised to try RONA or LOWES which also would not accept that waste.

S. Siopis advised that businesses normally have a private waste contract that serves their business and would collect and dispose of the hazardous waste products. She advised that staff would investigate this further and offer some suggestions. G. Anello also advised that the Region does not monitor the waste management within the ICI sectors, and suggested that Councillor Smith email him directly concerning the specific issue of the fluorescent lightbulbs. He advised that when staff have an answer, they will share it with Chair Mitchell and members of the Works Committee.

**12. Date of Next Meeting**

The next regularly scheduled Works Committee meeting will be held on Wednesday, November 4, 2020 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

**13. Adjournment**

Moved by Regional Chair Henry, Seconded by Councillor John Neal,  
(84) That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:18 AM

Respectfully submitted,

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D. Mitchell, Chair

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S. Glover, Committee Clerk



The Regional  
Municipality of  
Durham

Works Department

# Memorandum

**Date:** October 16, 2020

**To:** Regional Chair Henry and Members of Works Committee

**From:** Susan Siopis, P.Eng., Commissioner, Works, and  
Giuseppe Anello, M.Eng., P.Eng., PMP, Director, Waste  
Management Services

**Copy:** Elaine Baxter-Trahair, Chief Administrative Officer

**Subject:** Disposal of Waste Electrical, Electronics and  
Fluorescent Lightbulbs for Industrial, Commercial,  
and Institutional (ICI) Sector

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At the Works Committee Meeting of October 7, 2020, a question was raised regarding the disposal of fluorescent lightbulbs that are categorized as hazardous waste. There was a recent situation where a local volunteer associated with a medical centre(s) attended the Brock Waste Management Facility to dispose of fluorescent bulbs but was turned away because the facility is not permitted to accept hazardous waste from the ICI sector.

The Regional Municipality of Durham's (Region) Waste Management Facilities (WMFs) accept hazardous materials for disposal from residents. The Region also supports small businesses, with limits on the quantities of material. The WMFs will accept up to 40 fluorescent light bulbs and tubes per vehicle per day from a resident or small business. The fluorescent bulbs are disposed of through the Region's contractor, Photech Environmental Solutions, where the bulbs are crushed and materials recycled.

The new Extended Producer Responsibility program slated to commence in 2021, will take responsibility for Waste Electrical and Electronic Equipment (WEEE) which will include lighting such as a bulb, lamp, light emitting diode or tube.

The new WEEE regulation requires producers of this equipment and lighting to:

- Establish free collection networks for consumers;
- Achieve management requirements through reduction, reuse and/or recycling activities;
- Provide promotion and education materials until the end of 2022 for information technology, telecommunications and audio-visual equipment and the end of 2024 for lighting to increase consumer awareness; and
- Register, report, keep records, and undertake audits related to management activities.

It is the Region's understanding that the lighting provision of the new regulation will come into effect January 1, 2023, and will provide service to small businesses.

Staff will review the WMFs' operations to ensure the Region remains compliant with the requirements of the regulations for the collection of the WEEE materials.

**End of Memo**

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



# The Regional Municipality of Durham Information Report

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From: Commissioner of Works  
Report: #2020-INFO-95  
Date: October 16, 2020

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**Subject:**

Mixed Waste Pre-sort and Anaerobic Digestion Update

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**Recommendation:**

Receive for information

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**Report:**

**1. Purpose**

1.1 The purpose of the report is to provide an update on the Regional Municipality of Durham's (Region) procurement process that is currently underway along with information of the recent third-party service provider activities.

**2. Background**

2.1 The Request for Pre-Qualification (RFPQ) for the Mixed Waste Pre-sort with Anaerobic Digestion (AD) was released August 20, 2020 and will close November 3, 2020. There has been a good response to the uptake of the RFPQ documents and attendance at the pre-bid meeting.

2.2 At the Regional Council meeting of September 30, 2020, there was discussion regarding a proposed development of a third-party service provider (Evergreen) building a transfer station and AD in the City of Oshawa (Oshawa). Councillors are advised that, given that the Region is currently in the procurement process, any discussion or approaches from lobbyists, service providers and related industry businesses must be avoided and reported to the Purchasing Division of

the Finance Department, as outlined in the Organic's Management Anti-Lobbying Policy.

- 2.3 The City of Oshawa (City) passed an interim control by-law on February 24, 2020 for the General Industrial (GI) zone in the Northwood Business Park. This interim control by-law includes the lands proposed to be used by Evergreen Environmental Inc. to develop a anaerobic digester and waste transfer facility. This by-law was enacted for one year to allow the municipally to study the appropriateness of the permitted uses within the General Industrial (GI) zoning of the Northwood Business Park.

### **3. Previous Reports and Decisions**

- 3.1 The Service Delivery Model for the Region's AD project was assessed during the Business Case development. The recommendation approved by Regional Council at the meeting of June 26, 2019, includes public ownership of the facilities with a long-term single contract from the private sector to design, build, operate and maintain (DBOM) the facilities.
- 3.2 Staff attended a Public Information Centre (PIC) for the Evergreen proposal in Oshawa on March 5, 2020 and have also reviewed presentations and minutes from meetings held between Evergreen and the Ministry of the Environment, Conservation and Parks (MECP) in 2019.
- 3.3 In addition, Regional staff were circulated reports in support of Evergreen's Environmental Compliance Approvals (ECA) amendments and their Site Plan Application. The Region provided detailed comments on June 5, 2020 (see Attachment #1). In general, the following comments were forwarded to the MECP:
- a. The ECA application did not provide sufficient design information regarding the projected emissions (odours);
  - b. A Land Use Compatibility Study should be completed to ensure that existing sensitive receptors are protected from any potential adverse effects;
  - c. The facility should be held to emissions and odour control standards consistent with other waste facilities. The applicant's current emissions report shows exceedances for odour at the Point of Impingement (POI);



- d. There should be a process implemented by the MECP to address and report on any complaints regarding the facility;
  - e. The Owner should form a liaison committee similar to other large local businesses and Regional facilities;
  - f. Technical reports and information on the facility should be held for a period longer than two years. Seven years would be in line with other waste facilities including Regional facilities;
  - g. Information presented at the PIC indicated that the capital cost estimate for this project would be significantly lower than other facilities of a similar classification. Additional detail on the proposed operation including: equipment, monitoring details, and operating plans should be provided to ensure that proposed environmental protection measures are appropriate for the project. It should also ensure that the technology installed is capable of sustained operations in compliance with environmental regulations over approved project phases;
  - h. The ECA approval should only apply to the first phase of development as there are no timelines provided for future expansion. This would mean that if the ECAs are approved in their current state, the applicant could develop the site at any time without consideration to regulatory, physical or environmental changes over time;
  - i. A contamination management plan is necessary to ensure that the high aquifers are protected; and
  - j. The MECP and Evergreen were also asked to respond to the detailed comments made by the Region on the “Evergreen Oshawa Anaerobic Digestion Facility – Design and Operations Report” and the “Emission Summary and Dispersion Modelling Report”.
- 3.4 To date, the Region has not received a response from the MECP or the applicant regarding the request for further information.

#### **4. Service Delivery Model Assessment**

- 4.1 Within the Service Delivery Model assessment, it was noted that there have been a number of merchant capacity plants over time in Ontario. A number of these facilities have failed due to poor performance, impaired economics, and

environmental issues (particularly odour). Given the lack of control over merchant capacity facilities, municipal use of this model can potentially lead to performance issues that are sufficiently significant as to require landfilling of organic materials. This is a real concern given the lack of organics processing capacity in the province.

## **5. Meeting the Project Drivers**

5.1 As identified in the project development documentation, there are several drivers for the Region's long-term organics management proposal which will not be satisfied through the Evergreen project:

- a. Growth and Diversion
- b. Durham-York Energy Centre capacity
- c. Regulatory
- d. Address Climate Change/reduce GHG emissions

5.2 In addition, the following market drivers were also considered and best served by the Region's proposal:

- a. Limited landfill capacity
- b. Limited local green bin processing capacity
- c. Potential for Renewable Natural Gas from several sources

## **6. Conclusion**

6.1 In the Service Delivery Model assessment report which included the third-party service provider option, it was recommended that the Region proceed with a Region owned and DBOM model. Regional Council approved the Region owned and DBOM model for the organic's management program at the meeting of June 26, 2019.

6.2 Staff continue to have concerns with the Evergreen Environmental Inc. proposal given the lack of technology detail, emissions assessment and mitigation. In addition, the projected capital costs relative to similar facilities may not reflect a robust and sustainable system.

- 6.3 The Evergreen Environmental Inc. project will not meet the requirements of the Region's drivers nor the market drivers and would lead to the need for other capital projects to fill the gaps such as the immediate expansion of the Durham York Energy Centre, multi-residential sorting of organics, and additional diversion initiatives.
- 6.4 This report has been reviewed by the Planning and Economic Development Department, Legal Services Division of the Corporate Services Department, and Finance Department.
- 6.5 For additional information, please contact Gioseph Anello. Director, Waste Management Services, at 905-668-7711, extension 3445.

## 7. **Attachments**

Attachment #1: Regional comments dated June 5, 2020 on Environmental Compliance Approvals for Applicant: RIC (EOR) Inc., operating as Northwood Transfer Station, for location: 1515 Thornton Road Municipality: City of Oshawa

Respectfully submitted,

### **Original signed by:**

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Susan Siopis, P.Eng.  
Commissioner of Works



The Regional  
Municipality  
of Durham

Planning and Economic  
Development Department

Planning Division

605 ROSSLAND RD. E.  
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Brian Bridgeman, MCIP, RPP  
Commissioner of Planning  
and Economic Development

June 5, 2020

**Air ECA:**

Kathleen Spence, P. Eng.  
Senior Air Engineer  
Environmental Assessment & Permissions  
Branch  
Ministry of the Environment, Conservation  
and Parks  
135 St. Clair Ave. W., 7<sup>th</sup> floor  
Toronto, Ontario M4V 1P5

**Waste ECA:**

Margaret Wojcik  
Senior Waste Engineer – Waste Approvals  
Environmental Assessment & Permissions  
Branch  
Ministry of the Environment, Conservation  
and Parks  
135 St. Clair Ave. W., 7<sup>th</sup> floor  
Toronto, Ontario M4V 1P5

**Sewage ECA:**

Nick Zambito, P. Eng.  
Project Engineer  
Approvals Services Section, Environmental  
Assessment & Permissions Branch  
Ministry of the Environment, Conservation and  
Parks  
135 St. Clair Ave. W., 7<sup>th</sup> floor  
Toronto, Ontario M4V 1P5

Re: **Environmental Compliance Approvals  
Municipal Comments for MECP File Nos: 8836-BLHLLF, 8575-  
BLHL2R, and 2998-BLHKKR  
Environmental Bill of Rights File Nos: 019-1538, 019-1539, and  
019-1540**  
Regional File No.: L08 01 78  
Applicant: RIC (EOR) Inc., operating as Northwood  
Transfer Station  
Location: 1515 Thornton Road  
Municipality: City of Oshawa

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Further to the circulation of the Environmental Compliance Approval (ECA) amendments in February 2020, the Regional Municipality of Durham (the Region) has reviewed the ECA amendment applications to permit an anaerobic digester and waste transfer facility in the City of Oshawa and offer the following comments for the Ministry of the Environment, Conservation and Parks' (the Ministry) review and applicant's action.

**Background**

This site is located north of Taunton Road, east of Thornton Road in the City of Oshawa, and is municipally known as 1515 Thornton Road. This property was previously owned and operated by Northwood Recycling & Energy Inc., which accepted up to 57,200 tonnes of waste per year for the

"Service Excellence  
for our Communities"

If this information is required in an accessible format, please contact Reception at 1-800-372-1102, extension 2551.

transfer and processing of organics, yard waste and clean wood for on-site composting.

The current ECA amendment applications propose to allow the new owner, RIC (EOR) Inc., operating as Northwood Transfer Station to cease the composting of organics, while maintaining the waste transfer station, and add the receipt and processing of organic waste for wet anaerobic digestion. It is also the Region's understanding that ECA No. A680110 for waste will be revoked and its contents will be amalgamated with ECA No. A680066, if approved.

### **Proposed Application**

The following ECA amendments are the subject of the Region's comments:

<b>Type of ECA</b>	<b>ECA Number</b>	<b>Reference Number</b>
Sewage	3-1036-98-006	8836-BLHLLF
Waste	A680066 and A680110	8575-BLHL2R
Air	8-3157-94-0063	2998-BLHKKR

#### *Waste (ECA No.: A680066)*

The applicant proposes to amend the Waste ECA as follows:

- To receive an additional 200,000 tonnes per year of non-hazardous waste, for a total of 257,000 tonnes per year for the purpose of anaerobic digestion;
- To allow a maximum of 2,943 tonnes of waste to be stored on the site at the proposed anaerobic digestion facility; and
- To allow a maximum of 1,219 tonnes of waste and recyclables to be stored at the waste transfer facility.

The proposal would allow the facility to receive materials Monday to Friday from 6:00 am to 6:00 pm and Saturday from 7:00 am to 2:00 pm. Waste processing will operate 24 hours a day, 7 days a week and will service the Province of Ontario.

#### *Sewage (ECO No.: 3-1036-98-006)*

The applicant proposes to amend the sewage ECA to allow for storm sewers, an oil-grit separator, and a stormwater management pond to manage the run-off from the 4.7 hectare waste processing facility area, which discharges into Goodman's Creek.

#### *Air (ECA No. 8-3157-94-0063)*

The applicant proposes to amend the Air ECA to account for the increased production proposed in the Waste ECA. As the facility's processing

increases and changes with the increased capacity at the site, along with the addition of the anaerobic digester, discharge from the boilers, flare, biofilter, storage tank and thermal oxidizer will also increase as air and odour emissions.

### **Policy Context**

#### **Ontario's Food and Organic Waste Policy Statement**

Ontario's Food and Organic Waste Policy Statement supports the Province's vision for a circular economy and the Province's vision for zero waste and zero greenhouse gas emissions from the waste sector.

This policy statement focuses on waste reduction and resources recovery through prevention and reducing food waste effectively and efficiently from collection to processing, to the re-integration of recovered resources back into the economy.

Targets have been established to reduce waste and to increase resource recovery and organic waste generated by different household types to the year 2025. In order to meet these targets, municipalities and businesses are using new innovative ways to process and reuse waste. Anaerobic digestion is one of the new innovative solutions to waste processing and can help the Province achieve its targets by increasing the reduction and reuse of organic materials entering the waste stream.

#### **Provincial Policy Statement**

The Provincial Policy Statement, 2020 (PPS) supports the development of waste management systems that seek to accommodate the present and future needs, which promote reduction, reuse and recycling objectives. In addition, the PPS also supports the opportunity for alternative energy systems. Anaerobic digestion and a pre-sort facility have the ability to use the principles of reduce, reuse and recycle, while also providing an alternate source of energy production through upgrading of the off gases to natural gas collected from the anaerobic digester.

The PPS also states that major facilities (such as waste management systems) and sensitive land uses (such as residential uses) are to be planned and developed to avoid, or minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. As there are sensitive uses within the vicinity of the proposed use, it is important to identify the types of technology and equipment being used for the facility, so that land use compatibility can be appropriately studied prior to construction on the site.

## **General Comments**

The Region's Health, Works and Planning and Economic Development Departments have reviewed the Environmental Bill of Rights (EBR) posting and technical reports for the proposed amendments to the air, waste and sewage ECAs at 1515 Thornton Road in Oshawa. The following general comments regarding all of the amendments are made for further review and action by the applicant:

### *Source of Materials*

Currently the waste ECA application indicates that the Source Separated Organics (SSO) for the Anaerobic Digester facility will be sourced from the Province. The Region of Durham is currently under contract to receive all of its area municipalities waste and green bin materials, and is entering the process to develop long term processing capacity, as such this material would not be available to any private facilities.

### *Municipal Planning Approvals*

It is important to understand the process of all approvals which will lead to the operation of this facility, as the Region is unsure that having this facility operational in 2020 is feasible or realistic. While the ECA amendment applications are being processed by the Ministry, at the local level, land use approvals are required on the site and have not been initiated by the applicant to date. The applicant will need to consult with the Region and the City of Oshawa to confirm any required Planning Act approvals, such as, Official Plan Amendments, a Zoning By-law amendment as well as Site Plan approval and the associated agreements.

The City of Oshawa enacted an Interim Control By-law on the subject site in February 2020. This prohibits development in the General Industrial (GI) zoned sites in the Northwood Business Park for one year, to allow the City to conduct a study to determine whether the applicant's proposed land use is appropriate within the Northwood Industrial area.

Should the proposed use be deemed acceptable, then the factors that relate to timing, including on and off-site servicing, building construction, site preparation, technology procurement and acquisition, equipment installation, testing and Ministry sign-off should be identified in the project timeline. As there is still a considerable amount of work and approvals required to permit this facility, a revised timeline should be reflected in the reports and application.

### *Land Use Compatibility*

The Regional Health Department received a number of complaints in 2017 related to the odour from this site. This site is located in the vicinity of sensitive receptors such as a medical building and residential neighbourhoods.

The information in the current reports do not provide enough detail to ensure the proposed controls or redundancies would be sufficient to protect surrounding residents or the environment. A Land Use Compatibility Study should be completed to ensure that this site will not impact the sensitive receptors in the area. The Region will require this study at such a time that the applicant applies for any required Planning Act applications with the City and the Region.

It is also recommended through the ECA applications that the applicant include all measures to minimize impacts of construction noise, dust and truck traffic to the local community and that the applicant comply with local by-laws pertaining to these issues. It is also critical that the applicant meet all applicable air quality regulations and standards, that all waste materials are located inside a closed facility and that best management practices to eliminate the potential for pest harbourage are used on site.

### *Operational Details*

This proposal seeks to cease composting operations, and use the site for processing source-separated organics and industrial, commercial, and institutional organics for the purposes of anaerobic digestion.

This process will include a combination of air separation, water separation, pulping, ferrous/non-ferrous separation, compaction, size reduction, screening, depackaging, anaerobic digestion, wastewater treatment, digestate dewatering, digestate drying, digestate pyrolysis, and biogas upgrading. Several of these operations have been identified as not being essential and have been identified as possible future installations.

The anaerobic digestion process will produce digestate and biogas. The biogas will be upgraded to renewable natural gas for injection to the gas grid, and the digestate will be pasteurized and shipped off-site in combination with dewatered/dried and liquid forms as fertilizer or soil supplements.

The Region requests that the applicant provide additional design information including the justification for the projected emissions to the Ministry for its review. It is anticipated that the applicant is further along in this process as it has been several months since the applications were submitted to the Ministry. The information provided in the application package appears to represent a number of unit operations but does not



provide clear indication that the facility will be able to meet its emission targets.

