



# Council

## Post-Meeting Agenda

**Date:** April 12, 2021

**Time:** 7:00 p.m.

**Location:** Council Members (in Chambers or MS Teams) | Members of the Public (MS Teams)

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\*Late Item added or a change to an existing item after the Agenda was published.

1.	Call to Order	
2.	Moment of Reflection	
3.	Land Acknowledgement Statement	
4.	Declaration of Interest	
5.	Announcements	
6.	Adoption of Minutes of Previous Meeting(s)	
6.1.	Minutes of a regular meeting of Council dated March 22, 2021	5
7.	Presentations	
7.1.	MPP David Piccini - Update on the 2021 Provincial Budget	
8.	Delegations	
*8.1.	Linda Gasser regarding St. Marys Cement Alternative Low Carbon Fuels Approval (Unfinished Business Item 14.1)	16
*8.2.	Ruben Plaza, St. Marys Cement, regarding St. Marys Cement Alternative Low Carbon Fuels Approval (Unfinished Business Item 14.1)	30
*8.3.	Wendy Bracken regarding St. Marys Cement Alternative Low Carbon Fuels Approval (Unfinished Business Item 14.1)	37
*8.4.	Wendy Bracken regarding DYEC Operations Long-Term Sampling Systems Update (Unfinished Business Item 14.2)	
9.	Communications – Receive for Information	
10.	Communications – Direction	
11.	Committee Reports	
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11.1.1.	Minutes of the Clarington Heritage Committee dated March 16, 2021	52

11.1.2.	Minutes of the Samuel Wilmot Nature Area Management Advisory Committee dated March 9, 2021	57
*11.1.3.	Minutes of the Clarington Diversity Committee dated March 25, 2021	60
11.2.	General Government Committee Report of April 12, 2021	68
11.3.	Planning & Development Committee Report of April 6, 2021	75
<b>12.</b>	<b>Staff Reports</b>	
<b>13.</b>	<b>Business Arising from Procedural Notice of Motion</b>	
<b>14.</b>	<b>Unfinished Business</b>	
14.1.	Delegation of Wendy Bracken, Regarding St. Marys Cement Alternative Low Carbon Fuels Approval  (Referred from the April 6, 2021 Planning and Development Committee Meeting)  (Memo regarding St. Marys Cement – Bowmanville Site, Environmental Compliance Approval Amendment for the Expanded Use of Alternative Low Carbon Fuels Attached)	77
*14.2.	Delegations of Kerry Maydem, Linda Gasser & Wendy Bracken, & the presentation of Gioseph Anello, Director, Waste Management Services & Susan Siopis, Commissioner of Works, Region of Durham, regarding DYEC Operations Long-Term Sampling System Update  (Referred from the April 6, 2021 Planning and Development Committee Meeting)  (Memo from Ryan Windle, Director of Planning and Development Services regarding Report 2021-WR-5 DYEC Operations, Long-term Sampling System Update for Dioxins & Furans Attached)	117
<b>15.</b>	<b>By-laws</b>	
15.1.	2021-045 - Being a by-law to adopt the estimates of all sums required during the year, to strike rates and levy taxes for municipal purposes for the year 2021 and to provide for the collection thereof.  (Approved as per Resolution #C-066-21 at the February 11, 2021 Special Council Meeting)	123
<b>16.</b>	<b>Procedural Notices of Motion</b>	

**17. Other Business**

- 17.1. Motion Supporting Hair Service Establishments Remaining Open During COVID Shutdown 129

(Councillor Zwart intends to move motion to Suspend the Rules to introduce the attached motion)

**18. Confirming By-Law**

**19. Adjournment**

## Council Minutes

**Date:** March 22, 2021  
**Time:** 7:00 p.m.  
**Location:** Council Members (in Chambers or MS Teams) | Members of the Public (MS Teams)

**Members Present:** Mayor A. Foster, Councillor G. Anderson, Councillor R. Hooper, Councillor J. Jones, Councillor J. Neal, Councillor C. Traill, Councillor M. Zwart

**Staff Present:** A. Allison, S. Brake, F. Langmaid, R. Maciver, T. Pinn, R. Windle, J. Gallagher, M. Chambers

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### 1. Call to Order

Mayor Foster called the meeting to order at 7:00 p.m.

### 2. Moment of Reflection

Councillor Anderson led the meeting in a moment of reflection.

### 3. Land Acknowledgement Statement

Councillor Anderson recited the Land Acknowledgement Statement.

### 4. Declaration of Interest

Councillor Jones declared a direct interest in the Memo from Ryan Windle, Director of Planning and Development Services, Regarding an Update on Lakeridge Health Bowmanville Helipad. (Item 1a of the Planning and Development Committee Report)

Councillor Anderson declared an indirect interest in Agenda Item 9.1, ADR Chambers, Ombudsman Office - 2020 Annual Report.

### 5. Announcements

Members of Council announced upcoming community events and matters of community interest.

Resolution # C-098-21  
Moved by Councillor Neal  
Seconded by Councillor Jones

That Ian Soutter be permitted to speak as a delegation, despite having been a delegation at the General Government Committee meeting of March 8, 2021 in accordance with subsection 9.2.1 of the Procedural By-law.

**Carried**

**6. Adoption of Minutes of Previous Meeting(s)**

**6.1 Minutes of a regular meeting of Council dated March 1, 2021**

Resolution # C-099-21

Moved by Councillor Anderson

Seconded by Councillor Traill

That the minutes of the regular meeting of the Council held on March 1, 2021 be approved.

**Carried**

**7. Presentations**

**8. Delegations**

**8.1 Chris and Melanie Barry regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1)**

Chris and Melanie Barry advised that they would not be going forward with their delegation as Ian Soutter would be speaking on their behalf.

**8.2 Mary Ann Muizelaar regarding Report LGS-012-21, Regulation of On-farm Special Events (Item 2 of the General Government Committee Report)**

Mary Ann Muizelaar was present by electronic means regarding Report LGS-012-21, regulation of On-farm Special Events (Item 2 of the General Government Committee Report). She explained that she was going to address on-farm uses and, more specifically, wedding events. Ms. Muizelaar noted she will be referring to a Local Planning Appeal Tribunal (LPAT) Report dated July 25, 2018 and Staff Report LGS-012-21. She stated that it is the responsibility of the Municipality of Clarington to ensure that a Staff Recommended Zoning By-law (SRZBL) is implemented and enforceable. Ms. Muizelaar added that the SRZBL should have clear language and scope with respect to on-farm special events which protect the interests of the farmers and the local residents. She expressed her concern that the recommendation for a draft zoning by-law to regulate on-farm special events was not approved and believes there needs to be enforceable regulations in place to ensure compliance and that the rural residents do not become responsible to regulate these events by way of a by-law complaint. Ms. Muizelaar feels that the staff report requires more clarification as it identifies two interests including the property owners wanting diversified uses and the residents who oppose these uses. She explained that the LPAT Report stated there was a concern with the regulation of these event and at no time did any of the participant object to occasional events on site or the proposed meat processing use. Ms. Muizelaar explained that the Morgan's Road application, which was

recommended by Staff to be approved, did not consider the concerns of the rural residents or align with Provincial Policy. She thanked the Members of Council for denying this application as it allowed for a more thorough evaluation and an opportunity to learn. Ms. Muizelaar highlighted sections of the LPAT Report findings which resulted in LPAT not supporting the SRZBL. She expressed her concern that the applicant, as noted in the LPAT Report was given considerable leniency throughout the process which has many inconsistencies as noted in the report. Ms. Muizelaar added that this application did not comply with the regulatory framework or guidelines from other governing bodies.

Resolution # C-100-21

Moved by Councillor Anderson

Seconded by Councillor Hooper

That the delegation of Mary Ann Muizelaar be extended for an additional two minutes.