### *Operational Standards*

Given the location of the proposed facility, the previous complaints received from neighbouring sensitive receptors about the site, and the type of materials being processed, the proposed facility should be held to the same stringent emissions and odour control standards as other waste facilities. The applicant's current emissions report shows exceedances for odour at the Point of Impingement (POI). This will ensure that effective odour control systems are in place and have sufficient capacity to operate without impacting neighbouring properties/uses.

A robust and effective process to address and report on any received complaints to the Ministry and local stakeholders should be put in place prior to the ECA amendments being issued. The applicant should also be expected to form and maintain a liaison committee similar to that of other local large businesses and facilities.

In addition, reporting and site records should be kept for longer than the proposed two years to allow the Ministry opportunities to revisit historical data should it be necessary. For example, other waste management facilities have requirements to hold records for as long as seven years.

Although not part of the ECA package, the public consultation information indicated that the capital cost estimate for this project is lower than other facilities of a similar classification. Additional detail on the proposed operation including: equipment, monitoring details, and operating plans should be provided to ensure that environmental protection measures put in place are appropriate for the project. It should also ensure that the technology installed is capable of sustained operations in compliance with environmental regulations over approved project phases.

Lastly, there are no timelines provided for the future expansion. This means that once the ECAs are permitted, the applicant can develop the site at any time without consideration to regulatory, physical or environmental changes. Similar to the approach taken for other facilities the applicant should only be permitted for the buildout of the initial facility. If consideration of future development is permitted, strict expansion timelines should be put in place. The Region requests that the applicant identify the development and operating timelines for the initial build-out and future expansions. The Region also requests that the current ECA approvals only be issued for the first phase of development.

### *Environmental Assessment*

The use of pyrolysis of the digestate is being proposed to produce syngas for subsequent use in the disposal process. Pyrolysis is also proposed for

the treatment of wastes (digestate). As such, the proposed site could be considered a thermal treatment site under O.Reg. 101/07, ss. 2.(1).3. The Ministry should confirm that an environmental assessment, pursuant to the *Environmental Assessment Act*, is required to be completed for this use prior to the site becoming operational.

### *Water Supply and Sanitary Sewerage*

There is adequate water supply and sanitary sewer capacity to service the site subject to the applicant paying the applicable fees. Sewage discharge would have to meet the requirements of the Region's Sewer Use By-law in order to be allowed to connect to the Region's sanitary sewer system. Please note the comments in the "Process Effluent" section below regarding the treatment of effluent.

### *Area of High Aquifer Vulnerability*

In addition to the review of Provincial policy and the Regional Official Plan, the Region's Planning Division is also responsible for screening Provincial Plan review responsibilities. These responsibilities have been delegated to the Region by the Province to provide the Area Municipalities with further guidance on specific aspects of the development process.

Through this review, it was determined that the subject site is located in a High Aquifer Vulnerability Area (HAVA). According to Schedule E – Table 'E5' to the ROP, the subject property is situated within an area vulnerable to high aquifers. The Region groups the following land uses as high risks to groundwater, including but not limited to: waste transfer stations; generation and storage of hazardous wastes or liquid industrial wastes.

Policy 2.3.31 of the ROP states that within Urban Areas (the subject lands are within an Urban Area), an application to permit any of these high-risk land uses shall be accompanied by a contamination management plan that defines the approach to protect water resources. This plan should be in place prior to permitting any construction on this site.

## **Technical Comments**

### ***Emission Summary and Dispersion Modelling Report***

GHD prepared an air emissions technical report titled, "Emission Summary and Dispersion Modelling Report", dated January 31, 2020 (ESDM Report). This report is a requirement of the ECA amendment application for air and odour emissions. This report models the impact of contaminant emissions emitted by the proposed facility using a Ministry approved dispersion model for each contaminant. The report indicates that the facility is expected to emit products of combustion, ammonia, sulphur dioxide, and odour. The Region has reviewed this technical report and have the following comments.

### *Odour Emissions*

Through the Region's review of the air emissions in the ESDM Report, it appears that only odour emissions were identified as a result of the treatment of wastewater. It is suggested that it should be determined at this stage whether any organic compounds will be volatilized during processing (including the processing of organic waste within the pre-processing system followed by the wastewater system) will occur, and if so, this should also be addressed as an emission. The report should also consider and study the proposed various phases of the project, and the potential for volatile organic compounds (VOCs) levels to change over time as the project builds out.

The ESDM Report discusses the proposed treatment process for air emissions. This section of the report does not include enough detail for a proper review by Regional staff at this time. Please expand this section to include additional detail regarding the system unit operations, design and treatment efficiencies, as well as explanation of key operation and maintenance activities for further review and comment.

### *Sources of Emissions*

The ESDM Report identifies ten sources of emissions for the proposal. Three of the sources (S5 - biofilter exhaust, S6 - biogas upgrade and S7 - sludge dryer) identify VOCs as potential emissions sources. It appears that these sources have been inadvertently omitted in Appendix B – 'Supporting Information for Assessment of Negligibility', as well as elsewhere in the document. In Table 1 - "Sources of Contaminants Identification Table", the emissions labeled as 'Products of Combustion' under the "Expected Contaminants" column should be better defined, as this category seems too general for the contaminants listed. It appears that complete combustion of all pyrolyzed syngas has been assumed, as no combustion by-products or volatilized compounds have been presented (i.e. carbon monoxide, dioxins and furans). The applicant should provide support for this assumption including information on the proposed technology's effectiveness, or alternatively provide the combustion analysis.

No odour or emissions from the existing transfer station operations appear to be included in the ESDM. Also, the existing structure is not shown on Figure 3A. This should be addressed by the applicant.

The existing ambient air quality in the area was not considered within the current ESDM. This means that no consideration of the cumulative impacts of the development to area receptors has been analyzed. Given the high levels of nitrogen dioxide expected at the point of impingement (POI), there is a concern that incorporating background concentrations will expose receptors to risks. The Region requests that cumulative impacts be considered as part of the emission model.

The ESDM indicated that odour emissions from the facility do not meet the POI limit at both the sensitive and non-sensitive receptors. A frequency analysis was provided for sensitive receptors, however, it does not include general receptors, which appears to be contrary to table footnotes. The proposal of a facility anticipated to exceed POI limits for any parameter is concerning and should be fully addressed in the applicant's application. The Air ECA should be deemed premature until this work is completed to the satisfaction of all agencies.

### *Emission Rates & Monitoring*

The emissions rates presented in the report appear to only be representative of normal operations. Non-steady state conditions such as start-up or malfunction should also be analyzed with commentary included on the assumed waste composition.

Adequate data should be provided by the applicant to confirm that the proposed equipment will meet the regulatory requirements for emissions, odours, leachate, dust, etc. Sufficient detail is required to ensure the emissions and odours are accurately modeled to satisfy the regulatory requirements both by modelling and when in use.

Odour rates used in the ESDM have been identified as being provided by the applicant. It is suggested that these rates, especially source concentrations of odours be provided by third party sources and analyzed.

An emissions monitoring program (Continuous Emissions Monitoring System, stack testing, etc.) should be identified for the facility, with a specific monitoring program in place prior to construction of the proposed facility.

### ***Evergreen Oshawa Anaerobic Digestion Facility – Design and Operations Report***

GHD prepared a report titled, "Evergreen Oshawa Anaerobic Digestion Facility – Design and Operations Report", dated January 31, 2020. This report details the design, technology and operations proposed to fully build-out the site, using the 'worst-case scenario' to justify the upper limits for air, noise, and wastewater. The Region has reviewed this technical report and have the following comments.

### *Technology & Equipment*

This report identifies multiple technologies and equipment for digestate processing, wastewater treatment and pre-waste treatment. However, there has not been any further work to determine the appropriate technologies and equipment for this site. It appears that a menu of options have been provided, and the applicant is not yet in a position to choose which items are required for their operation. For example, Section 2.11.2

includes discussion about the potential for an anaerobic reactor as part of the wastewater treatment system that may not be necessary at full design. The digestate holding tank has also been identified as a potential additional digester. The technology, equipment and monitoring programs for the proposed facility should be identified, operating details should be included and a phasing plan should be provided for equipment installation prior to the ECAs being issued. Without specific equipment being identified, no confirmation of emissions levels can be obtained.

Lastly, if the applicant confirms the digestate holding tank is required, the report should also ensure that this unit will be equipped with the same monitoring and control instruments as the rest of the digesters (i.e. SCADA system, mixing equipment, anti-foam system etc.).

#### *Low Impact Development*

Section 4 of this report speaks to how the stormwater will be managed on this site. The consideration of low impact development methods are referred to in this section, but there are no specific approaches being presented for the site. The applicant should provide greater detail on these proposed measures.

#### *Process Effluent*

The proposed composition of the wastewater effluent has not been identified in this report. A number of wastewater treatment options have been identified for potential future inclusion. This includes an additional anaerobic reactor to handle and treat high strength liquid organic waste. The applicant should clarify whether it intends to accept this material at the facility prior to the installation of the treatment system. If the applicant does propose to accept this material, it should detail the procedures that will be followed to handle this material, as it is currently not detailed.

It is understood that the applicant is using the Region's Sewer Use By-law limits and average flow to help evaluate downstream capacity. However, the report does not identify what the design of the treatment systems would be. It also does not include calculations to justify the treatments effectiveness or provide triggers for when further equipment installation would have to occur to process the additional volume of effluent.

The Region requests that the report be revised to demonstrate what the proposed raw wastewater composition will be, how the effluent will be treated to meet the proposed table, and providing effluent criteria for discharge into the sanitary sewer system. The Region also requests that the report address how a change in volume, or the receipt of high strength materials will be accounted for within the system.

Lastly, the proposal indicates that waste will be shipped off-site in a combination of liquid forms of fertilizer or soil supplements. It also

indicates that the excess wastewater effluent will be discharged to the Region's sanitary sewer. These waste streams are not permitted to be discharged into the Region's sanitary sewer system, and no connection from the anaerobic digestion system and/or associated wastewater (liquid waste) system will be permitted. The applicant will need to revise the report to indicate an alternate solution for the excess wastewater effluent.

#### *Appendix 'D' - Transportation*

Appendix 'D' of this report is the Traffic Impact Study completed by GHD in support of this facility. The Region reviewed the report and it appears that no outgoing tanker trucks were identified in the Waste ECA Table 1 - 'Truck Traffic Estimate' to take the liquid waste from the site. The TIS should be revised to reflect the hours of operation and include a transportation analysis for all vehicles arriving/leaving the site, along with any noise issues/proposed mitigation, if necessary. Please circulate the revised report for the Region's review.

#### *Appendix 'F' - Financial Assurance*

Appendix 'F' of the report includes the financial assurance estimate calculation which is required by the Ministry for all private waste processing sites to determine the cost to remove, dispose of materials, and remediate a site if the private operation were to cease unexpectedly. Through the Region's review of this section, it does not appear that financial assurances have been calculated to include the quantities of 'in process' materials (i.e. full tank farms) which have an excess of 40,000 m<sup>3</sup> of capacity. If this facility were to cease operations, this material may require disposal and as such, it is suggested that this material should be considered as part of the liquid waste storage volumes at the provided rate.

Consideration of the site's previous use as a compost facility should also be reflected. If any groundwater monitoring programs were in place during the site's operation, they should be expected to continue, with an appropriate contingency in place to support ongoing maintenance and programs following the site's closure.

Lastly, supporting documentation for the disposal rates used should be provided in this report. It is also important to ensure that the contingency cost amounts used to calculate the financial assurances are in keeping with financial assurance guidelines.

#### **Agency Comments**

The Region is responsible for overseeing the activities within all of its eight area municipalities. When complex applications arise, the Region will coordinate comments, with the expert opinions of its agencies to ensure that a comprehensive review of an application occurs. As these ECA

amendments are quite extensive and involve the introduction of a new use into the area, the Region has included the City of Oshawa and the Central Lake Ontario Conservation Authority's comments as attachments to this letter for convenience.

### **City of Oshawa**

The City of Oshawa provided comments on the ECA amendments through their Committee of the Whole report CNCL-20-98, dated May 20, 2020 (Attachment #1). Please note that this report is not yet endorsed by Council as their official position and as such is subject to change. The Region would like the Ministry to process all of the comments and requests from the City of Oshawa once formally received by the City.

### **Central Lake Ontario Conservation Authority**

The Central Lake Ontario Conservation Authority (CLOCA) provided comments on the ECA amendments on June 4<sup>th</sup>, 2020 (Attachment #2). The Region would like the Ministry to process all of the comments and requests from the Conservation Authority.

### **Conclusion**

A summary of the further work that the Region has requested throughout this letter are as follows:

1. A Land Use Compatibility Study is completed prior to building permits being issued for the site to ensure the existing sensitive receptors are protected from any potential adverse effects.
2. Provide additional design details to the Ministry for the site to-date.
3. This facility should be held to emissions and odour control standards consistent with other waste facilities.
4. A process to address and report any complaints regarding the facility should be implemented by the Ministry.
5. This Owner should form a liaison committee similar to other large local businesses and Regional facilities.
6. Technical reports and information on the facility should be held for a period longer than two years, up to seven years would be in line with other waste facilities.
7. The ECA application should only apply to the first phase of development.

8. A contamination management plan is required for this site to ensure that the high aquifers are protected.
9. Provide a response to all comments made by the Region on the “Emission Summary and Dispersion Modelling Report”.
10. Provide a response to all comments made by the Region on the “Evergreen Oshawa Anaerobic Digestion Facility – Design and Operations Report”.

In addition, the City of Oshawa and CLOCA are requesting further information, detailed in Attachment #2 and #3. Until such time as this information is received for review and comment, the Region considers this application premature, and requests that the Ministry does not issue the approval of these ECA amendment applications.

Please contact Heather Finlay, Senior Planner in this Department, at 905-668-4113 ext. 2561 if you have any questions.

Yours truly,

*Heather Finlay*

Heather Finlay, MCIP, RPP  
Senior Planner, Plan Implementation

Attachment #1: City of Oshawa’s Comment Letter

Attachment #2: Central Lake Ontario Conservation Authority’s Comment Letter

cc. Vanessa Aubrey – Central Lake Ontario Conservation Authority (via email)  
Victoria White – City of Oshawa (via email)  
Dan Turner – GHD (via email)





## Public Report

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To: Council in Committee of the Whole

From: Warren Munro, HBA, RPP, Commissioner,  
Development Services Department

Report Number: CNCL-20-98

Date of Report: May 20, 2020

Date of Meeting: May 25, 2020

Subject: City Comments on three Environmental Compliance Approval  
Amendment Applications concerning a proposed Anaerobic  
Digestion Facility at 1515 Thornton Road North

File: B-8710-0017

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### 1.0 Purpose

The purpose of this report is to obtain Council approval of City comments on three Environmental Compliance Approval (E.C.A.) amendment applications submitted by RIC (EOR) Inc. (Evergreen Environmental Inc., hereafter referred to as “Evergreen”) concerning the proposed development of an anaerobic digestion (A.D.) facility at 1515 Thornton Road North, Oshawa (the “Site”).

The following E.C.A. amendment applications were posted on the Province’s Environmental Registry website on March 26, 2020 with comments due by May 10, 2020:

1. ERO 019-1538 – RIC (EOR) Inc. operating as Northwood Transfer Station (waste) (link: <https://ero.ontario.ca/notice/019-1538>);
2. ERO 019-1539 – RIC (EOR) Inc. operating as Northwood Transfer Station (sewage) (link: <https://ero.ontario.ca/notice/019-1539>); and,
3. ERO 019-1540 – RIC (EOR) Inc. operating as Northwood Transfer Station (air) (link: <https://ero.ontario.ca/notice/019-1540>).

Given the current COVID-19 pandemic, the Ministry of Environment, Conservation and Parks (M.E.C.P.) has advised that comments associated with the above-noted E.C.A. Applications (the “Applications”) may be submitted by the City, the Region of Durham and the Central Lake Ontario Conservation Authority (C.L.O.C.A.) within 30 days of the Environmental Registry closing date of May 10, 2020. As such, the City’s comments on the Applications are due by June 9, 2020.

Staff are recommending that the City request the M.E.C.P. to not approve the Applications. In the event the M.E.C.P. disagrees and they choose to advance the approval of the

**Report to Council in Committee of the Whole**  
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Applications, the comments contained in this Report should be endorsed as the City's comments on the Applications for the M.E.C.P.'s consideration.

Attachment 1 is a map showing the location of the Site, other lands in the vicinity owned by Evergreen and the existing zoning in the area.

Attachment 2 is an air photo of the Site showing key Site features, the extent of C.L.O.C.A.'s regulation limit in the vicinity of the Site and the surrounding neighbourhood context.

Attachment 3 is a copy of City of Oshawa By-law 25-2020, being an Interim Control By-law passed on February 24, 2020 pursuant to Section 38 of the Planning Act, R.S.O. 1990, c.P.13, as amended ("Planning Act"), for certain lands in the City of Oshawa, including the easterly portion of the Site.

Attachment 4 is a flowchart prepared by Evergreen illustrating the process of anaerobic digestion.

Attachment 5 is a letter dated February 12, 2020 from the M.E.C.P. to Evergreen concerning Evergreen's E.C.A. application for sewage (i.e. ERO 019-1539).

Attachment 6 is a letter dated February 20, 2020 from G.H.D. on behalf of Evergreen to the M.E.C.P. in response to the M.E.C.P.'s letter dated February 12, 2020.

Attachment 7 is the proposed site design for the subject A.D. facility, prepared by G.H.D. on behalf of Evergreen.

Attachment 8 contains recommended City comments on the E.C.A. Applications.

## **2.0 Recommendation**

It is recommended to City Council:

1. That, pursuant to Report CNCL-20-98 dated May 20, 2020, and in accordance with those reasons identified in Section 5.4.2 of said Report, staff be authorized to request the Ministry of Environment, Conservation and Parks to not approve Environmental Compliance Approval applications ERO 019-1538, ERO 019-1539 and ERO 019-1540 submitted by RIC (EOR) Inc.
2. That, pursuant to Report CNCL 20-98 dated May 20, 2020, and in the event the Ministry of Environment, Conservation and Parks chooses to continue to advance the approval of Environmental Compliance Approval amendment applications ERO 019-1538, ERO 019-1539 and ERO 019-1540 related to a proposed anaerobic digestion facility at 1515 Thornton Road North, staff comments contained in Section 5.4.2 and Attachment 8 of said Report be endorsed as the City's comments.
3. That, pursuant to Report-CNCL-20-98 dated May 20, 2020, staff be authorized to forward a copy of the Report and any related Council resolution to the Ministry of the Environment, Conservation and Parks as the City's response to the postings on the

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Environmental Registry website with respect to Environmental Compliance Approval applications ERO 019-1538, ERO 019-1539 and ERO 019-1540 for waste, sewage and air, respectively, submitted by RIC (EOR) Inc. in support of their Anaerobic Digestion Facility proposal at 1515 Thornton Road North.