### **Carried**

She stated that the draft on-farm special events by-law was moving towards an inclusive effective, regulatory framework which would protect both the farmers and residents. Ms. Muizelaar asked why the process is being stopped, and no changes are being proposed to the current site specific zoning by-law amendment and site plan approval process. She stated the views of the residents have been compiled within the draft by-law and in the LPAT Report. Ms. Muizelaar concluded by asking the Members of Council to allow the process to continue as recommended by LPAT and that new regulations be put in place for on-farm special events. Ms. Muizelaar answered questions from the Members of Council.

### **8.3 Robert Clark, Clark Consulting, regarding Report LGS-012-21, Regulation of On-farm Special Events (Item 2 of the General Government Committee Report)**

After registration it was determined that Mr. Clark previously spoke at the March 8, 2021 General Government Committee meeting on the same matter and he withdrew his delegation.

### **8.4 Ian Soutter regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1)**

Ian Soutter was present by electronic means regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1). He made a verbal and an electronic presentation. Mr. Soutter noted that he was speaking on behalf of the six families on Pinedale Crescent and that they are united on one recommendation. He noted they do not believe Phase 2B, as outlined in the Staff Report, should be approved and they support 2B-3 as noted in his PowerPoint as it meets the prime objectives of the trail which includes being a nature path, less ecological damage, and the best for the residents. Mr. Soutter highlighted the options for the trail in the Staff Report. He also suggested another option which he identified as 2B-4 in his presentation which would be an alternate

route to the staff report option. Mr. Soutter explained that Option 2B-3 follows a level grade along the creek, is the least complicated, least expensive, most accessible, does not go directly behind the properties and it addresses CLOCA's concerns. He referred to photos from Grandview Street to the Phase 2A terminus to illustrate where the proposed trail would be. Mr. Soutter also provided photos of the Valley's 2000 trail to show the potential for access points that could be added at a future date.

Resolution # C-101-21

Moved by Councillor Jones

Seconded by Councillor Neal

That the delegation of Ian Soutter be extended for an additional two minutes.

## **Carried**

Mr. Soutter continued by raising the concern of security which he feels will be increased by having a paved trail directly behind the properties on Pinedale Crescent. He concluded by requesting that the option 2B-3 be pursued as it is the safest and effective option. Mr. Soutter answered questions from the Members of Council.

## **Alter the Agenda**

Resolution # C-102-21

Moved by Councillor Neal

Seconded by Councillor Jones

That the Agenda be altered to consider Correspondence Items 10.2, 10.3, 10.5 and 10.6 at this time; and

That they be approved on consent as follows:

### **10.2 Ronald Marshall regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1)**

Resolution # C-103-21

That Correspondence Item 10.2 from Ronald Marshall regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update, be referred to the consideration of Unfinished Business Item 14.1.

### **10.3 Glen Pleasance regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1)**

Resolution # C-104-21

That Correspondence Item 10.3 from Glen Pleasance regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update, be referred to the consideration of Unfinished Business Item 14.1.

### **10.5 Memo from Stephen Brake, Director of Public Works, regarding Farewell Creek Trail Phase 2 – Ontario Municipal Commuter Cycling Funding Status**



Resolution # C-105-21

That Correspondence Item 10.5, Memo from Stephen Brake, Director of Public Works, regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update, be referred to the consideration of Unfinished Business Item 14.1.

**10.6 Ian Soutter regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1)**

Resolution # C-106-21

That Correspondence Item 10.6, Ian Soutter regarding Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update, be referred to the consideration of Unfinished Business Item 14.1.

**Carried**

**Alter the Agenda**

Resolution # C-107-21

Moved by Councillor Neal

Seconded by Councillor Jones

That the Agenda be altered to consider Report PWD-017-21, Farewell Creek Trail Phase 2B Status Update (Unfinished Business Item 14.1), at this time.

**Carried**

**14.1 PWD-017-21 Farewell Creek Trail Phase 2B Status Update (Referred from the March 8, 2021 General Government Committee Meeting)**

Resolution # C-108-21

Moved by Councillor Neal

Seconded by Councillor Jones

That Report PWD-017-21 be received;

That staff be directed to complete the path as per the proposed Farewell Creek Phase 2B-3 as included in the Staff Report; and

That all interested parties listed in Report PWD-017-21 and any delegations be advised of Council's decision.

**Carried as Amended, See following Motions**

**Amendment:**

Resolution # C-109-21

Moved by Councillor Neal

Seconded by Councillor Jones

That Staff be directed to make minor improvements to the existing trail as needed.

**Carried**

## **Alter the Agenda**

Resolution # C-110-21

Moved by Councillor Zwart

Seconded by Councillor Anderson

That the Agenda be altered to consider Item 2 of the General Government Committee Report, at this time.

## **Item 2 - Regulation of On-farm Special Events**

Resolution # C-111-21

Moved by Councillor Traill

Seconded by Councillor Anderson

That Report LGS-012-21 be received;

That Attachment 2 to Report LGS-012-21, to proceed with a licensing regime for on-farm special events, be endorsed.

That all interested parties listed in Report LGS-012-21 and any delegations be advised of Council's decision.

Yes (5): Mayor Foster, Councillor Anderson, Councillor Jones, Councillor Neal, and Councillor Traill

No (2): Councillor Hooper, and Councillor Zwart

**Carried on a Recorded Vote Later in the Meeting, See following Motions (5 to 2)**

Resolution # C-112-21

Moved by Councillor Neal

Seconded by Councillor Traill

That Report LGS-012-21 be referred to the March 29, 2021 General Government Committee meeting.

## **Motion Lost**

The foregoing Resolution #C-111-21 was then carried on a recorded vote.

## **9. Communications – Receive for Information**

### **9.1 ADR Chambers, Ombudsman Office - 2020 Annual Report**

Councillor Anderson declared an indirect interest in Agenda Item 9.1, ADR Chambers, Ombudsman Office - 2020 Annual Report as he is a form employee of ADR Chambers. Councillor Anderson muted his audio and video and refrained from discussion and voting on this matter.

Resolution # C-113-21

Moved by Councillor Neal

Seconded by Councillor Hooper

That Communication Item 9.1 be received for information.

**Carried**

Councillor Anderson returned to the meeting.

## **10. Communications – Direction**

Resolution # C-114-21

Moved by Councillor Neal

Seconded by Councillor Jones

That Communications Items 10.1 to 10.7, be approved on consent as follows, with the exception of Items 10.2, 10.3, 10.5, and 10.6 as they were considered earlier in the meeting and Item 10.4.

### **10.1 Memo from Trevor Pinn, Director of Financial Services / Treasurer regarding 2020 Region of Durham Council Remuneration Report**

Resolution # C-115-21

That Correspondence Item 10.1, Memo from Trevor Pinn, Director of Financial Services / Treasurer regarding 2020 Region of Durham Council Remuneration Report be referred to the consideration of Item 1f of the General Government Committee Report.

### **10.7 Memo from Trevor Pinn, Director of Financial Services / Treasurer regarding West Beach Cottages Taxes**

Resolution # C-116-21

That Correspondence Item 10.7, Memo from Trevor Pinn, Director of Financial Services / Treasurer regarding West Beach Cottages Taxes, be referred to the consideration of Item 1c of the Planning and Development Committee Report.

**Carried**

**10.4 Dave Bouma, Chair, Newcastle Memorial Arena Board, regarding 2020 Budget Shortfall Request**

Resolution # C-116B-21

Moved by Councillor Zwart

Seconded by Councillor Anderson

That the Newcastle Memorial Arena 2020 budget shortfall of \$41,000, be covered by the municipality with funds to be taken from the Rate Stabilization Reserve fund.