4. That, pursuant to Report CNCL 20-98 dated May 20, 2020, a copy of the Report and the related Council resolution be sent to the Region of Durham and the Central Lake Ontario Conservation Authority.

### **3.0 Executive Summary**

Not applicable.

### **4.0 Input From Other Sources**

The following have been consulted in the preparation of this report:

- Commissioner, Community Services
- Region of Durham
- C.L.O.C.A.

Owing to the timing of the Application postings on the Environmental Registry and the cancellation of all Advisory Committee meetings as a result of the COVID-19 pandemic, it was not possible to obtain Oshawa Environmental Advisory Committee (O.E.A.C.) comments to inform this Report.

Staff provided a copy of the Applications to O.E.A.C. members on March 31, 2020. Members were advised that if they wish to provide comments to the Province, they must do so individually by May 10, 2020 as the extension provided by the M.E.C.P. applied only to the City, the Region of Durham and C.L.O.C.A.

### **5.0 Analysis**

#### **5.1 Site Characteristics**

Attachments 1 and 2 show the location of the Site. Key details about the Site are as follows:

- **Area:** Approximately 6.3 hectares (15.57 ac.)
- **Frontage:** 260 metres (853 ft.)
- **Legal Description:** PT LT 1 Sheet 16E PL 357 East Whitby; PT LT3 Sheet 16E PL 357 East Whitby; PT LT 4 Sheet 16E PL 357 East Whitby PT 2 40R16835; Oshawa
- **Owner:** 1515 Northwood Transfer Inc. (the proposed facility will be operated by Evergreen)

- **Official Plan Designation:** Industrial. The Site is also subject to site specific Policy 2.4.5.7(i) related to minimizing impacts of industrial uses on existing residential uses in the area, and is further described in Section 5.3.1.
- **Zoning:** GI(4) (General Industrial Zone); SI-A (Select Industrial Zone)
- **Existing Use:** There is a waste transfer facility and a compost facility (i.e. processing facility of yard waste and clean wood) located on the Site. The compost facility has not been operational since April 2019 (see Section 5.2 for more detail).
- **Adjacent Uses:**
  - North: City-owned lands forming the Trans-Northern pipeline corridor, beyond which are lands zoned for industrial and open space purposes currently being used for agricultural purposes.
  - South: A place of worship and Goodman Creek.
  - East: Goodman Creek.
  - West: Thornton Road North, beyond which are situated three single detached dwellings, an industrial mall complex, and vacant open space lands.
- **C.L.O.C.A.:** A portion of the Site is situated within C.L.O.C.A.s regulated area (see Attachment 2).

## **5.2 Site History**

The Site was previously owned and operated by Northwood Recycling & Energy Inc. (“Northwood”). The M.E.C.P. issued to Northwood the following provisional Certificate of Approvals [now referred to as “Environmental Compliance Approvals” (i.e. E.C.A.)] which permitted them to accept waste for transfer and process yard waste and clean wood for on-site composting:

- Number A680066, issued October 24, 1994 and amended on August 11, 1995 and September 25, 1996 for a Waste Disposal Site (Processing), receiving a maximum of 200 tonnes per day of waste, or 52,000 tonnes per year; and,
- Number A680110 issued April 18, 1996 and amended on November 21, 1996 for a Waste Disposal Site (Transfer/Processing), receiving a maximum of 160,368 tonnes per year of waste and storing a maximum quantity of 2,047 tonnes of waste at any time.

While the Site was under Northwood’s ownership, the City and the M.E.C.P. received numerous complaints related to odour coming from the Site as a result of the outdoor storage and processing of Source Separated Organics (S.S.O.), activities that were not permitted under Northwood’s then current E.C.A at the time.

On November 12, 2017, a Director’s Order was issued by the M.E.C.P. to Northwood to bring the Site into full compliance with the then current E.C.A. On December 1, 2017,

Northwood filed a notice of appeal of the Director's Order with the Environmental Review Tribunal ("Tribunal") (Case Number 17-073). During the hearing, Northwood requested revocation of the Director's Order in its entirety so that the Site could be brought out of receivership.

On December 15, 2017, Oshawa City Council considered the enforcement and review of the provisional E.C.A.s issued to Northwood for their operation at the Site and adopted the following motion:

"Whereas in 1994 the then Ministry of the Environment and Energy issued a Provisional Certificate of Approval (A680066) to Courtice Auto Wreckers Limited, also known as Northwood Recycling, for the use and operation of a Waste Disposal Site (Processing) for the purpose of receiving and composting items such as leaf and yard waste, food waste, paper sludge, clean wood wastes and paper products at 1455, 1515 and 1517 Thornton Road North (Part of Lot 16, Concession 4); and,

Whereas staff understand that the current operation on the site is being managed by a receiver; and,

Whereas the City and the Ministry of Environment and Climate Change (M.O.E.C.C.) have received numerous complaints from residents and businesses in the northwest Oshawa about obnoxious odours originating from the subject site; and,

Whereas given the age of the current Provisional Certificate of Approval (over 20 years) and the number and nature of complaints, it is now appropriate for the City to request that the M.O.E.C.C. undertake a review the Provisional Certificate of Approval;

Therefore be it resolved:

1. That the City requests the Ministry of Environment and Climate Change to take appropriate action to enforce the current Provisional Certificate of Approval, including the conditions to prevent the impact of odour on the environment and public.
2. That the City requests the Ministry of Environment and Climate Change to review the Provisional Certificate of Approval and make any necessary updates or amendments to ensure the Provisional Certificate of Approval is consistent with current contemporary Provincial standards/conditions for such a composting use and to ensure all waste/materials received on the site and any finished compost must be stored indoors within a fully enclosed building at all times and odours contained in the buildings at all times through the use of appropriate mechanical and non-mechanical systems.
3. That a copy of this resolution be provided to the Region of Durham, the Minister of Environment and Climate Change, the Director of the Ministry of Environment and Climate Change responsible for this area, and local Oshawa MPP's."

In order to bring the Site into full compliance with the then current E.C.A., Ami Kemp of Kemp Environmental Ltd. was hired by the receiver in February, 2018 to manage the

environmental issues at the Site and was tasked with the removal of clean wood waste pile (with the exception of wood waste used as amendment in the compost facility on-site), a pile of used asphalt shingles and a pile of S.S.O. that was stored outdoors. Kemp Environmental Ltd. operated the site and ensured that all applicable notification and reporting to the M.E.C.P. was adhered to.

On September 21, 2018, the Tribunal ordered that the Director's Order dated November 2, 2017 be revoked in its entirety and the proceeding be dismissed, as the Site was now in compliance with the then current E.C.A. The M.E.C.P. advised that the Site was out of receivership as of April 16, 2019.

The Site is now owned by 1515 Northwood Transfer Inc. and operated by Evergreen who is currently operating the solid non-hazardous waste transfer station located on the Site, in accordance with existing E.C.A. Number A680110. The Applications submitted to the M.E.C.P., if approved, will amend the existing E.C.A.s associated with the Site to permit an anaerobic digestion facility.

### **5.3 City of Oshawa Policy Framework**

#### **5.3.1 Oshawa Official Plan**

The Oshawa Official Plan (O.O.P.) sets out the land use policy directions for long-term growth and developments in the City. The O.O.P. includes policies related to environmental management, conservation and long-term sustainability.

The Site is designated Industrial in the O.O.P. Industrial areas are intended for uses whose nature and/or business needs may require access to highway, rail and/or shipping facilities, separation from sensitive land uses, or which benefit from locating in proximity to similar uses.

Further, Policy 2.4.3.3 of the O.O.P. states that:

“2.4.3.3 Industrial areas that are readily visible from Highway 401 and the future easterly extension of Highway 407 shall generally be developed with prestige industrial uses at relatively higher employment densities. Further, such areas shall be developed with extensive landscaping and visually aesthetic buildings, featuring articulated, high-quality highway and street facades, in order to provide an attractive appearance that reflects or takes advantage of such visibility and exposure. In addition, all uses within such areas shall generally be conducted within enclosed buildings.”

Site specific Policy 2.4.5.7(i) of the O.O.P states:

“In order to minimize the impacts of industrial uses on the existing residential uses within the lands designated Industrial by Amendment 33 to the Oshawa Official Plan, building orientation, site amenities, landscaping, limitations on uses and outdoor storage, and appropriate separation distances shall be considered during the development application review process.

For industrial development proposals which are located within 90 metres of an existing residence, the applicant shall be required to submit additional information at the time of application which characterizes the nature of the proposed industrial activity.

Where the City of Oshawa determines on the basis of this characterization that there is potential that the industrial operation will adversely impact existing residences, the City shall require the development proponent to submit a detailed study which measures the specific anticipated off-site impact and recommends mitigation measures including appropriate separation distances. Where required to meet provincial standards, such recommendations shall be implemented through the development approval process to the satisfaction of the City of Oshawa.”

### **5.3.2 Oshawa Zoning By-law**

The Site is zoned GI(4) (General Industrial) and SI-A (Select Industrial). The GI(4) (General Industrial) zone permits a range of uses, including heavy industrial uses.

The following are the permitted uses in GI (General Industrial) Zones:

- Any industrial use not mentioned in this subsection (29.1) which is not obnoxious
- Auction establishment
- Automobile body shop
- Automobile repair garage
- Automobile towing business
- Cleaning or dyeing plant
- Contracting yard
- Dry cleaning and laundry plant
- Equipment repair or servicing shop
- Food preparation plant
- Industrially oriented office
- Kennel
- Manufacturing, processing or assembly industry
- Metal stamping establishment
- Nightclub
- Outdoor storage accessory to a permitted use in a GI Zone
- Parking garage or parking lot associated with a permitted use in a GI Zone
- Printing establishment
- Recreational use
- Recreational vehicle storage
- Recycling depot
- Recycling operation
- Sales outlet
- Service industry
- Taxi establishment
- Transport terminal including railway yard
- Underground bulk liquid storage
- Vehicle sales and service establishment
- Warehouse

- Wholesale distribution centre

With respect to the GI(4) Zone, Section 29.3.5 of Zoning By-law 60-94 states as follows:

“29.3.5(1) In addition to any GI use, in any GI(4) Zone, as shown on Schedule “A” to this By-law, a recycling establishment and/or transfer station which can receive and sort all types of non-hazardous waste are also permitted uses provided any transfer station for the recycling of waste shall only be in a fully enclosed building with negative pressure in appropriate areas.”

Evergreen has not submitted any site plan approval applications to the City to review site design and zoning compliance.

### **5.3.3 City of Oshawa Interim Control By-law 25-2020**

On February 24, 2020, Council considered Report DS-20-43 dated February 19, 2020 and adopted the following recommendation:

- “1. That, pursuant to Report DS-20-43 dated February 19, 2020, staff be directed to undertake a land use study to review the appropriateness of the current GI (General Industrial) zoning within portions of the Northwood Business Park; and,
2. That, pursuant to Report DS-20-43 dated February 19, 2020, an appropriate Interim Control By-law be passed pursuant to Section 38 of the Planning Act, R.S.O. 1990, c. P.13 to prohibit development in the current GI (General Industrial) zoning within portions of the Northwood Business Park for a period of one (1) year, in a form and content generally reflecting the By-law comprising Attachment 3 to said Report.”

In view of the foregoing, Interim Control By-law 25-2020 (“By-law 25-2020” - see Attachment 3) was passed at the same meeting to prohibit development in all GI (General Industrial) Zones within the Northwood Business Park for a period of one year. GI (General Industrial) Zoning in the Northwood Business Park applies to the following two sites:

- The northern portion of 918 Taunton Road West; and,
- A portion of 1515 and 1517 Thornton Road North (see Attachment 1).

By-law 25-2020 will provide the City with the opportunity to review the existing land use policy and regulatory framework relating to those areas in the Northwood Business Park currently zoned GI (General Industrial), to ensure future development is contextually appropriate. Staff are currently advancing the land use study related to By-law 25-2020.

As part of the land use study, staff completed a site visit at the Bio-EN Power Inc.’s A.D. facility in Elmira. Additional site visits of similar general industrial type use facilities will be completed for the study.



On March 17, 2020, in response to the COVID-19 outbreak, the government of Ontario declared an emergency under the Emergency Management and Civil Protection Act.

On April 21, 2020, under the lead of the Ministry of Municipal Affairs and Housing, the Province posted ERO 019-1653 concerning Bill 189, Coronavirus (COVID-19) Support and Protection Act, 2020 amendments to the Planning Act and Ontario Regulation 149/20 Special Rules Relating to Declared Emergency to the Environmental Registry (“ERO-019-1653”). Additional information about ERO 019-1653 can be found at the following link: <https://ero.ontario.ca/notice/019-1653>.

ERO 019-1653 provides that Ontario Regulation 149/20 (Special Rules Relating to Declared Emergency) under the Planning Act identifies those specified planning timelines, in relation to land use planning matters, which are effectively suspended in order to support municipal emergency response activities. Specifically, the regulation provides that any interim control by-law that was in effect during the emergency is extended by the time of the emergency.

Given that By-law 25-2020 came into effect on February 24, 2020, the expiration of By-law 25-2020 will be extended by the time of the declared emergency.

## **5.4 Evergreen Environmental Inc. – Proposed Anaerobic Digestion Facility**

### **5.4.1 Project Overview**

The Site is currently owned by 1515 Northwood Transfer Inc. and will be operated by Evergreen, who is proposing to develop an A.D. facility on the Site (the “Facility”). Anaerobic digestion is a process by which bacteria break down biodegradable material without oxygen (see Attachment 4). One of the end products of this process is biogas, which can be used to generate electricity or heat. Alternatively, biogas can be processed into renewable natural gas and transportation fuel.

On February 4, 2020, Evergreen submitted the subject Applications to the M.E.C.P. for review. Evergreen also provided copies of the Applications and the following supporting documents to the City:

- Acoustic Assessment Report dated January 31, 2020, prepared by G.H.D. on behalf of Evergreen for 1515 Thornton Road North; and,
- Design and Operations Report (including a Traffic Impact Study) dated December 19, 2019, prepared by G.H.D. on behalf of Evergreen for 1515 Thornton Road North.

By letter dated February 12, 2020, the M.E.C.P. advised Evergreen that the E.C.A. application (i.e. ERO 019-1539) for sewage (specifically, storm sewers, an oil-grit separator and a stormwater management pond to manage runoff) was incomplete and additional information was required to process the application (see Attachment 5). Among the key items missing from the Applications was a letter from C.L.O.C.A. providing clearance for the sewage work proposed to be completed.

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In response to the M.E.C.P.'s letter dated February 12, 2020, G.H.D. on behalf of Evergreen submitted correspondence dated February 20, 2020 to the M.E.C.P. providing the requested additional information (see Attachment 6). G.H.D. advised that an application for approval of the proposed works will be submitted to C.L.O.C.A. prior to construction and that the project scope and schedule prioritizes obtaining the Applications for the Site.

On March 5, 2020, Evergreen held a public information session at the Durham Shriners Banquet Hall located at 1626 Simcoe Street North to provide information about the proposed anaerobic digestion facility at the Site. Evergreen advised that they sent by mail a notice of the public information session to all properties within one (1) kilometre of the Site.

On March 26, 2020, the Applications submitted by Evergreen for waste, sewage and air were posted on the Province's Environmental Registry website, with comments due by May 10, 2020 (subsequently extended for the City, the Region of Durham and C.L.O.C.A. to June 9, 2020).

Information included in the Applications and supporting documents is further described in the following sections.

#### **5.4.1.1 Waste Receiving**

The proposed Facility will be completed in two phases and will have the capacity to accept up to 125,000 tonnes per year in Phase 1 and up to 200,000 tonnes per year in Phase 2, of incoming material for processing within the Facility, sourced from various locations across the province. While the Traffic Impact Study dated December 18, 2019 estimates that 64 trucks per day (64 in, 64 out) on weekdays and 39 trucks on Saturdays will access the Site, the Applications do not indicate how many trucks will be permitted to access the Site and which routes they are proposing for the trucks to use for accessing the Site.

The receiving of bulk solid organic waste [i.e. S.S.O. and Industrial, Commercial and Institutional (I.C.I.) waste] will be conducted within the organics receiving building, whereas liquid waste [i.e. liquid I.C.I. waste and Fats, Oils and Grease (F.O.G.)] will be transported in tanker trucks to the Site and transferred into external storage tanks located outside the building (see Attachment 7).

The existing waste transfer facility at 1517 Thornton Road North will remain unchanged and will continue to receive solid non-hazardous I.C.I. and residential waste and recyclables limited to paper, plastic, metal, glass, textiles, porcelain and drywall.

#### **5.4.1.2 Waste Processing**

From the waste receiving areas, waste will be transported by conveyors to the waste processing lines. Four (4) waste processing lines are proposed for full scale implementation. Waste processing lines may include a combination of the following types of equipment:

- Depackaging equipment

- Pulpers
- Hydrocyclones
- Air separation
- Water separation
- Ferrous/non-ferrous separation
- Press/compactor
- Drum screens

Residual waste (such as grit and plastics removed during processing) will be collected and conveyed to trailers parked indoors where it will be compacted and stored until the trailer is full. Once full, a trailer will be transported off-site for disposal at a licensed facility.

#### **5.4.1.3 Digestion**

After the removal of inorganic contaminants within the waste processing line, the organic slurry is pumped into a digester feed tank. The tanks will be located above-ground, constructed with a fixed roof and be made out of glass-coated steel, stainless steel concrete or a combination of the two. Three (3) digester feed tanks are proposed for full scale implementation. The proposed tanks will be approximately 18 metres (59 ft.) in height and are not contained within a building.

The digesters will be heated by direct steam injection into the material pumped from the tanks and/or within an enclosed recirculation loop.

#### **5.4.1.4 Digestate Management**

Digestate is the material remaining after the A.D. of biodegradable material. Although digestate is an end product of the A.D. process, pursuant to Section 2(1) of Ontario Regulation 347 General Waste Management, "processed organic waste", meaning waste that is predominantly organic in composition and has been treated by aerobic or anaerobic digestion, or other means of stabilization, and includes sewage residue from sewage works that are subject to the provisions of the Ontario Water Resources Act, is designated as waste.