**Carried**

**11. Committee Reports**

**11.1 Advisory Committee Reports**

**11.1.2 Minutes of the Samuel Wilmot Nature Area Management Advisory Committee dated February 9, 2021**

**11.1.3 Minutes of the Clarington Heritage Committee dated February 16, 2021**

**11.1.4 Minutes of the Clarington Tourism Advisory Committee dated February 12, 2021**

**11.1.5 Minutes of the Clarington Diversity Advisory Committee dated February 25, 2021**

**11.1.6 Minutes of the Bowmanville Santa Claus Parade Committee dated March 9, 2021**

**11.1.7 Minutes of the Newcastle Arena Board dated March 9, 2021**

**11.1.8 Minutes of the Accessibility Advisory Committee dated March 3, 2021**

Resolution # C-117-21

Moved by Councillor Jones

Seconded by Councillor Neal

That Advisory Committee Reports Items 11.1.1 to 11.1.8, be approved with exception of Item 11.1.1.

**Carried**

**11.1.1 Minutes of the Agricultural Advisory Committee dated February 11 and March 11, 2021**

Resolution # C-118-21

Moved by Councillor Neal

Seconded by Councillor Anderson

That the minutes of the Agricultural Advisory Committee dated February 11 and March 11, 2021, be approved.

**Carried**

## **11.2 General Government Committee Report dated March 8, 2021**

Resolution # C-119-21

Moved by Councillor Zwart

Seconded by Councillor Hooper

That the recommendations contained in the General Government Committee Report of March 8, 2021 be approved on consent, with the exception of Item 2 which was considered earlier in the meeting.

**Carried**

## **11.3 Planning & Development Committee Report of March 15, 2021**

Resolution # C-120-21

Moved by Councillor Anderson

Seconded by Councillor Hooper

That the recommendations contained in the Planning and Development Committee Report of March 15, 2021 be approved on consent, with the exception of Items 1a and 1c.

**Carried**

### **Item 1a - Memo from Ryan Windle, Director of Planning and Development Services, Regarding an Update on Lakeridge Health Bowmanville Helipad**

Councillor Jones declared a direct interest in Item 1a, as she is an employee of Lakeridge Health. Councillor Jones muted her audio and video and refrained from discussion and voting on this matter.

Resolution # C-121-21

Moved by Councillor Anderson

Seconded by Councillor Hooper

That the Memo from Ryan Windle, Director of Planning and Development Services, Regarding an Update on Lakeridge Health Bowmanville Helipad, be received for information.

**Carried**

Councillor Jones returned to the meeting.

### **11.3.1 Item 1c - Confidential Verbal Update from Faye Langmaid, Manager of Special Projects, Regarding a Property Matter**

Resolution # C-122-21

Moved by Councillor Zwart

Seconded by Councillor Hooper

That the Municipality agrees to waive the termination related to the death of a tenant, of all current West Beach cottage leases, until December 31, 2023, to coincide with the natural expiry date of the leases.

Yes (4): Councillor Anderson, Councillor Hooper, Councillor Traill, and Councillor Zwart

No (3): Mayor Foster, Councillor Jones, and Councillor Neal

**Carried on a Recorded Vote Later in the Meeting, See following Motions (4 to 3)**

Resolution # C-123-21

Moved by Councillor Neal

Seconded by Councillor Jones

That the Rules of Procedure be suspended to allow Members of Committee to speak to the foregoing Resolution #C-122-21 for a second time.

**Carried**

The foregoing Resolution #C-122-21 was then carried on a recorded vote.

## **12. Staff Reports**

### **12.1 Confidential Report PDS-020-21 - Potential Acquisition, Future Works Yard**

**Closed Session**

Resolution # C-124-21

Moved by Councillor Neal

Seconded by Councillor Jones

That, in accordance with Section 239 (2) of the *Municipal Act, 2001*, as amended, the meeting be closed for the purpose of discussing a matter that deals with a proposed or pending acquisition or disposition of land by the municipality or local board.

**Carried**

**Rise and Report**

The meeting resumed in open session at 9:54 p.m.

Mayor Foster advised that one item was discussed in “closed” session in accordance with Section 239(2) of the *Municipal Act, 2001* and one resolution was passed to provide direction to staff.

## **13. Business Arising from Procedural Notice of Motion**

## **15. By-laws**

### **15.1 2021-041 - Being a By-law to exempt a certain portion of Registered Plan 40M-2578 and 40M-2609 from Part Lot Control**

### **15.2 2021-042 - Being a By-law to establish layout & dedicate certain lands as public highways in the Municipality of Clarington to assume certain streets within the Municipality of Clarington as public highways, and to name them**

**15.3 2021-043 - Being a by-law to authorize the closure and conveyance of a road allowance**

Resolution # C-125-21

Moved by Councillor Hooper

Seconded by Councillor Traill

That leave be granted to introduce By-laws 2021-041 to 2021-043; and

That the said by-laws be approved.

**Carried**

**16. Procedural Notices of Motion**

**17. Other Business**

Councillor Traill enquired about the status of the resolution from the December 14, 2021 Council minutes directing Staff to draft an interim control by-law.

Councillor Neal enquired how much has been spent on acquiring the land to date at West Beach in Bowmanville.

**18. Confirming By-Law**

Resolution # C-126-21

Moved by Councillor Hooper

Seconded by Councillor Anderson

That leave be granted to introduce By-law 2021-044, being a by-law to confirm the proceedings of the Council of the Municipality of Clarington at a regular meeting held on the 22<sup>nd</sup> day of March, 2021; and

That the said by-law be approved.

**Carried**

**19. Adjournment**

Resolution # C-127-21

Moved by Councillor Hooper

Seconded by Councillor Anderson

That the meeting adjourn at 10:13 p.m.

**Carried**

To Clarington Council April 12, 2021 Re: Staff Memo

Item 14.1, St. Marys Cement – Bowmanville, Environmental Compliance Approval Amendment for the Expanded Use of Alternative Low Carbon Fuels

Linda Gasser



Essential that Council seek Leave to Appeal April 1 ECA decision  
–your best option to protect community

- Best opportunity to address the deficiencies of ECA approval around: monitoring, emission limits, i.e. at least corresponding to what at DYEC or cement kilns elsewhere and issues around “best available control technology”, due to expanded types of waste to be burned.
- Do you think it’s a coincidence that MECP posted ECA Decision on April 1<sup>st</sup> - after business hours before an extra long Easter weekend – resulting in loss of 4 days of already short appeal period.
- **Seeking Leave** is the best opportunity to get concerns on record AND gain leverage AND be in position of strength to negotiate with both MECP and St. Marys, who will recognize this is Clarington being serious. **Short time line but doable.**

# It's Council's duty to protect public

- Memo Page 3

*“A determination of whether the ECA Amendment Approval is protective of public health is beyond Staff’s area of expertise and is what **we rely on the Staff of MECP and the Public Officer of Health to determine**”*

Neither Clarington Council nor residents should rely on MECP nor on Durham’s MoH. I am not aware that Dr. Kyle submitted comments to SM application. His 2009 report was seen as “greenlighting” Durham’s incinerator

WITHOUT QUESTION –it is the duty of Council to take required action to protect the public interest, including the health of your community. You have the resources.

# Two Questions when seeking Leave to Appeal

From Memo page 2 :

The ERT will consider the following two questions in deciding whether to grant leave to appeal:

1. Is there good reason to believe that no reasonable person, with respect to the relevant law and to any government policies developed to guide decisions of that kind, could have made the decision?
2. Could the decision the appellant wishes to appeal result in significant harm to the environment?

Q1. Is there good reason to believe that no reasonable person, with respect to the relevant law and to any government policies developed to guide decisions of that kind, could have made the decision?

- St Marys could burn garbage like an incinerator but they aren't required to test and/or monitor like an incinerator, not even to the degree required at Durham's incinerator, where monitoring is still LESS comprehensive than what Durham Council and staff promised pre-approval.
- Pleading with private sector foreign owned corporation is a lot more challenging than stakeholders pressuring public entity like Durham Region.
- BOTH facilities will emit many of the same contaminants. Without sufficient monitoring by SM, it will be almost impossible to know who emits what, other than during stack tests, whether SM has exceedances that may result in adverse effects and WHO should be held accountable. Imagine the crazy endless discussions that will consume everyone's time

Burning waste aka ALCFs exchanges one set of problems for another; it's a potentially dangerous trade off with additional potential for environmental harm.

- SM makes claims about meeting Regulation 419/05 for emissions but,
- *SM reply Attachment 4, 6i)*
- ***“Ambient air monitoring is not prescribed in the ECA. SMC is required to maintain compliance with O.Reg. 419/05: Air Pollution - Local Air Quality. SMC will maintain their existing ambient air monitoring program, which consists of continuous monitoring for PM10 and non-continuous monitoring for PM10 and Dustfall.”***
- Without ongoing Ambient Air Monitoring for relevant contaminants, similar to what required at DYEC, no way to know emissions except when modeled after stack tests.
- Periodic SOIL monitoring must be required at AA stations as is case in Durham. This esp. important given SM located in an urban area with many residents living close to facility.

Q2. Could the decision the appellant wishes to appeal result in significant harm to the environment?

And, by extension impact on public health

Wendy has provided Clarington and MECP with multiple submissions over the years around emissions and potential for adverse impacts as a result of burning ALCFs.

Limited blend of ALCFs tested. List of eligible materials vast – this will be an uncontrolled experiment burning such waste at a facility that **was NOT designed to burn waste and,**

**Which does not have to meet same emission limits as incinerators nor monitor to same degree**

Improvements to monitoring that a reasonable reviewer should have required, including but not be limited to what described below

- Semi Annual Source Testing (list of contaminants to be examined vs DYEC)
- Bag leak detection system –similar to post DYEC 2016 exceedance
- Ambient Air Monitoring for at least all contaminants that Durham monitors, at same frequencies including for metals and D/F incl. PM 2.5
- Annual soil sampling to start at all AA stations for parameters as DYEC
- Emissions limits comparable to DYEC, better still, comparable to what kilns meeting in other jurisdictions
- MECP requested to conduct Jurisdictional Review – no evidence they did
- Long Term Sampling System for Dioxins AND monitoring of chicken eggs at prescribed distances from plant, for dioxins. Chickens don't have power failures and data outages or mechanical breakdowns – reliable indicator

# Monitoring reasonable review would have required, continued

- Best available control which includes processes and Air Pollution Control technology relevant to emissions from burning WIDE range of ALCFs.
- Monthly reporting of LTSS sampling data AND post to SM website promptly after sample results received.
- Quarterly and Annual public reporting for AA including access to consultant report and supporting data
- Annual soil test reporting
- Semi-annual reporting after Source testing
- Annual Report
- Impossible to determine what Surface Water monitoring required given wastes to be stored on site, for how long and under what conditions.



**Outdated MECP standards not protective of health.** Example when standard reduced: from DYEC 2020 ECA report,  
 “Current Ontario 24-hour Ambient Air Quality Criterion for benzo(a)pyrene was introduced in 2011 and levels above this threshold are commonly measured throughout Ontario.” (Incl. DYEC)  
 Benzo(a)pyrene is a Group 1 Carcinogen. Background already exceeds AA criteria – SM claims their contribution is “small”

Contaminant	CAS #	Basis	Year
Arsenic and compounds	7440-38-2	Health-based air guideline	1981
Lead and Lead Compounds	7439-92-1	Health-based air standard	2007
Nickel and Nickel Compounds	7440-02-0	Health-based air standard	2011
Zinc	7440-66-6	Particulate-based air standard	1974
Copper	7440-50-8	Health-based air standard	1974
Mercury (Hg)	7439-97-6	Health-based air standard	1974
Lithium (other than hydrides)	7439-93-2	Health-based air standard	1974
Ozone	10028-15-6	Health-based air standard	1974
Particulate matter	N/A	Visibility; air standard	2005
Carbon monoxide	630-08-0	Health-based air standard	1974

# Significant reduction coming for SO<sub>2</sub>, later NO<sub>x</sub>

- From Durham's ERO submission <https://ero.ontario.ca/comment/47611>
- *However, given the nature of the facility, including proximity to residential areas, **understanding potential impacts of the facility are important in ensuring the health of the community and the environment.***
- *The Air Quality Study and Cumulative Effects Assessment in support of the application identifies maximum concentrations for five communities in table 6-1. **The Region notes that the Air Quality Criteria identified in table 2-1 for sulphur dioxide are not reflective of the changes announced in March 2018 to the AAQC's or O.Reg 419/05 values.***
- *The Region is of the understanding that the AAQC's for sulphur dioxide (SO<sub>2</sub>) were scheduled to come into effect in Spring 2020, and that the O.Reg 419/05 values are currently in a phase in period until July 1, 2023. **These updated limits will reduce the 1-hr values from 690 µg/m<sup>3</sup> to 100 µg/m<sup>3</sup>, based on respiratory morbidity in exposed sensitive populations.***

# Durham submission continued below

- *Given the list of emissions from the facility identified above, including the levels of SO<sub>2</sub> being emitted, **consideration should be given to upgrading or adding additional monitoring stations with an expanded list of parameters**, and requirements be included for reporting the results of the monitoring to the MECP and the public.*
- *Given the similarities in emissions between the St. Marys projects and the DYEC, **it is important that comparable monitoring and information reports be provided to stakeholders**, so that they can remain informed with regards to how projects could potentially impact their communities. To this end, the Region would like to see the St. Marys **project be required to have comparable in-stack limits, ambient air monitoring requirements and report to the public as those directed in the DYEC ECA.***

There is evidence of potential adverse impacts (environmental harm) to the community from burning wide range of waste AND a reasonable reviewer would have required more safeguards

- Seeking a Leave to Appeal will show SM that Clarington Council WILL take action and appropriate steps to protect community.
- The time line is challenging but doable.
- The “issues” around Dillon’s problematic comments can be addressed – seems level of review not adequate to support some of their conclusions/recommendations.
- Seeking Leave to Appeal does NOT preclude Council from working with SM and Durham on any number of other issues, which though related, are quite separate from the primary issue at hand i.e. the implications of ECA decision to potentially cause harm to community.

# SM want to burn garbage aka ALCFs –it's about profit.

- If SM were COMMITTED to protecting the host community, they could have announced they accept and adopt Clarington's and other requests, comparable to what required of DYEC.
- Responses as described in Attachment 4 are revealing –little indication that SM willing to go beyond what **required** in ECA.
- Using ALCFs as substitute for conventional fuels is about profit and greenwashing.
- Not only would SM fuel costs be reduced, there **may also be revenues** earned from accepting garbage/tipping fees from a large variety of sources for disposal.
- No lifecycle analysis of CO2 reductions or targets –so who knows what will be achieved
- There is no applicable “Waste Service Area” – waste could come from anywhere.
- Clarington is becoming a sacrifice zone. Council must do everything within their power to mitigate against Clarington becoming Ontario's dumping ground, and associated harms.
- I urge Clarington Council to seek a Leave to Appeal of the SM ECA Approval.

THANK YOU. QUESTIONS?