The digestate will flow from the A.D. tank and be processed through the digestate/sludge management system prior to shipment off-site in either a liquid or solid form. The Facility is designed to produce multiple digestate end-products to suit the market demands for end product. These end products typically consist of fertilizer and soil supplements (see Attachment 4).

#### **5.4.1.5 Biogas Management**

The Facility is designed for the production of renewable natural gas (R.N.G.) by utilizing the biogas generated on-site. Biogas is collected from the headspaces in the digesters. Biogas pre-treatment will remove hydrogen sulfide (a colourless and odorous gas that is corrosive and flammable) prior to upgrading to R.N.G. using a biological scrubber, chemical scrubber or activated charcoal. Following the pre-treatment, biogas will be upgraded to R.N.G. Evergreen intends to directly connect to the Trans-Northern Pipeline to the north of the Site.

**5.4.1.6 Wastewater Treatment**

Whenever possible, any wastewater generated at the Facility will be reused within the Facility's processes and any excess wastewater will be treated and discharged to the Region's sanitary sewer. Furthermore, the existing stormwater management pond is proposed to be modified to act as a secondary containment system to manage spills in excess of the tank farm containment capacity. The discharging of wastewater to the Region's sanitary sewer will require regional approval.

**5.4.1.7 Air Treatment**

Odour control at the Site is designed to mitigate the potential for production, propagation and release of malodorous air. All building areas with the potential for malodorous air generation will be maintained under negative pressure which prevents any odours or dust from escaping the facility. Negative pressure will be maintained with circulation at a rate of approximately five (5) air exchanges per hour for the building's affected air volume. The office and administrative areas will be managed on a separate HVAC system under positive pressure.

Additional ventilation will be provided through source ventilation of all targeted air streams at equipment, tanks or building locations with the greatest potential to produce malodorous air.

The air treatment system will consist of the following components to reduce malodorous air:

- Bioscrubber;
- Biofilter; and,
- Stack.

**5.4.1.8 Operations**

Waste receipt will occur during the following hours:

- Monday to Friday between 6:00 a.m. and 6:00 p.m.; and,
- Saturday between 7:00 a.m. and 2:00 p.m.

Waste processing/management, digestion, wastewater treatment, odour treatment and biogas upgrade operations as well as maintenance will occur 24 hours a day, 7 days a week.

Product/digestate and waste disposal will operate during the following hours:

- Monday to Friday between 8:00 a.m. and 5:00 p.m.; and,
- Saturday between 8:00 a.m. and 2:00 p.m.

#### **5.4.2 Staff Comments**

City of Oshawa staff have considered the subject Applications and recommend that the City request the M.E.C.P. to not approve the Applications at this time for the following key reasons:

- Oshawa Council passed Interim Control By-law 25-2020 on February 24, 2020, which prohibits development in all GI (General Industrial) Zones within the Northwood Business Park while the by-law is in effect, to provide the City with the opportunity to undertake a land use study to review the existing land use policy and regulatory framework, and it would be inappropriate to pre-judge the outcome of the land use study that is being undertaken by the City;
- Given that additional information is required to provide a fulsome review of the applications and proposed development, it is premature for the M.E.C.P. to grant approval at this time;
- The Traffic Impact Study dated December 18, 2019 notes that modifications to the Thornton Road North and Taunton Road West intersection are required as a result of the proposed development which have not been fully considered by the City and the Region, and additional information is required to determine if the proposed modifications and increased truck traffic will not adversely impact public safety. Public safety is paramount at this location as the City is in the process of advancing the Active Transportation Master Plan with planned multi-use paths along both Taunton and Thornton Roads;
- Concern regarding the overall impact of heavy truck traffic on the City and Regional roads (i.e. safety and maintenance);
- Concern with accepting waste from all over the Province;
- The proposed development poses a risk of emitting obnoxious odours as a result of improper maintenance and/or equipment failures and along the haulage route, which would have adverse impacts on the surrounding land uses including a place of worship immediately to the south of the Site at 1423 Thornton Road North;
- Policy 2.4.5.7(i) of the Oshawa Official Plan, which was specifically added by the M.E.C.P. through the provincial approval process, provides specific requirements to mitigate the impacts of industrial developments on existing residential developments, and it is recommended that Evergreen demonstrate that the proposed anaerobic digestion facility operation will not adversely impact the existing residences and other land uses in the area;
- Evergreen has not submitted any planning applications to the City for the proposed development at 1515 Thornton Road North and as such, the City cannot determine if the proposed development is appropriate from a land use planning/site design and functional stormwater management perspective; and,

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- The M.E.C.P. should have all studies submitted by Evergreen in support of their Applications professionally peer reviewed.

In the event the M.E.C.P. does not agree with the City's recommendation and they choose to continue to advance the approval of the Applications, City staff have a number of comments for the M.E.C.P.'s consideration. Staff comments on the Applications can be found in Attachment 8.

In addition to the comments contained in Attachment 8 to this Report that specifically relate to the three Applications, staff also have the following general comments that should be forwarded for consideration by the M.E.C.P.:

- At a meeting held on January 10, 2020 involving City staff, Evergreen and Evergreen's consultant, G.H.D., staff were informed that 1515 Northwood Transfer Inc. also owns 1565 Thornton Road North, the property directly north of the City-owned lands abutting the northerly limit of the Site. Evergreen advised that there is potential for additional development on that site in the future. During the meeting, City staff recommended that Evergreen develop a concept plan for both properties and work with the City to design and develop this project in a way that addresses the concerns of local residents and the City's vision for the Northwood Business Park.
- At the January 10, 2020 meeting, City staff also recommended that Evergreen make efforts to coordinate the E.C.A. approval process with the planning approval process (i.e. Site Plan Approval and Conservation Authority approvals). Under this approach, the details outlined in the Applications would correlate directly to the design of a facility that addressed the requirement of the City and external agencies such as C.L.O.C.A., and met all applicable Zoning By-law regulations and Official Plan policies. However, Evergreen has not submitted any planning applications to the City for the Site in conjunction with advancing its Applications to the M.E.C.P.
- By letter dated February 20, 2020, Evergreen advised the M.E.C.P. that they do not intend to submit an application to C.L.O.C.A. for approval of the proposed works until after the Applications have been approved. Staff note that Conservation Authorities play a fundamental role in the E.C.A. process by providing information and guidance about source protection and stormwater management. It is recommended that the M.E.C.P. require Evergreen to obtain a decision from C.L.O.C.A for the proposed sewage works associated with the Site prior to issuing a decision regarding the Applications. City staff have a concern using the stormwater pond as a back up containment facility for any spills particularly given the sensitivity of the Oshawa Creek/Goodman Creek watershed.
- On February 24, 2020, the City of Oshawa passed By-law 25-2020 under Section 38 of the Planning Act. By-law 25-2020 prohibits development on lands zoned GI (General Industrial) within the Northwood Business Park for a period of one year. This will provide the City with the opportunity to review the existing land use policy and regulatory framework to ensure future development is contextually appropriate and supports the City's vision for the Northwood Business Park area. Given that a portion of the Site is subject to By-law 25-2020, it is recommended that the M.E.C.P. take into consideration the implications of By-law 25-2020 in their review of the Applications and

withhold the issuance of any E.C.A. approvals until such time as the City has concluded its land use study, and implement any possible recommendations of the study.

- The anticipated staffing requirements outlined in the Design and Operations Report indicate that 18.5 staff will be required during Phase 1 of the development and 22 staff will be required during Phase 2 of the development.
- Policy 2.4.5.7(i) of the O.O.P provides specific requirements to mitigate the impacts of industrial developments on existing residential developments. Pursuant to Policy 2.4.5.7(i) of the O.O.P., it is recommended that Evergreen demonstrate that the proposed anaerobic digestion facility operation will not adversely impact the existing residences and other land uses in the area.
- The City of Oshawa is the owner of the lands directly abutting the Site to the north, described as Part 10 on Registered Plan 40R-16820 (the “City-owned Lands”), which is used for the Trans-Northern Pipeline. A Right-of-Way Agreement is registered on title of the City-owned Lands and provides for the Trans-Northern Pipeline infrastructure. It is unclear at this time if the easement document applies to the entirety of Part 10 on Registered Plan 40R-16820 or if the language would allow for a connection from a third party. Further approvals from the City may be required.
- It is unclear at this time if 64 trucks per day on weekdays and 39 trucks on Saturdays is reasonable and aligns with the maximum of 200,000 tonnes per year.
- It is recommended that Evergreen work with the City and the M.E.C.P. to develop a public relations/education strategy to help inform the public on the purpose, function and environmental impacts of the proposed development.
- It is recommended that Evergreen engage with local post-secondary institutions (including, but not limited to, Durham College, Trent University Durham GTA and Ontario Tech University) with respect to the development of this Site.
- It is recommended that the Region of Durham and C.L.O.C.A. be consulted during the M.E.C.P.’s review of the Applications.
- It is recommended that M.E.C.P. put limits on the amount of waste that can be received and processed, restricts hours of operation and has a point of contact for any complaints including a complaint management process.

## **6.0 Financial Implications**

There are no financial implications associated with the recommendation in this Report.

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## **7.0 Relationship to the Oshawa Strategic Plan**

The Recommendation in this Report advances the Accountable Leadership and Environmental Responsibility goals of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.PI, MCIP, RPP, Director,  
Planning Services



Warren Munro, HBA, RPP, Commissioner,  
Development Services Department



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Attachment 1

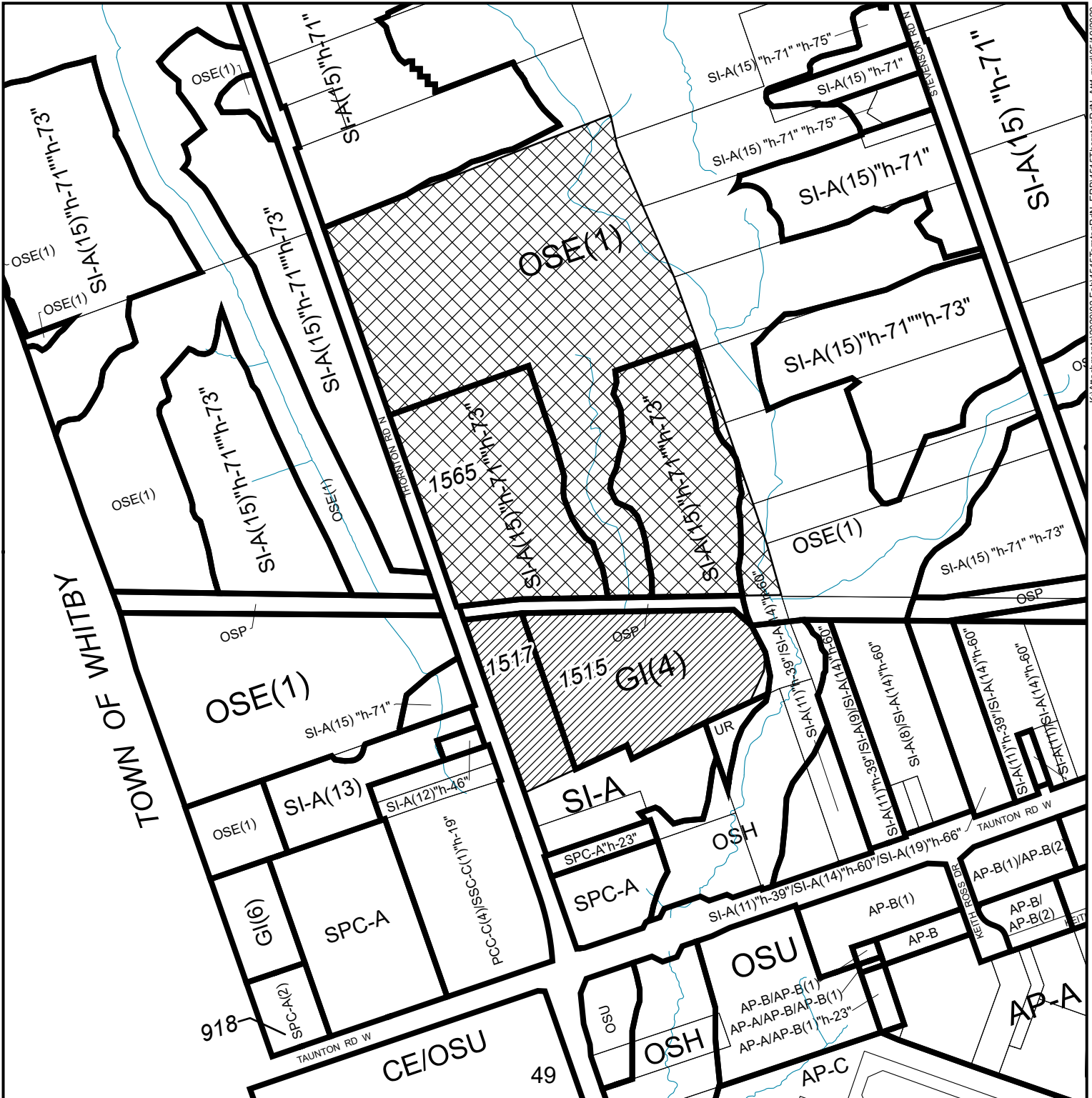
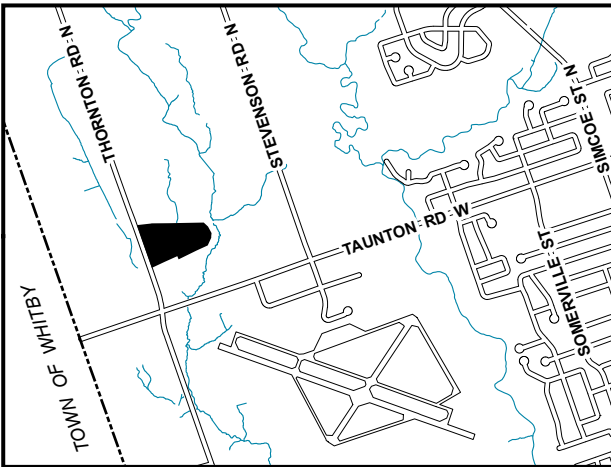
Development Services Department

Subject: City Comments on three Environmental Compliance Approval Amendment Applications concerning a proposed Anaerobic Digestion Facility at 1515 Thornton Road North B-8710-0017



Subject Site 

Other Lands owned by Applicant 



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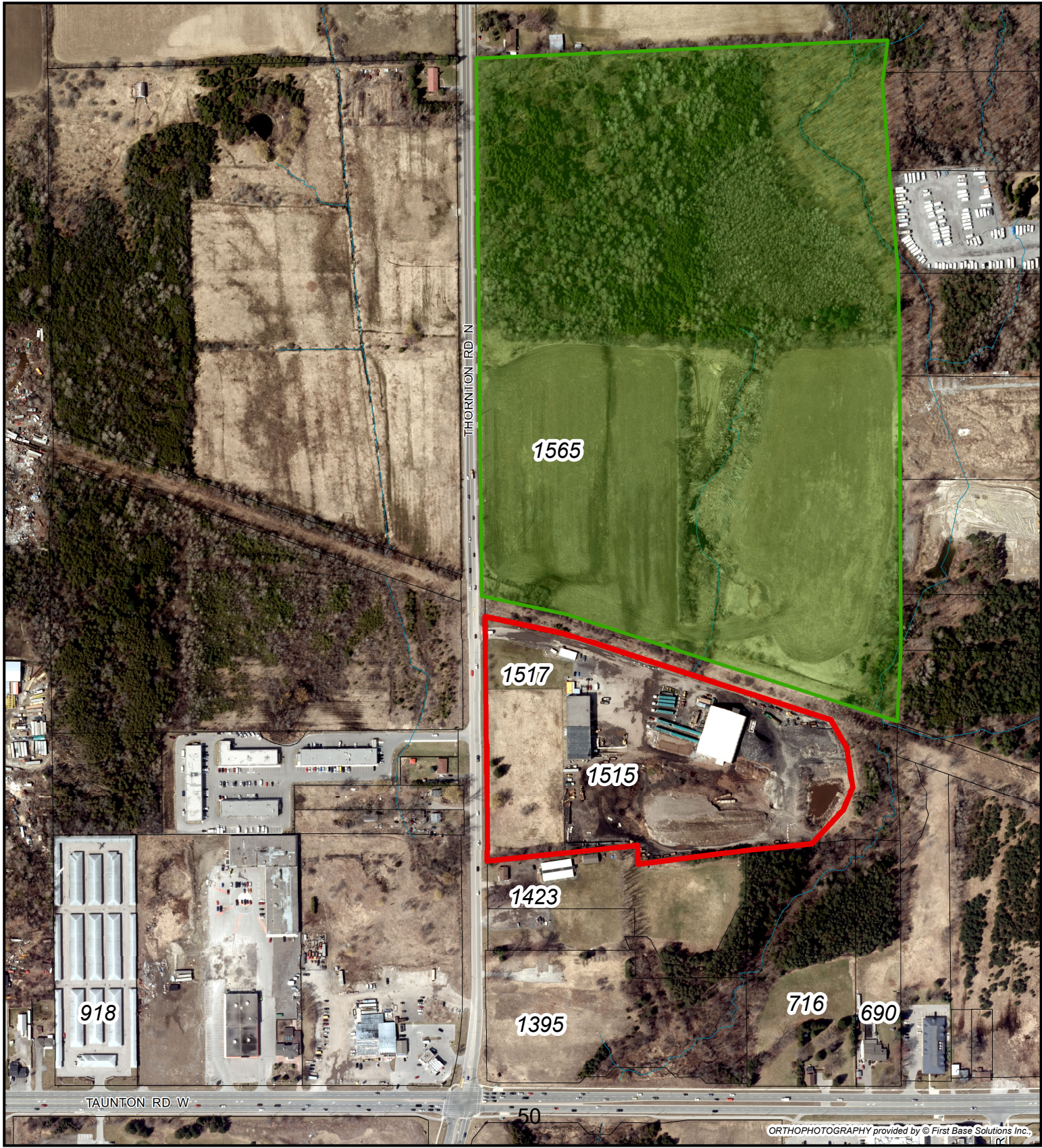
Subject: City Comments on three Environmental Compliance Approval Amendment Applications concerning a proposed Anaerobic Digestion Facility at 1515 Thornton Road North

File: B-8710-0017



- Subject Site
- Other Lands owned by Applicant

City of Oshawa  
Development Services Department



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**By-law 25-2020  
of The Corporation of the City of Oshawa**

Being an Interim Control By-law passed pursuant to Section 38 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, for certain lands in the City of Oshawa.

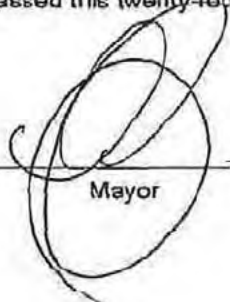
WHEREAS Section 38 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, authorizes the Council of a local municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or in any defined area or areas thereof;

AND WHEREAS the Council of the Corporation of the City of Oshawa has deemed it necessary and expedient to pass an interim control by-law, with respect to certain General Industrial Zoned areas within the area known as the Northwood Business Park in the City;

NOW, THEREFORE, BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa by the Council thereof as follows:

1. This By-law applies to the areas in the City of Oshawa zoned as General Industrial [GI(4) and GI(6)] pursuant to the City's Zoning By-law 60-94, as amended, and as identified on Schedule "A" attached to this By-law.
2. Each area described in Section 1 of this By-law is established as and declared to be an Interim control area.
3. Except for such lawful uses within lawfully existing buildings and structures as the land is being used for on the date of passing of this By-law, no person shall use any land, building, or structure for the purpose of developing land in a General Industrial Zone.
4. Schedule "A" shall form part of this By-law.
5. This By-law shall come into force and take effect immediately upon the final passing thereof and shall be in effect for one year from the date of passing of this by-law, unless otherwise extended in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13.

By-law passed this ~~twenty-fourth~~ fourth day of February, 2020.



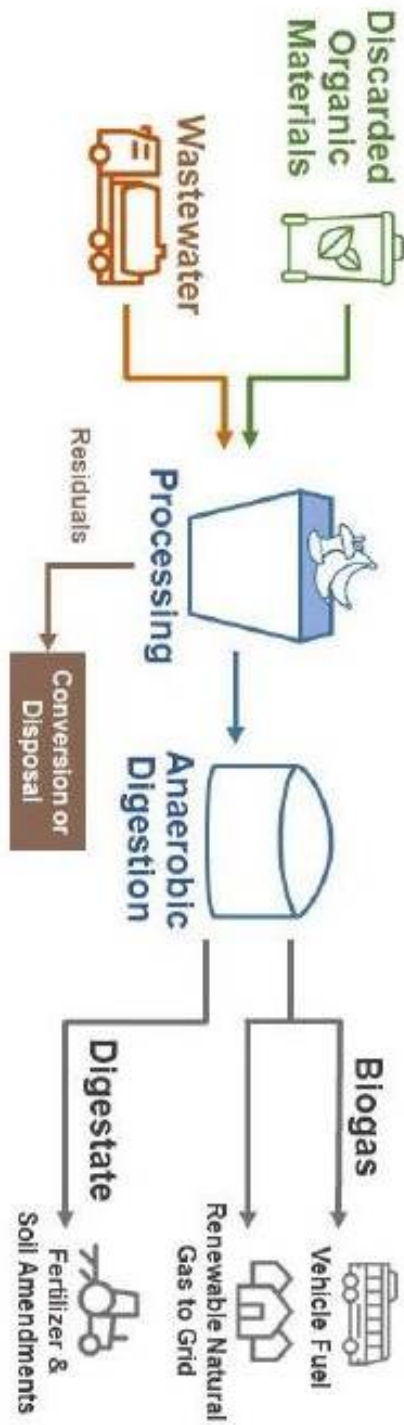
\_\_\_\_\_  
Mayor



\_\_\_\_\_  
City Clerk



### Anaerobic Digestion Flow-Chart



**Ministry of the Environment,  
Conservation and Parks**  
Client Services and Permissions  
Branch  
1st Floor  
135 St Clair Ave W  
Toronto ON M4V 1P5  
Fax: (416) 314-8452  
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**Ministère de l'Environnement, de la  
Protection de la nature et des Parcs**  
Direction des services à la clientèle  
et des permissions  
135 av St Clair O  
Toronto ON M4V 1P5  
Télécopieur : (416) 314-8452  
Téléphone : (416) 314-5132



February 12, 2020

Richard Weldon, Director  
RIC (EOR) Inc. operating as Northwood Transfer Station  
162 Cumberland St  
Toronto, Ontario  
M5R 3N5

Dear Sir:

**Re: Application for Approval of Industrial Sewage Works  
Amendment to ECA No. 3-1036-98-006 - SWM to service Evergreen Oshawa  
Anaerobic Digestion Facility  
Oshawa City, Regional Municipality of Durham  
Reference Number 8836-BLHLLF**

We acknowledge receipt of your application for approval dated January 17, 2020 and received on February 4, 2020, and an application fee in the amount of \$3100.00 for the following:

Approval Type: Industrial Sewage Works  
Project Description: This proposal is to amend Environmental Compliance Approval (Sewage) No. 3-1036-98-006 for RIC (EOR) Inc. Approval is sought for storm sewers and stormwater management facility discharging to the Goodman Creek form a waste processing facility for anaerobic digestion at 1515 Thornton Road North, Oshawa, Ontario  
Site Location: 1515 Thornton Road North  
(Part of Lot 16, Concession 4)  
Oshawa City, Regional Municipality of Durham

The Ministry's reference number for your application is 8836-BLHLLF. Please quote this number in any correspondence or enquiries regarding this application.

We have screened your submission for completeness and find that the following additional information/documentation is necessary for us to process your application:

1. CRA/HST No. from party paying application fees
2. Confirm legal name for application
3. Name/address/ownership change supporting documents



4. Proof of legal name (ie Articles of Incorporation, corporate profile)
5. Sign letter of consent from site owner and Operating Authority name, address, phone number
6. Conservation Authority letter
7. Use NAICS code from Statistics Canada
8. Confirm site address
9. Confirm sewage works being applied for are for the stormwater management facility (wet pond and OGS) and storm sewers
10. EBR abstract (refer to Guide for Applying for an Environmental Compliance Approval - Appendix 3)

Guide to Applying for an Environmental Compliance Approval

<https://www.ontario.ca/document/guide-applying-environmental-compliance-approval-0#section-6>

Name, Address, Ownership Change for an Environmental Compliance Approval

<https://www.ontario.ca/page/change-name-address-or-ownership-environmental-compliance-approval-eca>

Please be advised that should we not receive the above information/documentation or a response with explanations within two weeks of the date of this letter, we will consider your application withdrawn, and close your file accordingly. The submitted fee would then be refunded in the amount reduced by any applicable non-refundable fee.

Please note that your submission has only been screened with respect to the presence of the supporting documentation normally required for this type of application, and did not include any technical analysis of the documentation, and therefore you may still be requested to provide some additional information during our detailed technical review of the application. In such a case, the Reviewer will contact you and/or your identified Project Technical Information Contact at that time.

Also, please note that a duplicate copy of the application and all supporting information should have been sent to the local District Office of the Ministry. If this has not been done, please do so as soon as possible including the missing information/documentation identified above.

Should you have any questions related to your application, please contact me at the above phone number.

Sincerely,

Ricki Allum  
Application Assessment Officer

c: District Manager, MECP York-Durham  
Richard Weldon, RIC (EOR) Inc., Email: richardweldon@romspen.com  
Daniel Turner, GHD, Email: daniel.turner@ghd.com  
Nishant Patel, GHD, Email: nishant.patel@ghd.com







**Item: CNCL-20-98  
Attachment 6**

February 20, 2020

Reference No. 11194552

Ricki Allum  
Application Assessment Officer  
Ministry of Environment, Conservation and Parks  
1<sup>st</sup> Floor, 135 St. Clair Ave. W.  
Toronto, ON  
M4V 1P5

Dear Mr. Allum:

**Re: Additional Information Request for Application for Approval of Industrial Sewage Works  
Amendment to ECA No. 3-1036-98-006 – SWM to service Evergreen Oshawa Anaerobic  
Digestion Facility  
Reference Number 8836-BLHLLF**

The following provides responses to the information requested in a letter dated February 12, 2020 for the above reference number.

***Request 1***

CRA/HST No. from party paying application fees.

***Response 1***

The CRA/HST No. for the party paying the application fees is provided in Attachment 1.

***Request 2***

Confirm legal name for application

***Response 2***

The legal name for the application is RIC (1515 Thornton) Inc. (1515 Thornton) Inc. owns Environmental Compliance Approval (ECA) No. 3-1036-98-006. Documentation of the transfer of ownership of this ECA is also provided in Attachment 1 along with proof of legal name for all entities and a letter of consent from the owner to the operator. For clarity, a revised ECA Amendment Application with the required changes to pages 2, 12, 29, and 38 is provided in Attachment 2.

***Request 3***

Name/address/ownership change supporting documents

***Response 3***

See Response 2. Documentation of ownership change is provided in Attachment 1.

***Request 4***

Proof of legal name (i.e. Articles of Incorporation, corporate profile)



***Response 4***

Attachment #1 to Report #2020-INFO-95

Proof of legal name for the owner is provided in Attachment 1.

***Request 5***

Sign letter of consent from site owner and Operating Authority name, address, phone number

***Response 5***

A letter of consent and proof of legal name of the owner and Operating Authority is provided in Attachment 1.

The site is owned by:

RIC (1515 Thornton) Inc.  
300-162 Cumberland St.  
Toronto, Ontario  
M5R 3N5  
905-571-0659

The site will be operated by:

Evergreen Environmental Inc.  
300-162 Cumberland St.  
Toronto, Ontario  
M5R 3N5  
905-571-0659

***Request 6***

Conservation Authority letter

***Response 6***

Prior to constructing the proposed works as outlined in the SWM Plan (attached as supporting documentation with the ECA application) the Owner is planning to submit an application to the Central Lake Ontario Conservation Authority (CLOCA) to obtain approval for the proposed works. However, at the moment, the scope and the schedule is set to prioritize obtaining the amended Industrial Sewage Works ECA along with the Waste and Air & Noise ECAs for the Site. A copy of the conservation authority clearance letter will be forwarded to both the MECP Approvals and District Branch for record purposes once obtained.

***Request 7***

Use NAICS code from statistics Canada

***Response 7***

NAICS code is 562210 – Waste treatment and disposal.



*Request 8*

Confirm site address

Attachment #1 to Report #2020-INFO-95

*Response 8*

Site address is 1515 Thornton Road North.

*Request 9*

Confirm sewage works being applied for are for the stormwater management facility (wet pond and OGS) and storm sewers

*Response 9*

Confirmed the sewage works being applied for are the stormwater management facility wet pond and oil-grit separator and the storm sewers.

*Request 10*

EBR Abstract

*Response 10*

An EBR Abstract is provided below.

This proposal is for an amendment to the existing ECA No. 3-1036-98-006. Approval is sought for storm sewers, an oil-grit separator, and a stormwater management pond to manage runoff from the 4.7 hectare waste processing facility area, discharging to Goodman Creek.

Sincerely,

GHD

Dan Turner, P.Eng.

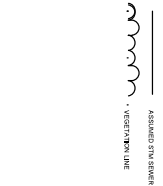
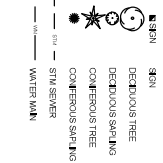
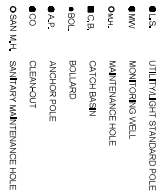
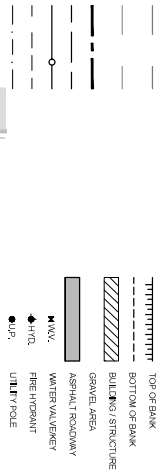
DT/mma/2

Encl.

cc: Richard Weldon, Evergreen  
Ward Janssens, Evergreen  
Roddy Ornella, MECP (York-Durham)

Title: Proposed Site Design for the Subject A.D. Facility  
 Subject: City Comments on three Environmental Compliance Approval Amendment Applications concerning a proposed Anaerobic Digestion Facility at 1515 Thornton Road North  
 File: B-8710-0017

City of Oshawa  
 Development Services Department



**SOURCE:**  
 TOPOGRAPHY AND SITE FEATURES SHOWN PER TOPOGRAPHIC CASE PLAN OF 1915 THORNTON ROAD NORTH, CITY OF OSHAWA, FILE NAME: W2055.TOPOL.V2.DWG, DATED JAN. 28, 2018, PREPARED BY BRYAN SOMERSON.  
 SITE FEATURES SHOWN PER SURVEY OF 1515 THORNTON ROAD NORTH, CITY OF OSHAWA, FILE NAME: W2055.TOPOL.V2.DWG, DATED JAN. 28, 2018, PREPARED BY BRYAN SOMERSON.  
**COORDINATES:**  
 COORDINATE VALUES AND HEIGHTS IN U.S. FEET PER CASE SYSTEM, UTM ZONE 17 N, WEST CONVERSION, NAD83/CSRS(03), COMBINED SCALE FACTOR = 1.000000029

**CH2M HILL**  
 1000 Lakeshore Blvd. N., Suite 300  
 Oshawa, ON L1G 3Y2  
 Tel: 905.884.0111 Fax: 905.884.0120 www.ch2m.com

**BOUNDARY NOTE:**  
 BOUNDARY INFORMATION SHOWN HEREON IS IN ACCORDANCE WITH REGISTERED PLAN 00562841.  
**BENCHMARK:**  
 936901 CONCRETE BRIDGE CARRYING DURHAM CITY RD. 3 OVER OSWAMA CREEK, LOT 1 OF CARLINGTON CONY 7 AND OLD SCOTTS ROAD NEAR BRANFORD, CONY 11 EAST CORNER OF BRIDGE AND IS ON BELOW TOP OF CORNER.  
 NAD83 UTM ZONE 17 COORDINATES  
 XINGING: 468625.233  
 YINGING: 468625.233  
 ELEVATION: 154.650

**EVERGREEN ENVIRONMENTAL INC.**  
 DESIGN AND OPERATIONS REPORT

Project: DESIGN AND OPERATIONS REPORT

Client: EVERGREEN ENVIRONMENTAL INC.

Project Manager: [Name]

Design Lead: [Name]

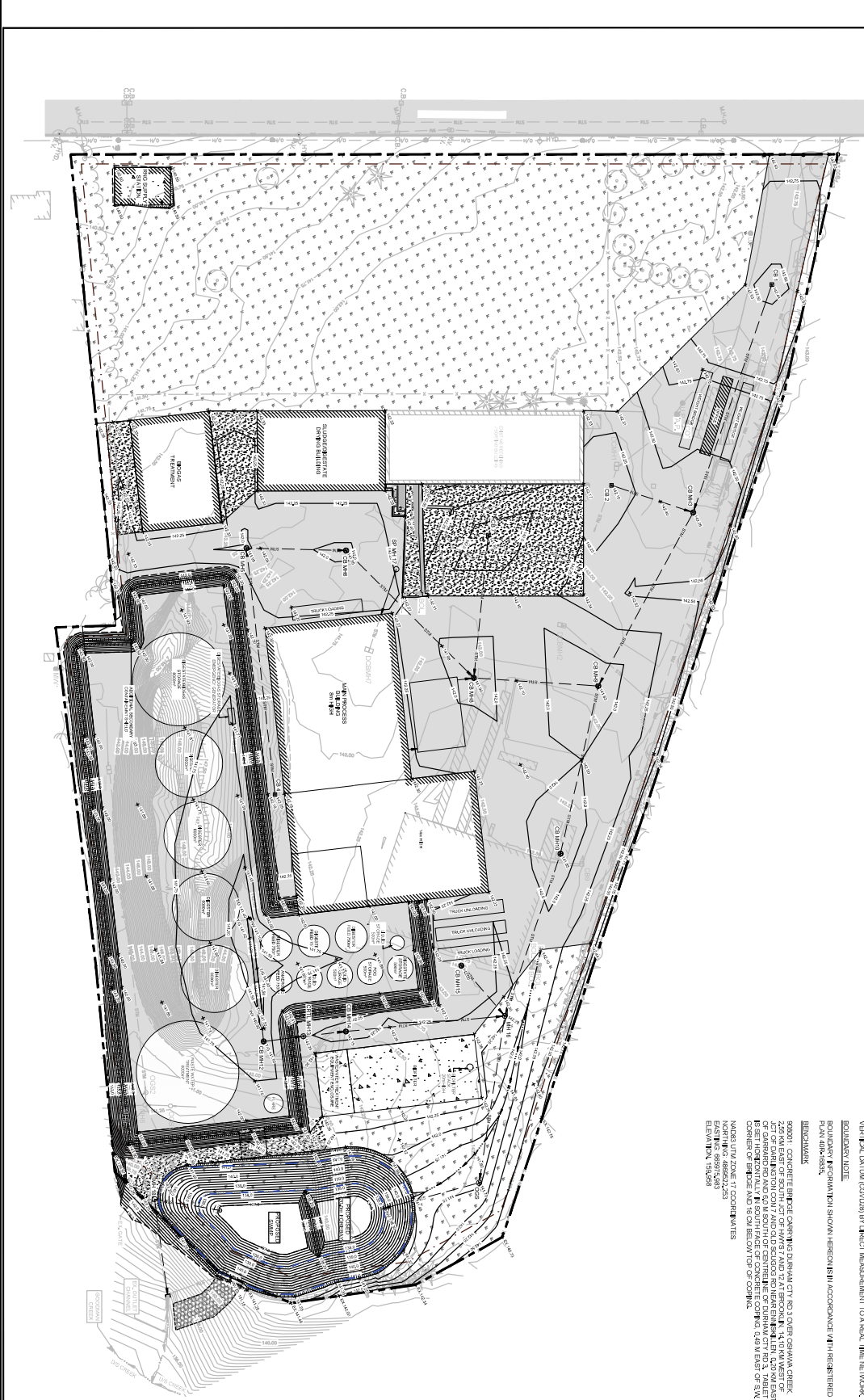
Date: JAN 23, 2019

Scale: 1:500

Original Size: [Blank]

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Plot in 20mm or equal



**PROPOSED SITE CONDITION**

C-02

Sheet 2 of 5

Item: CNCL-20-98  
Attachment 8

**Staff Comments on Environmental Compliance Approval Amendment Applications ERO 019-1538 (Waste), ERO 019-1539 (Sewage) and ERO 019-1540 (Air) by RIC (EOR) Inc. operating as Northwood Transfer Station for a proposed Anaerobic Digestion Facility located at 1515 Thornton Road North (the "Site")**