## Alternative Low Carbon Fuels

St Marys Cement  
April 12, 2021

# Project Overview

- As part of SMC strategy to reduce greenhouse gas (GHG) emissions. SMC initiated in 2019 the process to submit an application for the use of Alternative Low Carbon Fuels (ALCF) under Ontario Regulation (O. Reg) 79/15. The MECP issued on March 31, 2021 the ECA to expand the current use of ALCF
  - Increase the daily throughput of ALCFs at the Site from 96 tonnes (wood waste) per day to 400 tonnes per day. Approximately 110,000 tonnes per year.
  - Add biomass, cellulosic, plastic materials and similar composition materials to the list of ALCFs at the Site with the intention to substitute conventional fuels. These materials:
    - Are derived from industrial and/or post-consumer sources
    - Cannot be recycled
    - Are not hazardous
    - Are not derived from animals
    - Are not derived from the processing and preparations of food,
  - Install new equipment to feed ALCFs
  - Increase alternative fuels storage using enclosed containers and buildings



**Enclosed ALCF Storage Container and Building**



## ALCF Sourcing

- The type of fuel used in the cement production process is an important component in SMC's commitment to quality
- There are many sources of ALCFs and the preferred source will be from facilities with a predictable and long term supply
- St Marys Cement will focus on using locally sourced ALCFs, which is in the best interest of the community, St Marys Cement, and the environment
- Obtaining ALCFs is a dynamic process and is managed on an ongoing basis
- St Marys Cement's Bowmanville Plant is reviewing with Durham Region to look at prioritizing the use of materials from Durham Region





## Point of Impingement (POI) Concentrations

Contaminant	POI Limit ( $\mu\text{g}/\text{m}^3$ )	Kiln Contribution to Max POI (%)	Maximum % of POI Limit
PM	120 (24-hour)	7%	81%
NO <sub>x</sub>	400 (1-hour)	53%	71%
NO <sub>x</sub>	200 (24-hour)	51%	82%
SO <sub>2</sub>	690 (1-hour)	94%	69%
SO <sub>2</sub>	275 (24-hour)	90%	77%
D&F	0.00000001 (24-hour)	100%	3.4%

- The maximum POI concentrations occur near/on the Facility's property line for all contaminants.
- Concentrations in the community are significantly lower.

### New SO<sub>2</sub> Limit – 100 $\mu\text{g}/\text{m}^3$ (1-hour)

- SMC installed a new wet scrubber for the kiln stack in March 2021.
- The scrubber reduces SO<sub>2</sub> emissions by >90%, resulting in compliance with the 2023 standards.
- The scrubber also reduces emissions of PM and other acidic gases such as HCl.

# Environmental Monitoring

The plant is required to have Continuous Emissions Monitoring Systems (CEM) for NO<sub>x</sub>, SO<sub>2</sub> and PM.

In addition the plant is required to have Continuous Process Monitoring Systems (CPM) for Oxygen, Temperature and THC.

There are stations located around SMC that monitor dust and vibration:

- PM 10 BAM (Beta Attenuation Monitor) – used to measure particulate matter 10 micrometers or less in diameter
- Dust Fall Jar – used to collect large air particles for measurement
- PM 10 Hi Vol (High Volume) – used to measure particulate matter 10 micrometers or less in diameter
- Seismograph – used to measure ground motion or vibrations

## ALTERNATIVE LOW-CARBON FUELS OPERATIONAL REQUIREMENTS

Parameter	Limits	Measurement
Total Quantity of Alternative Low-Carbon Fuels combusted in the Cement Kiln.	400 tonnes per day	Measured continuously and summed daily.
Temperature in the Cement Kiln	Greater than 1000 Deg. C at a gas residence time of more than 6 seconds in the kiln.  Greater than 850 Deg. C at a gas residence time of more than 3 seconds in the calciner.	As demonstrated by the CPM System measuring the temperature of the gases at the K5 cyclone upstream of the kiln where the gas temperature reaches a minimum of 800 Deg C.  As demonstrated by the CPM System  Calculated as a rolling 1-hour arithmetic average measured by the CPM System.
Residual oxygen	>1% residual oxygen at the backend (raw material feed end) of the kiln.  >3% residual oxygen at the calciner down comer duct (raw material feed end of the calciner)	Measured by the CPM System and calculated by volume on a dry basis in the undiluted gases leaving the kiln and calciner.  Calculated as a rolling 1-hour arithmetic average measured by the CPM System.
Pressure Control	Kiln, Calciner, Preheater tower and Raw Mill must be operated under negative pressure at all times.	Measured at the top of the preheater towers and in Raw Mill by continuous monitor.
Start-Up, Shut-down and Upset Operating Conditions	No Alternative Low-Carbon Fuels shall be used.	-

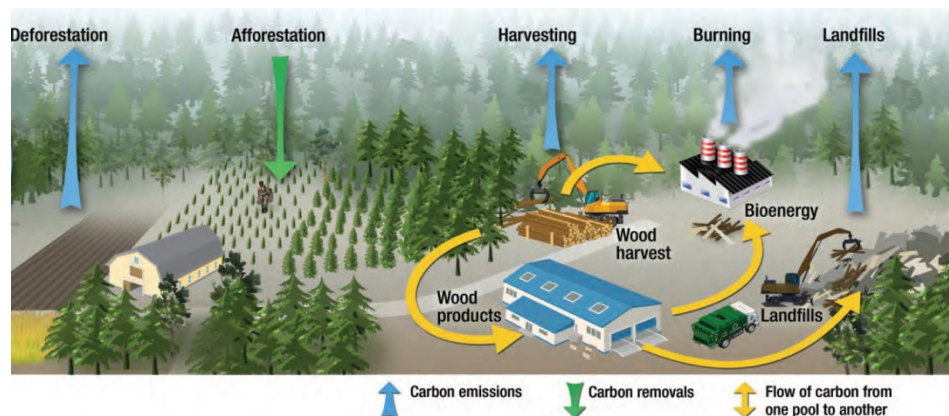
It also required to perform an exhaustive annual source testing

**Outside of the Environment Certificate of Approval, SMC intends to work with the MECP and the Municipality of Clarington to review the ambient air monitoring program.**

## How is SMC considering the Environment?

### The use of ALCFs in cement production helps reduce Greenhouse Gas Emissions in Ontario

- Long-cycle greenhouse gases, such as carbon dioxide from fossil fuels, are one of the greatest contributors to air pollution and the changing climate
- Using ALCFs in the cement production process replaces the amount of long-cycle carbon used with short-cycle carbon from plants (biomass)
- Diverting organic materials (biomass) from landfills also avoids the decomposition of organic material which results in methane release to the natural environment
  - Methane is an approximately 25% more powerful greenhouse gas than carbon dioxide



Source: National Resources Canada, 2016

# St Marys Cement Bowmanville Plant

## Environmental Leadership

- First Canadian Cement Plant to install lime hydrated system to reduce SO<sub>2</sub> emissions
- First Manufacturing Plant in North America to Obtain ISO 50001 Certification in Energy Conservation
- First Canadian Cement Plant to install water scrubber to reduce emissions.
- Winner CIPEC Leadership Award
- Certified in ISO 14001 Environment Management System since 2006
- PCA Environmental Awards
- PCA Energy Conservation Awards



"Promoting a better use of energy to counter climate change"



**Delegation to Clarington Council**  
**April 12, 2021**

**Item 14.1 Unfinished Business**

Item 14.1, St. Marys Cement – Bowmanville Site,  
Environmental Compliance Approval Amendment for  
the Expanded Use of Alternative Low Carbon Fuels

# Clarington In A Unique Situation And Must Take Action On Behalf of Residents

- ***Two major facilities with significant dioxin and furan emissions, in close proximity on our waterfront***
- *St Marys application significant and major change from 96 tonnes/day of LCF to 400 tonnes/day of ALCF*
- *No limits on waste service area/sources; wide ranging list of potential waste materials including plastics, paper fibres, films*
- *Each would be permitted to burn about 400 tonnes of garbage per day*
- *Urge Clarington Council to seek leave to appeal*

# A reasonable person would have considered the following facts:

- This is a major long-term change to cement operations
- Capacity increasing more than four-fold
- Waste sources not limited by location or sector (can include industrial/commercial)
- Vastly expanded list of acceptable wastes including plastics, papers, biomass, etc and infinite combinations thereof
- Scope of SMC study however limited to two blends from few sources with only one achieving maximum feed rate
- **They have been given approval to burn what they have not tested**

# A reasonable person would have considered the following facts:

- Both incinerator and St Marys would/will be burning garbage and emissions contain the same chemicals of potential concern (COPCs), including dioxins/furans, heavy metals
- 30% of the COPCs increased with ALCF
- Significant variability in emissions with LCF and ALCF
- Dioxin/furan emissions increased with LCF
- Significant variability within samples of same blend
- Halogen content in fuel exceeded St Marys criterion
- Other jurisdictions only grant burning waste permits limited to a particular fuel blend from a particular source



# A reasonable person would have considered the following facts:

- Both incinerator and St Marys would/will be burning garbage and emissions contain the same chemicals of potential concern (COPCs), including dioxins/furans, heavy metals
- SMC emission limits are inconsistent and more lax than those the emission limits for the incinerator
- Emission limits for SMC compare very poorly with other jurisdictions

# A reasonable person would have considered the following facts:

- U.S. Federal requirements are much more stringent:

Below find the U.S. 40CFR Subpart DDDD (NSPS-Table 8) emission limits, converted to same basis as Ontario ( $\frac{mass}{Rm^3}$ ), compared against the Ontario and St Marys (SMC) emission limits.

- U.S. Total Suspended Particulate Matter limit of  $9.4 \frac{mg}{Rm^3}$  is much lower than Ontario (SMC) limit **50  $\frac{mg}{Rm^3}$**
- U.S. **dioxins/furans** limit of  $53 \frac{pg}{Rm^3}$  is much lower than Ontario (SMC) limit **80  $\frac{pg}{m^3} TEQ$**
- U.S. **mercury** limit of  $7.7 \frac{\mu g}{Rm^3}$  is much lower than Ontario (SMC) limit of **20  $\frac{\mu g}{Rm^3}$**
- U.S. **cadmium** limit of  $1 \frac{\mu g}{Rm^3}$  is much lower than Ontario (SMC) limit of **7  $\frac{\mu g}{Rm^3}$**
- Note the above U.S. emission limits have been converted to Ontario reference conditions (25°C and 11% oxygen by volume).

# A reasonable person would have considered the following facts:

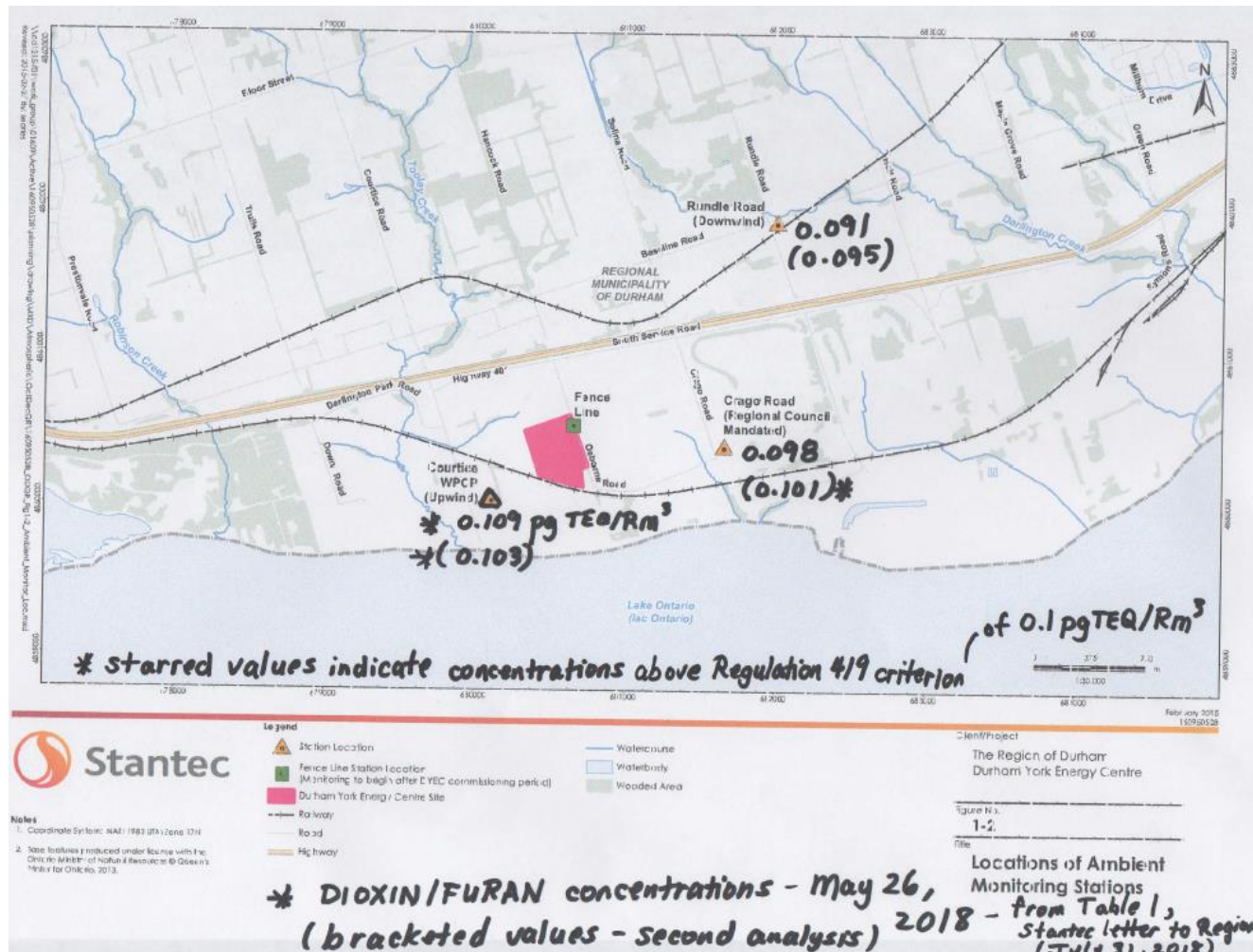
- SMC monitoring requirements are inconsistent and more lax than those for the incinerator in most cases
- SMC only does ambient air monitoring for PM; Durham incinerator ambient air monitoring done for dioxins/furans, range of heavy metals, PAHs, PM2.5, SO2, NOx, TSP
- Clarington and Durham Region requested monitoring and emission limits consistent with the incinerator
- Without SMC being monitored on similar basis, it is difficult to assess, there will be no clear answers and no accountability

# A reasonable person would have considered the following facts:

- There have been stack emission exceedances at the incinerator for dioxins and furans and other pollutants;
- St Marys dioxin/furan emission rate exceeds incinerator sometimes
- There have been frequent and major ambient air exceedances at the incinerator monitors for benzo(a)pyrene.
- There have been exceedances in ambient air for total particulate matter.
- Deficiencies with the application were identified by the public, Region and Clarington.
- Local ambient monitoring shows elevated PM2.5, SO2, NOx
- There was an AMBIENT AIR EXCEEDANCE FOR DIOXINS AND FURANS and results that were roughly 30% of criteria even prior to incinerator.

# Dioxin/Furan Ambient Air Exceedance May 26, 2018 Questions and Concerns Still Remain; Very Calm Day

(note: handwriting in marker is my own)



# Ministry Review Was Limited

## Did Not Review AMESA Data, nor Profiles

Below are the responses I received to questions I submitted to the MECP for the June 7, 2019 MECP session at the DYEC

Did the MECP look at the dioxin/furan congener profiles and, if so, what did they show?

**No, the ministry has not reviewed the dioxin/furan congener profiles.**

Did the MECP review the AMESA cartridge results to see how the sample for that month compared and, if so, what was found?