Proposal Details	Staff Comment
<p>This proposal is for an amendment to the existing Environmental Compliance Approval (E.C.A.) (Waste Processing) Number A680066 issued for the use of the Site for operation of a waste composting facility. This proposal also revokes existing E.C.A. (Waste Processing/Transfer) Number A680110 to have its contents amalgamated with E.C.A. Number A680066.</p>	<p>No comment.</p>
<p>The proposal includes cessation of composting operations and use of the Site for processing of source-separated organics and industrial, commercial, and institutional organics, for the purpose of anaerobic digestion. Processes to be used include a combination of air separation, water separation, pulping, ferrous/non-ferrous separation, compaction, size reduction, screening, depackaging, anaerobic digestion, wastewater treatment, digestate dewatering, digestate drying, digestate pyrolysis, and biogas upgrading.</p> <p>The anaerobic digestion process will produce digestate and biogas. The resulting biogas will be upgraded to renewable natural gas for injection to the gas grid. Digestate will be pasteurized and shipped off-site in a</p>	<p>Staff note that under the previous ownership, the City and the Ministry of Environment, Conservation and Parks (M.E.C.P.) received numerous complaints concerning odours coming from the Site. This was as a result of the outdoor storage and processing of source separated organics (S.S.O.), activities not permitted under the current E.C.A.</p> <p>Staff further note that the proposed development poses a risk of emitting obnoxious odours as a result of improper maintenance and/or equipment failures of the facility and/or odours emitted from the trucks transporting waste materials to and from the Site, which would have adverse impacts on the surrounding land uses, including the place of worship located at 1423 Thornton Road North.</p> <p>It is noted that although the Site is under new ownership and subject to an existing site plan agreement, its proposed development poses a risk of producing odour if good operations, maintenance of</p>

<p><b>Proposal Details</b></p>	<p><b>Staff Comment</b></p>
<p>combination of dewatered/dried and liquid forms as fertilizer or soil supplements.</p>	<p>equipment and adherence to protocols are not followed. This is already the case with the existing development subject to the site plan agreement notwithstanding operational requirements embedded in the site plan agreement. It is recommended that Evergreen consider the following with respect to mitigating the potential impacts of odour:</p> <ul style="list-style-type: none"> <li>▪ The drivers of vehicles making deliveries to the proposed facility should be made aware of the need to adhere to protocols to ensure the delivery bay airlock effectively maintains the building's relative air pressure;</li> <li>▪ The proposed internal maintenance routine includes regular monitoring for litter within the building. This should be expanded to include monitoring of the building's exterior and all outdoor areas of the Site;</li> <li>▪ Evergreen should coordinate with the City and the M.E.C.P. to develop an effective way for residents to submit odour complaints relating to the Site;</li> <li>▪ Given that the proposed facility will process organic waste materials, Evergreen should consider implementing an effective pest management strategy; and,</li> <li>▪ Given that the proposed facility is located near the Oshawa Executive Airport, it is important to ensure that outdoor maintenance practices are strictly followed, so as not to attract birds and wildlife to the Site and surrounding area, which could impair airport operations.</li> </ul>
<p>The existing transfer operation will continue at the current approved rate of up to 57,200 tonnes per year. The proposal includes increasing the current approved rate to allow the receipt of up to 200,000 tonnes per year</p>	<p>Staff note that with respect to truck traffic, Thornton Road North, including the segment between the driveway at 1515 Thornton Road North and Conlin Road West is subject to City of Oshawa By-law 79-99, and has a permanent seasonal weight restriction, which prohibits</p>

<b>Proposal Details</b>	<b>Staff Comment</b>
<p>for the purposes of anaerobic digestion. The maximum amount of waste to be stored at the Site is 2,943 tonnes at the anaerobic digestion facility, and 1,219 tonnes of waste and recyclables at the transfer facility.</p>	<p>any trucks carrying over 5,000 kilograms or five (5) tonnes per axle on that portion of Thornton Road North from March 1<sup>st</sup> until approximately April 30<sup>th</sup> each year. As such, certain truck traffic is only permitted to enter the Site via Taunton Road West.</p> <p>Staff further note that although the Traffic Impact Study dated December 18, 2019 estimates that 64 trucks (64 in, 64 out) on weekdays and 39 trucks on Saturdays will access the Site, the Applications do not indicate how many trucks will be permitted to access the Site or permitted trucking routes. Additional information is required to provide clarity on the number of trucks accessing the Site and proposed haulage routes related to this proposed development.</p>
<p>The hours of operation for receipt of material are Monday to Friday from 6 a.m. to 6 p.m. and Saturday from 7 a.m. to 2 p.m. Waste processing will operate 24 hours a day, 7 days a week. The Site will serve the Province of Ontario.</p>	<p>It is noted that the proposed truck operations (i.e. bulk solid waste receiving) are scheduled to begin at 6:00 a.m., Monday to Friday, and at 7:00 a.m. on Saturdays, with a maximum limit imposed with respect to daily truck movements (i.e. four in and four out). The Acoustic Assessment Report completed by GHD for the proposed development indicates that the facility-wide noise levels estimated at the various points-of-reception do not exceed the maximum sound level limits established by the M.E.C.P.</p> <p>Staff note that the Acoustic Assessment Report concludes that the proposed facility-wide noise levels estimate at the points-of-reception are below the minimum sound level limits, set by the M.E.C.P. City of Oshawa Noise By-law 112-82 ("By-law 112-82") provides that "No Owner shall emit, cause of permit the emission from the Owner's Property of noise likely to disturb the inhabitants of the City of Oshawa". Furthermore, the assessment relies on assumptions that trucks transporting incoming and outgoing material are on Site for a minimum amount of time where possible, and with a minimum of truck idling and minimal queuing, which limits the impact of excess vehicular noise on the Site. However, in the event that these</p>

<p><b>Proposal Details</b></p>	<p><b>Staff Comment</b></p>
	<p>assumptions are exceeded, there is an increased likelihood of noise-related complaints. As such, additional information is required to provide clarity on whether the proposed operations related to truck traffic would comply with By-law 112-82.</p> <p>In addition, staff have reviewed the Traffic Impact Study dated December 19, 2019 that was included in the Design and Operations Report in support of the subject proposal and provide the following comments:</p> <ul style="list-style-type: none"> <li>▪ Key information related to the existing operations at the Site have not been provided, including number of employees, hours of operation, analysis of all vehicles arriving/leaving the Site and any potential noise issues and proposed mitigation measures.</li> <li>▪ In terms of receptors, there is an existing multi-use path along the south side of Taunton Road West that currently ends at Northbrook Street and is planned to be extended east beyond the Thornton Road North and Taunton Road West intersection that was not considered, and the City is currently advancing the construction of a multi-use path along the east side of Thornton Road North, from Adelaide Avenue West to Taunton Road West.</li> <li>▪ The traffic counts only capture existing traffic at the Site for the p.m. peak hour. Traffic counts at the Site during the a.m. peak hours should also be undertaken.</li> <li>▪ It appears that no outgoing tanker trucks were identified in Table 1 – Truck Traffic Estimate to transport the liquid waste from the Site. The report should be revised to include this truck volume.</li> <li>▪ It appears that the annual traffic growth was applied to all movements at all intersections. However, it would be more appropriate to apply growth to the through-movements only.</li> </ul>



<p><b>Proposal Details</b></p>	<p><b>Staff Comment</b></p>
<p>This proposal is for an amendment to the existing E.C.A. Number 3-1036-98-006. Approval is sought for storm sewers, an oil-grit separator, and a stormwater management pond to manage runoff from the 4.7 hectare waste processing facility area, discharging to the Goodman Creek.</p>	<p>Staff note that the Site is located within the Central Lake Ontario Conservation Authority's (C.L.O.C.A.) regulated area and will discharge to Goodman Creek. C.L.O.C.A. recently prepared draft watershed plans for the Lynde Creek, Black/Harmony/Farewell Creek and Oshawa Creek. Goodman Creek is within the Oshawa Creek watershed. It is recommended that the M.E.C.P. consult with C.L.O.C.A. and the Region of Durham before approving this application.</p>

<p><b>Proposal Details</b></p>	<p><b>Staff Comment</b></p>
<p>This proposal is for an amendment to the Limited Operational Flexibility for an Environmental Compliance Approval (Air &amp; Noise) Number 8-3157-94-0063 for RIC (1515 Thornton) Inc., a non-hazardous transfer and anaerobic digestion facility, where source separated organics and industrial, commercial and institutional and fats, oils and grease are sorted.</p> <p>The Environmental Compliance Approval with Limited Operational Flexibility (Air), when issued, permits modifications to the facility subject to limits on operational flexibility that include a production limit for the facility to be specified on the Environmental</p>	<p>Staff also note that the existing on-site stormwater management measures were implemented in the 1990s and do not meet current standards. As such, it is recommended that Evergreen submit a new stormwater management report to demonstrate that the proposed development is in compliance with the requirements outlined in the approved Northwood Business Park Master Stormwater Management Plan, prepared by Greck and Associates Limited in August 2016.</p> <p>Staff further note that the existing stormwater management pond is proposed to be modified to function as a secondary containment system to manage spills in excess of the tank farm containment capacity. Since the Site is located in the Oshawa Creek watershed and the northern portion of the City's Major Urban Area, potential downstream impacts due to extreme weather events could be substantial. As such, staff do not support the existing stormwater management pond being used for purposes other than managing stormwater flows for the Site.</p> <p>Staff note that fine particulate matter will be emitted into the air from the proposed facility. There particulates can have various negative health effects including irritation, coughing and difficulty breathing. In 2014, staff was directed to provide Council with relevant information on the results and trends analysis by the Province from the Air Quality Index monitoring station located at Durham College in Oshawa, as it becomes available. Information Memo INFO-19-330 dated November 26, 2019 concerning the Province's 2017 Air Quality Report provides that the annual mean fine particulate matter levels in Oshawa have decreased approximately 20% since 2013. It is recommended that the air quality at this location be monitored to</p>

<p><b>Proposal Details</b></p>	<p><b>Staff Comment</b></p>
<p>Compliance Approval with Limited Operational Flexibility (Air). The limited operational flexibility conditions have an expiry date. The company will be required to make an application for amendment at that time to renew these conditions.</p> <p>The emission sources from the manufacturing and associated processes that discharge to the air include boilers, flare, storage tank, biofilter and thermal oxidizer. The amendment includes: the flare, boilers, biofilter, storage tank, and thermal oxidizer.</p> <p>Emissions to the air from this facility include: nitrogen oxides, hydrogen sulfide, particulate matter, ammonia, and sulphur dioxide.</p>	<p>ensure that fine particulate matter (and other pollutant) levels in Oshawa do not increase as a result of this proposed development.</p> <p>Staff also note that the proposed development poses a risk of emitting obnoxious odours as a result of improper maintenance and/or equipment failures at the facility and/or odours emitted from trucks transporting waste to and from the Site. In the event that the proposed development is approved, it is recommended that the M.E.C.P. implement periodic odour testing to ensure that the facility is not emitting obnoxious odours into the air.</p> <p>Staff also reviewed the Acoustic Assessment Report provided in support of the subject proposal and offer the following comments:</p> <ul style="list-style-type: none"> <li>▪ The truck traffic count projection used in the Acoustic Assessment Report (page 2) is different from the truck traffic projection used in the Traffic Impact Study (Appendix D, page 1). Additional information is required to provide clarity on the accurate truck traffic projection.</li> <li>▪ The automation equipment proposed to be used at the Site will monitor and log noise levels. It would be beneficial for the City and the M.E.C.P. to receive regular reports (e.g. monthly or quarterly) of the results to ensure that the facility is operating within the E.C.A. requirements.</li> </ul>



100 Whiting Avenue  
Oshawa, Ontario  
L1H 3T3  
Phone (905) 579-0411  
Fax (905) 579-0994

Web: [www.cloca.com](http://www.cloca.com)  
Email: [mail@cloca.com](mailto:mail@cloca.com)

**Member of Conservation Ontario**

June 4, 2020

Ministry of the Environment, Conservation and Parks  
135 St. Clair Avenue West, 1<sup>st</sup> Floor  
Toronto, ON M4V 1P5

Sent via email: [enviropemissions@ontario.ca](mailto:enviropemissions@ontario.ca)

To whom it may concern:

**Subject: Application for Approval of Industrial Sewage Works  
Amendment to ECA no. 3-1036-98-006 – Anaerobic Digester Facility  
1515 Thornton Road North  
City of Oshawa, Regional Municipality of Durham  
Ministry Ref. # 8836-BLHLLF**

The Central Lake Ontario Conservation Authority (CLOCA) has received notice of an Environmental Bill of Rights (EBR) posting requesting comments on three amendments to Environmental Compliance Approvals (ECA). The details of these applications are as follows:

ECA no.	Ministry Reference no.	Type	Purpose
A680066 A680110	8575-BLHL2R	Waste	Increase the volume of organic solid and liquid waste received per year from 57,200 tonnes to 200,000 tonnes
8-3157-94-0063	2998-BLHKKR	Air and Noise	Permission to discharge certain types and volumes of emissions for the expanded waste processing facility
3-1036-98-006	8836-BLHLLF	Industrial Sewage	Construct a new stormwater management facility and discharge to a watercourse

The following materials were received and reviewed in connection the applications cited above:

- Design and Operations Report, Evergreen Oshawa Anaerobic Facility, Report no. 3, prepared by GHD Ltd., signed and stamped by D.P. Turner, P.Eng., on January 31, 2020, received by CLOCA on April 16, 2020;
- Drawing no. C-01, Existing Site Conditions, prepared by GHD Ltd., Revision no. 2, revised January 31, 2020, received by CLOCA on April 16, 2020;
- Drawing no. C-02, Proposed Site Conditions, prepared by GHD Ltd., Revision no. 2, signed and stamped by D.P. Turner, P.Eng., on January 31, 2020, received by CLOCA on April 16, 2020;
- Drawing no. C-03, Pond Plan and Profile, prepared by GHD Ltd., signed and stamped by D.P. Turner, P.Eng., on January 31, 2020, received by CLOCA on April 16, 2020;
- Drawing no. C-04, Pond Sections, prepared by GHD Ltd., signed and stamped by D.P. Turner, P.Eng., on January 31, 2020, received by CLOCA on April 16, 2020;
- Drawing no. C-05, Erosion and Sediment Control and Restoration Plan, prepared by GHD Ltd., signed and stamped by D.P. Turner, P.Eng., on January 31, 2020, received by CLOCA on April 16, 2020; and,
- Environmental Compliance Approval Application, ECA no. 3-1036-98-006, Evergreen Oshawa Anaerobic Digestion Facility – Stormwater Management Plan, submitted by GHD Ltd., on January 31, 2020, received by CLOCA on April 16, 2020.

There remain issues to be addressed before CLOCA is prepared to recommend approval. Our detailed regulatory, policy and technical comments follow.

## *Central Lake Ontario Conservation*

### **Our Understanding of the Proposal**

We understand the ECAs concern a proposal to construct an Anaerobic Digester facility to expand the existing waste processing operations at the Northwood Transfer Station located at 1515 Thornton Road North in the City of Oshawa. The new facility will be able to accept up to 200,000 tonnes of organic solid and liquid waste that will be processed to produce digestate and biogas. This proposal also includes the construction of a new stormwater management pond and associated servicing to discharge into Goodman's Creek located east of the site.

The property is 6.3 hectares and located on the east side of Thornton Road North, south of the pipeline corridor, and north of Taunton Road West. There is an existing waster transfer facility operating on site and a compost processing facility for yard waste and has not been operational since April 2019. The property is owned by 1515 Northwood Transfer Inc. and operated by Evergreen Environmental Inc.

The proposed anaerobic digester facility is on lands designated *Industrial* in the City of Oshawa Official Plan and within the Northwood Business Park. The City of Oshawa Zoning By-law 60-94 has the property zoned *General Industrial* ('GI-4') and *Select Industrial* (SI-A). The City of Oshawa has also passed Interim Control Bylaw 25-2020 which prohibits development within the GI zoned lands of the Northwood Business Park, including the subject site, for a period of one year while the City undertakes a land use study. The purpose of the study is to determine the appropriateness of industrial zoning and related uses within the Northwood Business Park. We understand that the City requires and has not received a site plan approval application in order to review site design details and zoning compliance. Once submitted, the City will circulate the requisite planning applications and associated materials to CLOCA for review and detailed comments.

### **CLOCA and Ontario Regulation 42/06**

CLOCA reviews applications for consistency with the natural heritage and natural hazard policies of the Provincial Policy Statement (PPS) and Ontario Regulation 42/06 of the *Conservation Authorities Act* through our direct legislated mandate under the Act and through memoranda of understanding with both the Region of Durham and City of Oshawa. Where applicable, CLOCA also reviews for consistency with local and regional natural heritage and natural hazard policies.

In this case, the subject site backs onto a well vegetated valley corridor and is situated at the headwaters of Goodman's Creek. Provincially Significant Wetlands (PSWs) are located to the north and east of the site. The rear and south side of the site includes natural features and natural hazards that meet the criteria of Ontario Regulation 42/06 (*Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*). A permit from CLOCA will be required prior to any development taking place.

### **Applicable Policy**

#### *Provincial Policy Statement, 2020*

CLOCA has a delegated responsibility by the province to provide recommendations and advice regarding the Natural Hazard Polices of the Ontario Provincial Policy Statement (PPS), 2020. The lands immediately adjacent to the north, east and west of the site contain over a hectare of mature dense trees that would classify as a *Significant Woodland*. These woodlands are situated within and alongside the evaluated provincially significant wetlands that make up part of the Whitby-Oshawa Iroquois Beach Wetland Complex. These natural features provide ecological connectivity to the Goodman's Creek valleylands, which extend along the east side of the site and meets the definition of *Significant Valleylands* under the PPS. Section 2.1 of the PPS recognizes the linkages between natural features and ground water features, advising that their long term ecological function should be maintained, restored and improved. Section 2.1.8 of the PPS provides that development shall not be permitted within or adjacent to *significant valleylands, significant woodlands, and/or significant wetlands* unless it has been demonstrated that there will be no negative impacts on the natural features and ecological functions.