**The AMESA data collected during the month of May 2018 was not reviewed and assessed by the ministry as part of the review of the May 26 elevated concentration.**

# Clarington's Comments/Concerns Unaddressed in ECA Approval

- *“...we do not support Clarington becoming a location of convenience for waste diversion of Ontario’s Industrial, Commercial and Institutional sectors.”*
- *“We request that air quality and the cumulative effects of the proposal on the community be a key consideration as part of a thorough and comprehensive assessment by the MECP. Is the advancement of greenhouse gas reduction being achieved at the cost of impacted air quality or community health?”*
- *“the Municipality expects SMC will ensure the facility incorporates and utilizes modern, state of the art, emissions control technologies that meet or exceed provincial standards for the protection of human health and the environment. The Site should be required to meet the most current and stringent air emissions levels, and not be grandfathered as “existing.”*
- *“The generation of PM2.5 by SMC and the DYEC has been an on-going concern of Council. While previous presentations by SMC to Council have indicated that the contribution of PM2.5 to the community by the Site is low, the Emission Summary and Dispersion Modelling Report (BCX Environmental Consulting, March 2020) identifies PM2.5 as a primary emission from the facility. As stated, the Municipality requests that ambient air monitoring for the Site be consistent with that of the DYEC, including PM2.5.”*

# A reasonable person would have considered the following facts

- All of the above and that a jurisdictional review and expanded literature review would help to determine BACT and appropriate waste fuels, emissions limits and operating procedures and address community and lower government concerns



2. Could the decision the appellant wishes to appeal result in significant harm to the environment?

- No shortage of expert opinion on non-threshold pollutants like PM2.5 and dioxins and furans and mercury
- Ministry Review is just one source

# Dillon's Limited Scope

- November 5, 2020 Letter from Clarington to MECP Reviewer regarding Dillon's review:
- *"Their scope did not comprise a detailed peer review of the air quality and cumulative emissions aspects of SMC's proposal. A detailed technical review of all aspects of SMCs proposal is the responsibility of the MECP as a component of their consideration of SMC's Environmental Compliance Approval Amendment application."*

# Requested Action

- Stand up for Clarington – cannot be silent
- Urge you to seek a leave to appeal tonight

If this information is required in an alternate format, please contact the Accessibility Co-ordinator at 905-623-3379 ext. 2131

Minutes of the **Clarington Heritage Committee** held via Microsoft Teams on March 16, 2021, at 7:00 PM.

**Members Present were:** Peter Vogel, Victor Suppan, David Reesor, Ron Sproule, Noel Gamble, Steve Conway, Councillor Ron Hooper, Myno Van Dyke (NVDHS), Jason Moore (ACO), Katharine Warren (Museum)

**Regrets:** Bob Malone (NVDHS)

**Staff Present:** Faye Langmaid, Sarah Allin, Planning and Development Services; Stephen Brake, Public Works

**Guests:** Bill Humber (Beech Ave. Heritage Conservation District Advisory Committee), Rick McEachern, Mark and Darlene Clermont

## **1 Declaration of Interest**

There were no disclosures of interest stated at this meeting.

## **2 Land Acknowledgement Statement**

P. Vogel read aloud Clarington's Land Acknowledgement Statement.

## **3 Adoption of Agenda**

**21.11** By Consensus

That the Agenda be adopted

"Carried"

## **4 Adoption of Minutes of Previous Meeting**

**21.12** Moved by R. Hooper, seconded by N. Gamble

That the minutes of the February 16, 2021 Clarington Heritage Committee meeting be adopted.

"Carried"

## **5 Delegations/Presentations:**

**5.1** Rick McEachern Re: Red Oak Tree in front of 21 Beech Avenue

R. McEachern provided an overview of the history of the red oak tree to the Committee, suggesting it is of landmark status, in support of a request that the Committee consider the individual designation of the red oak tree located in front of 21 Beech Avenue, Bowmanville under Part IV of the Ontario Heritage Act.

**5.2** Bill Humber Re: Red Oak Tree in front of 21 Beech Avenue

Mr. Humber provided a summary of the reports issued by arborist retained to assess the red oak tree in summer 2020 after a large limb fell, damaging the dwelling at 21 Beech Avenue. Mr. Humber also indicated the community's long-time connection with the tree, requesting the Committee consider its designation and the Municipality's consideration of remediation options provided in the arborists' reports to maintain and support the tree in order to ensure its continued health and protection. Mr. Humber also invited Mr. and Mrs. Clermont to speak in support of the request for the tree's designation.

**5.3 M. Clermont and D. Clermont Re: Red Oak Tree in front of 21 Beech Avenue**

M. and D. Clermont spoke in support of the designation of the red oak tree as the owners of 21 Beech Avenue and reiterated the community's connection to the tree they have witnessed since moving to the community.

Committee members thanked all the delegations for their presentations.

## **6 Business Arising**

**6.1 Red Oak Tree at 21 Beech Avenue**

Committee members discussed the request for the tree to be designated under Part IV of the Ontario Heritage in consideration of the information presented by the delegations. Planning and Development Services staff confirmed the tree is currently identified as a notable landscape feature in the Beech Avenue Heritage Conservation District Plan (Beech Avenue HCD Plan) designated under Part V of the Ontario Heritage Act. The Beech Avenue HCD Plan provides for the maintenance of the tree, which may include its removal if warranted.

Committee members inquired whether a Part IV designation would enable the access to the Heritage Incentive Grant program funding to help with required upkeep and maintenance. Staff advised the HIG program is directed toward the maintenance of buildings and structures. To include maintenance related to a designated tree in the HIG Program would require a Council resolution. Committee members also inquired about alternative funding opportunities to support heritage trees, which staff will explore.

S. Brake, Director of Public Works, indicated staff recognizes the importance of the red oak tree to the community and the Old Bowmanville neighbourhood. At this time the matter is still under review. S. Brake communicated the need to do what is best for the safety of the community and consider the risk involved with each alternative proposed by the arborist assessment. Specifically, the large branches that extend over the road and sidewalk are identified as requiring support and posing a risk of failure in the next 5 years if not supported. Staff needs to consider the possible mitigation measures and associated costs of each identified alternative.

It was also noted staff is not immediately moving forward with a recommended action, providing the Committee time to undertake further investigation of the culture heritage value or interest of the tree in consideration of the request for

designation. Further, assessment of the Beech Avenue trees that informed the Beech Avenue Heritage Conservation District Study at the time the Beech Avenue HCD was established will be provided to Committee members for review.

## 6.2 Title Search Training

A Title Search Training Session will be held on March 27, 2021 in response to the Committee's request. Heritage consultants ARA will lead the session, which has also been offered to other area municipal Heritage Committee and heritage planners in Durham Region.

## 6.3 Fletcher Tree

No update for this standing agenda item.

## 7 Correspondence and Council Referrals: None

## 8 Reports from other Committees

8.1 Bowmanville, Newcastle, and Orono CIPs – The CIP Liaison Groups met in February. The minutes of the meetings will be provided to Committee members for information.

8.2 Architectural Conservancy of Ontario (ACO), Clarington Branch – The next ACO meeting is scheduled for June.

Newcastle Village District Historical Society (NVDHS) – No update to report.

8.3 Museum – A Library Board has not met since the last Heritage Committee meeting. The Museum remains closed to the public.

8.4 Heritage Conservation District Advisory Committee – See Items 5 and 6.1, above.

8.5 Wilmot Creek Heritage Park – V. Suppan has corresponded with the developer's landscape architect, who is finalizing a submission for the Municipality's review. Planning and Development Services staff will work with Public Works staff to enable the continued participation of Committee members in this initiative.

## 9 Project Reports

9.1 The sub-committee evaluated the following properties and recommended as follows:

- 27 Beaver Street, Newcastle: the property be considered for addition to the Municipal Register.