The proposed stormwater management pond is located along the top of bank with a outfall and concrete head proposed on valley slope. The slope along this reach of the Goodman's Creek valleylands meets the definition of an *erosion hazard* in the PPS. Section 3.1.7 provides that development may be permitted within hazardous lands only where it

## *Central Lake Ontario Conservation*

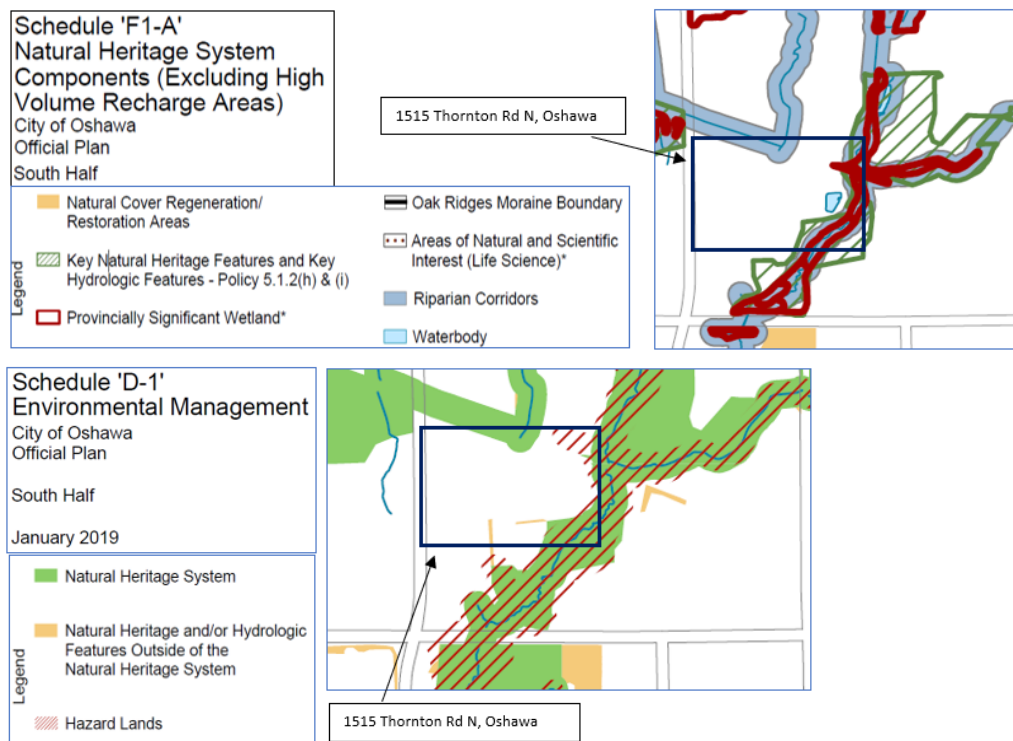
can be demonstrated that new hazards will not be created, existing hazards are not aggravated and environmental impacts will be minimized.

### Region of Durham Official Plan, 2017

The Natural Heritage System identified in the Region of Durham Official Plan (OP), 2017, includes the areas with the 'highest concentration of the most sensitive and/or significant natural features and functions'. The Goodman's Creek valleylands, woodlands and provincially significant wetlands adjacent to the proposed development meet this criteria and are captured as Key Natural Heritage and Hydrologic Features within Schedule B – Map B1 of the Region's OP. Section 3.3.43 of the Region's OP requires an environmental impact study be completed as part of any proposal for development or site alteration within proximity to key natural heritage or hydrologic features.

### City of Oshawa Official Plan, 2019

The City of Oshawa Official Plan (OP) includes policies that seek to ensure development will have regard to the natural environment and recognize the need to balance economic and environmental interests. As per Schedule D – Environmental Management of the OP, the Natural Heritage System and Hazard Lands extend along the rear and north portion the subject site. Schedule F1-A of the OP details the components of the Natural Heritage System and locates the site adjacent to Key Natural Heritage and Key Natural Hydrologic Features, Provincially Significant Wetlands, Riparian Corridors and a watercourse. An excerpt from Schedules D and F-1A of the OP locates the site as follows:



Based upon the location of the site within the above referenced Schedules and as detailed in Section 5 of the OP, any new development and/or site alteration may be permitted within these areas and/or associated buffers provided they are existing uses, no reasonable alternative location exists, and it can be demonstrated that the adverse effects on the ecological integrity of the area can be kept to a minimum. To meet the policies of the OP, consideration of the proposed development requires the completion of an Environmental Impact Study (EIS). This study must meet the criteria of Section 5.5 and Section 5.5.7 of the OP.

## *Central Lake Ontario Conservation*

Section 5.8 of the City's OP speaks to Natural Hazards, which includes erosion hazards within the valley corridors of the Natural Heritage System. As noted in the OP, the more exact location of Hazard Lands may be refined through detailed studies and in consultation with the Conservation Authority. Development may be permitted within in the erosion hazard where it has been demonstrated that it may be constructed in accordance with the relevant policies and regulations. CLOCA's policies allow for the replacement of existing structures within the erosion hazard provided that: (1) existing hazards are not aggravated; (2) there are no unstable increases of lading forces on the top of the slope; and (3) the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans. As it applies to the current proposal, a geotechnical slope stability assessment will be required. This study should be prepared by a professional geotechnical engineer and prepared according the Technical Guidelines – River and Stream Systems: Erosion Hazard Limits (MNR, 2002).

Once the technical considerations of development within the hazards lands are satisfied, the second step in the review process is addressing other applicable Natural Heritage policies. Section 5.4.5 of the City's OP states that development may be considered on a component of the Natural Heritage System, provided that the area of lands removed and will be compensated for with an area of additional lands to the Natural Heritage System on the subject lands. In this manner, corridor connectivity will be enhanced and restored. This should be demonstrated through the EIS, which should identify the area of lands impacted by the construction and future maintenance of the stormwater outfall and suggest an area on adjacent lands where native vegetation can be planted and restored through compensation. This approach is contingent on the support of City staff and the applicant is advised to contact CLOCA staff for more information regarding the details and scope of this report.

Schedule F-1B of the OP shows that the proposed development is within as Highly Vulnerable Recharge Area (HVRA), which are lands where permeable soils and gravel exist and allow for greater seepage into an aquifer that is used for municipal or other drinking water supplies. As per Section 5.4.6 of the OP, development within HVRAs, including those lands located beyond the limits of the Natural Heritage System, may be permitted provided that a hydrological impact assessment is completed and demonstrates that there will be no significant losses to the recharge functions of the HVRA.

### **Site Specific Comments**

The proposed anaerobic digester facility will significantly increase the size and extent of the existing operations on the site. In order to support the development, a new stormwater management pond will extend along a steep valley slope and within the Natural Heritage System before discharging into Goodman's Creek. The pre-consultation meeting notes included with the application and dated November 19, 2019, state that the MECP advised the applicant to consult with CLOCA regarding the new stormwater management facility associated with this proposal. Our records indicate that consultation has not yet taken place.

At this time, additional information is required to ensure the proposed development can address the applicable provincial, regional and municipal policies. We strongly recommend that the applicant consider pursuing the submission of a site plan application for the proposed development which would include the technical reports and design details. A site plan review process would also provide CLOCA the time and opportunity to assist the applicant in determining the appropriate ecological compensation for the lost natural features. This approach is predicated on municipal support of the new stormwater facilities which are currently proposed on lands owned by the City of Oshawa.

Detailed technical comments on the proposal are as follows:



*Central Lake Ontario Conservation**Natural Heritage – Terrestrial Ecology*

1. The proposal lies within the Northwood Industrial Park area. The property is largely surrounded by identified natural heritage system including woodland, wetlands, watercourse and terrestrial linkage corridors. Given the proposed changes to the existing facility and the proximity of natural heritage features, an EIS for the proposal is required. The EIS must be prepared by a qualified professional to satisfaction of CLOCA and the City of Oshawa. Ideally, a Terms of Reference will be circulated to the City and CLOCA for comment in advance of the field work. At minimum, however, the study should include the following:
  - Overview of existing conditions, including the location and extent of the environmental features and functions which should be preserved, by identifying/delineating the limits of all environmental features on the site;
  - The location, amount and type of development;
  - Assess the potential impacts of the proposal for development, including cumulative impacts on the environment over the long term;
  - Provide appropriate mitigation, improvement and restoration measures and techniques, development staging and timing and other practices to be employed to cope with the sensitivity of the environmental conditions present on and adjacent to the subject site. The study should provide recommendations that seek to ensure the proposed development will have no adverse effects and/or minimize impacts to natural heritage features and hydrologic functions; and,
  - Currently, the proposed plan does not provide for any buffers along the woodlands that extend along the south lot line or valleylands to the east. The EIS should include recommendations for appropriate buffers between the area of development and natural heritage features.
2. The north boundary of the site abuts the Trans-northern pipeline which also serves as a terrestrial linkage feature. It is a wildlife corridor with a cross-watershed connection, east-to west along the Lake Iroquois Beach. CLOCA has requested additional plantings in this area (off the corridor and on private land) through the application process. This application provides an excellent opportunity extend the corridor width and composition to add additional woody species for cover, where very little may exist. Consistent with Section 5.4.5 of the City's Official Plan, this may be an area for restoration to mitigate for lost natural features as a result of the proposed stormwater management outfall within the valleylands.
3. Beyond the east property boundary, is the wooded Goodman's Creek valley corridor and Whitby-Oshawa Iroquois Beach Provincially Significant Wetland (PSW). The property boundary is coincidentally, approximately 30 m from the wetland boundary, which is equivalent to the minimum required buffer to a PSW. The proposal seeks to reconfigure the existing storm water facility, right at the property boundary. In reconfiguring the storm water management facility, there appears to be less than a 10 m buffer to the woodland (dripline plus 10 m is the minimum buffer requirement to a woodland feature in the urban area. As the adjacent lands are City owned, there may also be an opportunity to provide for a robust planting plan of the buffer area in this location.
4. A species at risk (SAR) screening will be required for all new development on site, particularly as it relates to the woodland on the south border – there may be appropriate bat roosting trees in this location. Please note that SAR screening is a requirement through MECP.
5. The proposal is that the facility will operate 6 days a week and only during the 12 hour day period. The report doesn't discuss lighting and and/or anticipated light pollution. Will the facility be lit 24 hours? There's plenty of discussion on odor in the report but no details on light.



## *Central Lake Ontario Conservation*

### *Natural Heritage – Aquatic Ecology*

6. Drawing no. C-02 shows that a rip-rap apron will connect the concrete headwall (stormwater management pond outlet) to Goodman Creek. The apron is shown to extend to the creek centerline. Rip-rap is not a fish friendly material given its sharp edges and over time will end up within the watercourse as erosion occurs and the creek changes location. The proposal should be revised to consider an option that allows a more natural transition such as a pocket wetland. This would also allow further water quality treatment.
7. The report and details associated with the drawings should be revised to note that the in-water construction timing window for Goodman's Creek is warmwater (July 1<sup>st</sup> to August 31<sup>st</sup>).
8. The proponent will also need to submit the project proposal to the Department of Fisheries and Oceans Canada for review under the Fisheries Act. It is the responsibility of the proponent to ensure that the project meets DFO requirements under the self-assessment process. With regard to the Fisheries Act requirements and the self-assessment process you can find more information on the DFO website <https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html> or email [fisheriesprotection@dfo-mpo.gc.ca](mailto:fisheriesprotection@dfo-mpo.gc.ca). The website has all the information proponents need to self-assess their project and if required, submit an application to DFO.
9. On August 28th, 2019 provisions of the new *Fisheries Act* came into force including new protections for fish and fish habitat in the form of standards, codes of practice, and guidelines for projects near water. Find out what it means for you through the following link: <https://www.dfo-mpo.gc.ca/campaign-campagne/fisheries-act-loi-sur-les-peches/introduction-eng.html>

### *Stormwater Management*

10. The subject site is within the City of Oshawa Northwood Business Park Master Storm Water Management Plan (MSMP) area. Reference the MSMP and update the SWM report accordingly.
11. The proposed SWM pond retrofit shows grading beyond the property line. Re-visit the proposed pond grading/layout. Ensure the proposed grading does not encroach any closer to the top of valley slope than the existing pond.
12. Provide a supporting geotechnical slope stability assessment and recommendations to for the proposed stormwater management pond, berm and grading, outfall and headwall located on the valley slope. This study must demonstrate that the proposed SWM pond berm/grading is stable and will resist failure. It must demonstrate how the proposed pond will be constructed to prevent surficial erosion and the headwall will be constructed at a depth to ensure it will remain stable for the long. This report must be prepared by a professional and licensed geotechnical engineer.
13. The proposed site grading and site servicing plans must show the maintenance access for the proposed SMW pond retrofit.
14. Provide separate comprehensive maintenance manual for proposed LID, OGS and SWM facility. Include delegation of responsibility for frequent inspection and maintenance. Recognizing that the proposed outfall is on lands owned by the City of Oshawa, we recommend further consultation with municipal staff take place.

**Central Lake Ontario Conservation***Hydrological Features*

15. CLOCA mapping shows that the project property is outside Significant Groundwater Recharge Areas (SGRA) but within Highly Vulnerable Aquifer (HVA) and Intake Protection Zone (IPZ) 3 SWP policy boundaries. If not done yet, the proponent or designated representative should contact Durham Region Planning Department to undergo pre-consultation which may require completion of Vulnerable Area Screening Application form.
16. The project property is within the delineated Ecologically Significant Groundwater Recharge Areas (ESGRA). This will require preparation of hydrogeological study following the Hydrogeological Assessment Submissions – Conservation Authority Guidelines to Support Development Applications (June 2013). The report should include detailed water balance analyses and demonstrate mitigating measures to maintain pre-development water balance, as well as baseflow and ecological health of the receiving water features.

**CLOCA's Planning Review Fee**

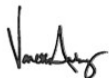
Effective January 1, 2020, CLOCA's approved *Fee Schedule for Planning Services* will apply to the review of planning applications where natural features or natural hazards are present. This application will be subject to an initial fee of \$1,940. This fee should be provided as a cheque with the resubmission of plans and technical studies to CLOCA.

**Conclusion**

There remain several issues to be addressed before CLOCA is prepared to recommend approval. We would be pleased to meet with the proponent and staff from commenting agencies, Region of Durham and City of Oshawa to discuss our comments in further detail. As part of any future submission, for this application or a municipal planning application associated with the proposed works, we request the applicant provide a detailed cover letter outlining how these comments have been addressed and include, at minimum, the following for CLOCA's review:

1. Detailed Site Grading, Site Servicing and Erosion Sediment Control Plans
2. Environmental Impact Study
3. Hydrological Evaluation
4. Geotechnical Slope Stability Assessment
5. Revised Stormwater Management Plan
6. CLOCA Planning Review Fee - \$1,940

If you have any questions related to these comments, please don't hesitate to contact the undersigned.



Vanessa Aubrey, Development Planner  
Central Lake Ontario Conservation Authority  
[vaubrey@cloca.com](mailto:vaubrey@cloca.com)

- cc. Victoria White, City of Oshawa ([vwhite@oshawa.ca](mailto:vwhite@oshawa.ca))  
Heather Finlay, Region of Durham ([Heather.Finlay@durham.ca](mailto:Heather.Finlay@durham.ca))  
Pete Castellan, Region of Durham ([Pete.Castellan@durham.ca](mailto:Pete.Castellan@durham.ca))  
Gioseph Anello, Region of Durham ([Gioseph.Anello@durham.ca](mailto:Gioseph.Anello@durham.ca))  
Chris Jones, CLOCA ([cjones@cloca.com](mailto:cjones@cloca.com))  
Nick Zambito, MECP ([Nick.Zambito@ontario.ca](mailto:Nick.Zambito@ontario.ca))

October 26, 2020.

Regional Municipality of Durham  
605 Rossland Road East, Whitby

Attention: Works Committee

**Re: Correspondence for Works Committee Meeting November 4, 2020 re Durham Waste Management Annual Reports & EA Condition 10 and recent Third-Party Audit**

Good morning:

Further to my question at Friday's EFW AC meeting regarding Durham's Diversion Reports aka Waste Management Annual Reports, to point out that these reports no longer include a table that broke out waste numbers by municipality and housing type. I also wondered if the recent Third-Party Auditors noticed this when doing their latest audit, because they actually reference the relevant EA condition requiring this.

BTW, the October 223rd EFW AC meeting was held fifteen months after the last such meeting though there are TWO council resolutions directing staff to hold four meetings a year.

See Incinerator EA approval 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_Assessment_Notice_of_Approval.pdf)

EA Condition 10 speaking to Waste Diversion itself attached.

What prompted my most recent question was having reviewed the 2019 Annual Waste Management report and recently reading the 3rd party audit report, dated Sept. 25th 2020.

Council used to be provided with correspondence when various Incinerator EA/ECA conditions reports were released. I don't know if they still get this information.

[https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/ThirdPartyAudits/Third%20Party%20Audit%202020/20201002\\_RPT\\_2019\\_Third\\_Party\\_Operations\\_Phase\\_Audit\\_ACC.pdf](https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/ThirdPartyAudits/Third%20Party%20Audit%202020/20201002_RPT_2019_Third_Party_Operations_Phase_Audit_ACC.pdf)

See Item 46 of Blue Metrics latest 3rd party audit report, on page 5 of 13 of Appendix D2. Item 47 says they accessed the 2018 Annual Report (which does not contain table I reference).

See their Limitations and Conditions page statement - Appendix A. While they don't review every document, your staff should ensure they meet ALL EA and ECA conditions.

46	<p><b>EA 10(3)</b> The Waste Diversion Program Monitoring Plan shall provide a description of monitoring and reporting which shall at minimum include:</p> <p>a) Results of a source diversion programs and policies to determine the waste diversion rates and practices at both the regional and lower tier municipal level within the Regional Municipalities of Durham and York.</p> <p>b) Progress in the diversion programs, policies, practices and targets described in the environmental assessment at both the regional and lower tier municipal level within the Regional Municipalities of Durham and York.</p> <p>c) Monitoring results for any additional diversion programs, policies, practices and targets carried out within the Regional Municipalities of Durham and York, which are not described in the environmental assessment.</p>	Completed in 2011.
47	<p><b>EA 10(4)</b> The proponent shall prepare and submit to the Director and Regional Director, commencing one year after the approval of the undertaking, annual reports detailing the results of the Waste Diversion Program Monitoring Plan. <b>10(5)</b> The proponent shall post the Waste Diversion Program Monitoring Plan and the annual reports required on the proponent's web site for the undertaking.</p>	<p>10(4) Waste Management Annual Report 2018, Region of Durham, submitted to the MECP on October 31, 2019.</p> <p>2018 Annual Solid Waste Diversion Report, York Region, submitted to the MECP on October 15, 2019.</p> <p>10(5) Reports accessed on website on September 1, 2020.</p>

The last year that included the Durham's lower tier muni metrics table that I referenced at the meeting Friday (table itself dated April 10,2018) was in the 2017 Waste Mgmt Annual Report last page, pdf pg 32. I attach this page only so you can recall the type of data that used to be reported.

[https://www.durhamyorkwaste.ca/en/education-and-resources/resources/Documents/20181102\\_RPT\\_DYEC\\_Durham\\_Region\\_Waste\\_Diversion\\_Report\\_2017.pdf](https://www.durhamyorkwaste.ca/en/education-and-resources/resources/Documents/20181102_RPT_DYEC_Durham_Region_Waste_Diversion_Report_2017.pdf)

About a year or so ago I recall asking Mr. Anello if such a table breaking out lower tier metrics would be included in future Annual Reports, as had been in the past, he said no.

Indeed, such a table does not appear in the 2018 and 2019 Annual Waste Management reports.

2018 Waste Mgmt Annual Report: [https://www.durhamyorkwaste.ca/en/education-and-resources/resources/Documents/20191031\\_RPT\\_DYEC\\_Durham\\_Region\\_2018\\_Annual\\_Waste\\_Diversion\\_Report\\_RFS.pdf](https://www.durhamyorkwaste.ca/en/education-and-resources/resources/Documents/20191031_RPT_DYEC_Durham_Region_2018_Annual_Waste_Diversion_Report_RFS.pdf)

2019 - not posted to the DYEC site but on the Long-Term Waste Management review web pages: <https://www.durham.ca/en/living-here/resources/Documents/GarbageandRecycling/Annual-Reports/2019-Waste-Management-Annual-Report.pdf>

I have brought to Council's attention multiple times that Durham's annual reports contain less data than in the past and are released later than they were in the past -which used to be in spring.

I direct my questions to Works Committee.

Why do Durham's Waste Management Annual Reports no longer contain a table, similar to what described in EA Condition 10? BTW EA Condition 10 asks that additional diversion data be reported on as well - you should review that and request it. Anyone with basic math skills would

have a hard time reconciling some of the Diversion claims staff include, but without detailed explanatory notes that would clearly show that how calculated.

This should be verified but it is my understanding from MECP staff that EA Conditions cannot be amended other than by the Minister.

IF EA condition 10 WAS amended, when and by whom and request that relevant documentation be provided?

If EA Condition 10 was NOT amended by the Minister, or by someone MECP, WHO at Durham made the decision to no longer include the table in question after the 2017 report and why? (ditto other details set out in EA Condition 10)

This is not a minor matter because Durham staff have proposed and Council has approved very costly projects of questionable merit with promises that these would improve Durham's diversion performance. There are numerous questions about Durham's diversion metrics because the limited information makes it impossible to reconcile and understand Durham's numbers.

I've wondered whether or not MECP/Durham staff actually review the audit reports/findings and/or respond to issues raised and whether anyone at all follows up with appropriate action. I wonder if these EA Conditions and related plans are more than window dressing. Especially because some items can drag on for years.

I also ask that Works Committee direct staff to update the Waste Management Annual Reports for 2018 and 2019 to include at least that table as had been included up to 2017 , as a start. Durham staff have that information readily available.

Works Committee should be completely familiar with Durham's waste data and performance, as should council. The public paying the freight at the Region has a right to review the Region's performance data and programs including costs, more so where it is required as an EA condition, as this is.

Thank you for your attention.

Linda Gasser

Whitby

Attachments: EA Condition 10 and 2017 Waste Management Annual Report Table pdf page 32

**10. Waste Diversion**

- 10.1 The proponent shall make a reasonable effort to work cooperatively with all lower tier municipalities to ensure that waste diversion programs, policies and targets set by the Regional Municipalities are being met.
- 10.2 The proponent shall prepare and implement a Waste Diversion Program Monitoring Plan.
- 10.3 The Waste Diversion Program Monitoring Plan shall provide a description of monitoring and reporting which shall at minimum include:
  - a) Results of at source diversion programs and policies to determine the waste diversion rates and practices at both the regional and lower tier municipal level within the Regional Municipalities of Durham and York.
  - b) Progress in the diversion programs, policies, practices and targets described in the environmental assessment, at both the regional and lower tier municipal level within the Regional Municipalities of Durham and York.
  - c) Monitoring results for any additional diversion programs, policies, practices and targets carried out within the Regional Municipalities of Durham and York, which are not described in the environmental assessment.
- 10.4 The proponent shall prepare and submit to the Director and Regional Director, commencing one year after the approval of the undertaking, annual reports detailing the results of the Waste Diversion Program Monitoring Plan.
- 10.5 The proponent shall post the Waste Diversion Program Monitoring Plan and the annual reports required on the proponent's web site for the undertaking.

REGION OF DURHAM TONNES OF RESIDENTIAL WASTE MANAGED (2017)												
Descriptions	Curbside Garbage	Apartment Garbage	Bulky/Other Goods	Curbside Recycling	Apartment Recycling	Food Composting	Leaf & Yard Composting	Composter Credits	Grasscycling Credits	Other Diversion Programs	Total Waste	Waste Diversion
<b>1 Curbside &amp; multi-residential wastes</b>												
Pickering	11,029	892	263	6,273	273	4,460	3,328	835	499	99	27,949	56%
Ajax	13,696	1,391	204	7,613	278	6,173	3,431	714	515	107	34,122	55%
Whitby	13,399	2,565	521	9,131	508	6,442	4,480	1,204	672	58	38,979	58%
Oshawa	19,642	8,168	279	10,637	1,008	5,890	5,885	1,713	883	20	54,124	48%
Clarington	13,101	131	418	7,203	56	3,375	3,482	650	522	61	28,988	53%
Scugog	2,936	184	57	1,580	0	810	1,040	331	196	20	7,115	55%
Uxbridge	2,902	187	73	1,590	0	795	968	271	145	24	6,915	54%
Brock	1,978	0	80	1,116	0	374	341	151	51	14	4,107	50%
sub-totals	78,683	13,518	1,895	45,103	2,123	28,318	22,955	5,869	3,443	402	202,308	53%
		94,096		47,226		51,273		9,312				
<b>2 Regional waste disposal sites</b>												
Oshawa	0	0	15,215	377	0	0	1,456	0	218	4,248	21,514	29%
Scugog	0	0	4,520	189	0	0	494	0	74	1,363	6,640	32%
Pickering	0	0	0	0	0	0	0	0	0	258	258	100%
Brock	0	0	1,440	48	0	0	177	0	27	523	2,213	35%
MRF (1)	0	0	0	0	0	0	0	0	0	23	23	100%
sub-total	0	0	21,175	614	0	0	2,127	0	319	6,414	30,648	31%
<b>3 Special Events</b>												
HHW	0	0	0	0	0	0	0	0	0	24	24	100%
E-Waste	0	0	0	0	0	0	0	0	0	31	31	100%
Re-use	0	0	0	0	0	0	0	0	0	17	17	100%
sub-total	0	0	0	0	0	0	0	0	0	72	72	100%
<b>4 Summary</b>												
municipal residents	78,683	13,518	1,895	45,103	2,123	28,318	22,955	5,869	3,443	402	202,308	53%
Regional waste sites	0	0	21,175	614	0	0	2,127	0	319	6,414	30,328	31%
Special Events	0	0	0	0	0	0	0	0	0	72	72	100%
sub-total	78,683	13,518	23,070	45,716	2,123	28,318	25,082	5,869	3,762	6,887	232,709	
Total Tonnes, with credits		115,271		47,839		53,400		9,631		6,887	233,028	
Total Tonnes, managed		115,271		47,839		53,400		6,887		6,887	223,397	
Percentages of Total	34%	6%	10%	20%	1%	12%	11%	3%	2%	3%	100%	
Waste diversion rate	51%											
	April 10, 2018											

\*It must be noted that, while the waste reported in this Table derives a 51 percent diversion rate, the Resource Productivity and Recovery Authority, the agency which officially tracks and reports on municipal waste diversion rates in Ontario, adjusts municipal reported waste tonnages to account for deposit return, home composting, grass cycling and other re-use activities across Ontario 2017, these adjustments increased Durham's overall waste diversion rate to 55 percent.



**From:** [Clerks](#)  
**To:** [Sarah Glover](#)  
**Cc:** [Cheryl Bandel](#)  
**Subject:** FW: Wells on Hancock Rd., Courtice and Extension of Water Pipes  
**Date:** October 13, 2020 8:05:38 AM  
**Importance:** High

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Good Morning Sarah,

Forwarding from the Clerks email.

Thanks,

Afreen

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**From:** I <libbyrac@gmail.com>  
**Sent:** October 12, 2020 7:35 PM  
**To:** Clerks <Clerks@durham.ca>; Susan Siopis <Susan.Siopis@Durham.ca>  
**Subject:** Wells on Hancock Rd., Courtice and Extension of Water Pipes  
**Importance:** High

To Clerks for distribution to Works Committee, Works Department and Council:

This is now the third time that our wells have dried up completely, in spite of regular precipitation. My six rain barrels have overflowed with water, but the groundwater flow that used to supply well water for Hancock residents was redirected by the Hwy 418 deep cuts and drainage and by upgradient residential development.

The Subcatchment along George Reynold's Drive (north of our wells) draws not only the groundwater but also surface water runoff away from our wells. How anyone can not realize this simply by viewing how it is built, is incredible! In a high water table, how can you place drainage to draw both surface and ground water (since these underground pipes have been placed deeper than the road level) into our Park that contains 9 manholes and then to a retention pond by redirecting flow from where it is meant to go to maintain the functioning of that recharge area? Our west side ditch along Hancock Rd. doesn't even contain the runoff, as it used to since the construction of this subcatchment.

Ever since the clearing of wetlands surrounding our properties, the high water table has diminished, seepages were affected by underground services, just as Gibson's study had predicted – the long-term impact. Ms. Beata Golas, who used to work for Gibson should know that from Gibson's studies on Courtice wells and the impact of development in the long-term.

The OMB decision doesn't contain regional well interference policy. It clearly states in Conditions of approval of subdivision that are part of the decision that if residential wells will be impacted by development, the developer will rehabilitate our wells or connect us to municipal water supply at his



own expense. Also, the work on our properties will be included. The developer, Manson claims that he is not charitable organization, and that his development did not cause the drying up of our wells. Did he read the OMB decision? He was NOT even present at the hearings.

Where is that high water table then? How come that my fruit/nuts trees continue to die, evergreen's foliage is  $\frac{3}{4}$  brown, and they have leggy branches.

Your OP claims that the PSW will be protected. How come then that the trees of our forested swamp are falling due to lack of sufficient water supply?

Our area trees have shallow roots because the water table used to be high. With drainage, it is logical that these trees, along with our shallow wells are dry now. Happy Thanksgiving to you who can bath, wash your dishes, use the washroom, etc. Yesterday and today I have absolutely NO water whatsoever and have had to turn off my pump since the motor would have burned out, as it continued to try to bring in water which did not exist.

We the residents of Hancock, did not cause our water table to decline. Especially now, with Covid-19, we are supposed to wash our hands, and keep surfaces clean... can you explain to us how we can do that without having water? You are exposing us to this virus,. On top of that, the eastern ditch on Hancock Rd. Is causing flooding and destruction of Hancock Rd.

With precipitation, we are experiencing runoff instead of the needed recharge at this significant groundwater recharge area of Harmony/Farewell and Black Creeks watershed. We have abundant mosquitoes and ticks all over this watershed. Many of us are already impacted by diseases which these pests are causing.

**We are requesting you to contact the developer and Blackbird (company building Hwy 418) to pay for this extension of the water pipes to our homes, as we deserve via trenchless technology. Our PSW has already experienced more than enough of the negative impacts of all that has occurred around us.**

Water table level monitoring in our wells by the Region (requirement of the OMB) is not measuring natural water level, but man induce filling our wells by Maple Leaf water supply company for months now.

Ever since the first development occurred here, we are forced to collect our drinking water from Lakeridge springs in Pickering. My husband used to carry these heavy bottles until his operation. He was unable to lift anything heavy since. He was practically begging for this deserved help. Well, he is dead now and you are letting an elderly, retired, post Lyme disease ridden person, myself, to continue do that. My neighbours and my daughter are helping as much as they can but you can't create running water.

In desperation I have referred our case to the Ombudsman not realizing at first that he (she) cannot alter the OMB decision. The loss of well water should never happen, according to Golder's EIS and the OMB decision. Developer(s) should be responsible for reinstatement.

Courtice North hydrogeology and hydrology is so complex and any impact on the water table level and flow is impacting our wells, our PSW, our remaining woodlands, and in general, our lives.

Libby Racansky

[REDACTED]

[REDACTED]

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



# The Regional Municipality of Durham Report

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To: Works Committee  
From: Commissioner of Works  
Report: #2020-W-49  
Date: November 4, 2020

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**Subject:**

Amendment and Renewal of Lease for Premises with First Capital Holdings (Ontario) Corporation and 1615 Dundas St. E. Commercial Centre Inc. at 1615 Dundas Street East in the Town of Whitby for the Regional Municipality of Durham Health Department, Dental Clinic and Breast-Feeding Clinic

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**Recommendations:**

That the Works Committee recommends to Regional Council:

- A) That an Amendment and Renewal of Lease for 437.84 square metres (4,713 square feet) of office space for the Dental Clinic located at 1615 Dundas Street East, in the Town of Whitby be approved with the following terms and conditions:
  - i) The term is for a period of one year commencing September 1, 2020, ending August 31, 2021;
  - ii) The annual rental rate for the term of the lease is \$65,982\* based on a rate of \$150.69\* per square metre (\$14.00 per square foot);
  
- B) That an Amendment and Renewal of Lease for 128.59 square metres (1,384.2 square feet) of office space for the Breast-Feeding Clinic located at 1615 Dundas Street East, in the Town of Whitby be approved with the following terms and conditions:
  - i) The term is for a period of three years commencing September 1, 2020, ending August 31, 2023;

- ii) The annual rental rate for the three-year term of the lease is \$17,300\* based on a rate of \$134.53\* per square metre (\$12.50 per square foot);
- C) In addition to the terms noted in Recommendations A and B, the following terms apply to the lease renewals:
- i) The Regional Municipality of Durham is responsible for all operating costs for the leased premises, including janitorial services, repairs and maintenance for the premises at approximately \$6.59\* per square foot and a proportionate share of property taxes;
  - ii) The Landlord is responsible for repairs and maintenance for the structure of the building, the premises and for the parking lot; and
- D) That the Regional Chair and Clerk be authorized to execute all documents associated with the Amendment and Renewal of Lease agreement.
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## Report:

### 1. Purpose

- 1.1 This report seeks authorization for the Regional Municipality of Durham (Region) to Amend and Renew a Lease with First Capital Holdings (Ontario) Corporation and 1615 Dundas St. E. Commercial Centre Inc. at 1615 Dundas Street East, in the Town of Whitby (Whitby) for the Regional Municipality of Durham (Region) Health Department. Dollar amounts followed by an asterisk (\*) are before applicable taxes in all instances.

### 2. Background

- 2.1 This lease includes two Health Department offices currently located at 1615 Dundas Street East, known as the Whitby Mall, in Whitby. The Region entered into negotiations with the landlord to amend and renew the lease for the Dental Clinic at this location to meet interim needs while construction is being completed at their new location at 200 John Street in the City of Oshawa (Oshawa). The available space for this clinic is comprised of 437.84 square metres (4,713 square feet) of space.
- 2.2 The Region has also entered into negotiations with the landlord to amend and renew the lease for the Breast-Feeding Clinic at the Whitby Mall for an additional three-year term. The clinic is content with this space as it meets the needs of their clients.

The available space is 128.59 square metres (1,384.2 square feet) in area.

### **3. Previous Reports and Decisions**

- 3.1 Works Committee Report #2010-W-81, considered by Regional Council on June 23, 2010, approved the extension of the existing lease at this location for a period of five years commencing September 1, 2010, and ending August 31, 2015, with the option to extend the lease for a further five-year term, upon providing six months prior written notice to the Landlord.
- 3.2 Committee of the Whole Report #2020-COW-12 approved by Regional Council on April 29, 2020 authorized the Works Department to finalize a lease agreement with 2381502 Ontario Inc. operating as Midtown Centre for approximately 9,000 square feet of space at 200 John Street, in Oshawa to relocate the Oral Health Division including the Oral Health Clinic and staff office space to accommodate the Ontario Senior's Dental Care program, and to commence the capital work at that location.

### **4. Discussions**

- 4.1 The proposed Amendment and Renewal of Lease for the Dental Clinic space is recommended for a period of one year, commencing September 1, 2020 and ending on August 31, 2021. This will provide for continuity of service until the new space at 200 John Street is ready for occupancy. Design work for the space at 200 John Street is near completion. Construction is expected to commence in early January 2021.
- 4.2 The proposed Amendment and Renewal of Lease for the Breast-Feeding Clinic space is recommended for a period of three years. The term of three years commences September 1, 2020 and ends August 31, 2023.
- 4.3 The total annual rent for the Dental Clinic has been negotiated at \$65,982\* based on \$150.69\* per square metre. The annual rent for the previous term of the lease was \$54,200\* based on \$123.78\* per square metre.
- 4.4 The total annual rental rate for the Breast-Feeding Clinic is \$17,300\* based on a rate of \$134.53\* square metre for the three-year term of the lease. The annual rent for the previous term of the lease was \$15,918.30\* based on \$123.78\* per square metre.
- 4.5 The Region is responsible for all operating costs for the leased premises, including janitorial services, repairs and maintenance for the premises and property taxes.

Operating costs are estimated at \$70.93\* per square metre (\$6.59\* per square foot) for a total annual cost for the combined space of \$40,180\*. Upon relocation of the Dental Clinic, the total annual operating costs are estimated at \$9,122\* based on the decreased space.

- 4.6 The Landlord remains responsible for repairs and maintenance for the structure of the building, the premises and for the parking lot.

## **5. Financial Implications**

- 5.1 Financing for the Amendment and Renewal of Lease of \$65,982\* for the Dental Clinic and \$17,300\* for the Breast-Feeding Clinic and related costs will be provided within the Health Department's annual operating budget for this facility.

- 5.2 Since approval of this amendment and renewal of lease requires a long-term financial obligation, the Regional Treasurer has updated the Region's financial debt and obligation limit. In accordance with Section 4 of the Ontario Regulation 403/02, the Region's Treasurer has calculated an updated long-term debt-financial limit and has determined that the limit has not been exceeded. Therefore, this amendment and renewal of lease does not require the approval of the Local Planning Appeal Tribunal.

## **6. Relationship to Strategic Plan**

- 6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Community Vitality Goal #2.3: Influence the social determinants of health to improve outcomes for vulnerable populations.
  - b. Community Vitality Goal #2.4: Support a high quality of life for all through human services delivery.

## **7. Conclusion**

- 7.1 The Regional Municipality of Durham Health Department has advised that they wish to continue to occupy the leased space at 1615 Dundas Street East, in the Town of Whitby. It is recommended that the Regional Municipality of Durham enter into an Amendment and Renewal of Lease based on the above noted terms and conditions.

7.2 This report has been reviewed by the Finance Department.

7.3 For additional information, please contact Jenni Demanuele, Director, Business Services, at 905-668-7711, extension 3456.

Respectfully submitted,

**Original signed by:**

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Susan Siopis, P.Eng.  
Commissioner of Works

Recommended for Presentation to Committee

**Original signed by:**

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Elaine C. Baxter-Trahair  
Chief Administrative Officer