**21.13** Moved by V. Suppan, seconded by D. Reesor

That the Heritage Committee recommends to Council that the property at 27 Beaver Street, Newcastle be considered for addition to the Municipal Register; significant to the cultural heritage of the community.

“Carried”

- Southwest Courtice Secondary Plan and Courtice Employment Lands: Sub-committee members undertook a preliminary review of 17 properties identified as having potential cultural heritage value and interest in the associated Cultural Heritage Resource Assessment prepared to inform the Southwest Courtice Secondary Plan and secondary plan for the Courtice Employment Lands area. The report, prepared by the sub-committee, made recommendations to inform the secondary plan studies and will be provided to relevant Planning and Development Services staff.

**21.14** Moved by V. Suppan, seconded by D. Reesor

That the Heritage Committee (i) accepts the sub-committee’s report on the properties identified as having potential cultural heritage value and interest within the Southwest Courtice and Courtice Employment Lands secondary plan areas, and (ii) that the report be provided to project staff to inform the secondary plan studies.

“Carried”

- Buildings constructed with materials from Camp 30: sub-committee members presented information on the building at 27 Second Street and the Memorial Park Clubhouse in Bowmanville. The buildings are partially constructed with materials from the former barracks at Camp 30, representing historical significance to the community that should be remembered.

**21.15** Moved by V. Suppan, seconded by S. Conway

That the property located at 27 Second Street and the Memorial Park Clubhouse at 120 Liberty Street South in Bowmanville be added to Clarington’s Cultural Heritage Resource List as Heritage Merit to acknowledge the history of materials from the former Camp 20 barracks.

“Carried”

**9.2 Outreach/Education Sub-committee:**

Cultural Heritage Information Pole Project: Staff provided background information to sub-committee members outlining possible options for this project. QR Code option was noted as the method that may be the preferred option at this time. Planning. The sub-committee indicated it intends to meet to discuss further and develop a recommendation to the Committee.

## **10 New Business**

- 10.1 Heritage Week Feb. Presentation: P. Vogel provided a great presentation to the Planning and Development Committee of Council on March 15<sup>th</sup> in recognition of Heritage Week.
- 10.2 4511 Courtice Road (Langmaid House) – Committee members inquired about the dwelling, identified as Secondary on the Cultural Heritage Resources List, which was damaged by a recent fire. The opportunity to restore/retain the structure will depend on the extent of the damage from the fire.
- 10.3 Works at 62 King Street W. – the recent works at the designated building at 62 King Street W. uncovered original pillars that been hidden by previous work. The pillars have been retained and now protrude from the front façade as an architectural feature of the building.

Adjournment:

D. Reesor moved adjournment, 9:15 pm.

**Next Meeting:** April 20, 2021, 7:00 p.m.



# **SAMUEL WILMOT NATURE AREA MANAGEMENT ADVISORY COMMITTEE**

**MINUTES OF MEETING OF MARCH 9<sup>TH</sup>, 2021, 7:00 P.M.**

## **VIA MICROSOFT TEAMS**

**Present:** Brian Reid ( Chair ), Kate Potter ( Vice-Chair ), Ken Mercer ( Staff ), Leo Blindenbach, Meaghan Vandenbrink, Carrie-Anne Atkins, Tom Hossie, Patrick Bothwell, Maggie Luczak

**Regrets:** Jocelyn Whalen, Rod McArthur

**Absent:** Corinna Traill

**Agenda:** two items were added to the agenda

- 1)** Spring Cleanup Week
- 2)** “New “ Terms of Reference for Committee

**Motion:** moved by Leo Blindenbach, seconded by Kate Potter, that the agenda, as revised, be approved. CARRIED.

**Approval of Minutes:** moved by Leo Blindenbach, seconded by Meaghan Vandenbrink, that the minutes of the meeting of February 9<sup>th</sup>, 2021, be approved. CARRIED.

### **Status Reports/Updates:**

**Probus Hikes** – Brian reported that an activity group associated with the Probus Club of Clarington has scheduled two walks at SWNA this season. This information was shared to illustrate the kind of usage that is being made of the Nature Area. Other members reported that overall use has been noticeably higher during the past year.

**Duffin’s Creek Wetlands March** – Brian reported that he had participated ( as an individual, not a representative of the Committee ) in this march held in Pickering on Saturday March 6<sup>th</sup> to protest the pending construction of a warehouse complex on designated wetlands. He noted that over 300 persons participated and that public support for the protest, as indicated by the volume of supportive honking from passing vehicles, was very high.

**Contact with Canadian Wildlife Federation:**

Brian reported that Leo had been contacted by a representative from the CWF about our wildflower garden project after seeing an article about the project online. Leo referred the individual to Brian who had a lengthy discussion by telephone. CWF has begun a new Right-of-Way Habitat Restoration Project with a particular focus on using various rights-of-way as sites for habitat restoration, primarily for monarch butterflies. CWF has partnered with Hydro One and others to pursue this initiative. We were invited to share our experiences etc. with program managers at the group's annual workshop on Best Practices on April 6<sup>th</sup>. Brian has agreed to do a brief presentation to the group at that time and noted that we are certainly gaining a lot of positive coverage of our efforts at habitat restoration over the past few years.

**Spring Cleanup Week:**

Leo asked if the municipality was planning on holding its annual cleanup this spring. In recent years, the residents of the Port of Newcastle and Bond Head, and our Committee, have worked together with the municipality on this effort. Leo suggested Saturday April 17<sup>th</sup>, part of Earth Week, as the preferred date. Ken Mercer advised that no formal cleanup is planned this year but that the municipality could probably provide bags and gloves. Pickup of collected litter etc would have to wait until the Monday following since staff are not on duty on weekends. After considerable discussion, and understanding that covid has imposed certain limitations, it was agreed that the event would be held as suggested as long as the appropriate public health protocols were followed. This would mean limiting teams to individuals or family groupings, appropriately spaced and timed. Leo and Ken agreed to work together on this event. Brian offered to coordinate things at the SWNA site.

**Terms of Reference for Committee:**

This document had been sent out the day of our meeting so not all members had had time to review it in detail. Most members had not seen any previous version of the document. After some discussion, it was determined that it was actually identical to the previous version. Although the document implied a somewhat more formal structure than has been our practice, it was agreed that there are no specific changes required on our part. Brian noted that it would have been preferable to have had the opportunity to provide input to the document.

**Planning Chart of 2021/22:**

At our last meeting, Kate had volunteered to map out our various projects and initiatives and to tie them to some common themes based on previous/ongoing efforts around habitat restoration, monarch tagging, use of I Naturalist etc with an emphasis on providing learning and engagement opportunities for the public.. Kate walked the committee through the chart and considerable discussion took place around specific projects etc. referred to therein (notes below) She noted that the document is a work in progress and will be adjusted as we move

through the year ahead. Brian thanked Kate for her work in putting all of this together in an organized manner.

**Interactive Signage Project – Healthy Communities Initiative:**

Discussion took place concerning how to proceed with our interactive signage project and whether or not to apply to the HCI program for funding assistance. A new intake has been announced with an application deadline of early June, 2021. It was decided to proceed with a less elaborate QR code approach as a way of assessing usage and interest and to apply for funding even though costs should be relatively modest. Brian advised that committee member Jocelyn Whalen, who had been our lead on this initiative, had notified him shortly before the meeting that she would be resigning from the committee due to other commitments. Tom, Patrick, Maggie and Kate are prepared to continue working on the project. Ken Mercer was asked to connect Brian with the appropriate staff member/department. Brian has also approached Councillor Traill about this and about what may be required in terms of permissions from the municipality.

**Dr. Sheila Colla presentation:** this presentation on native bees by York University professor Dr. Colla was originally intended to be a live event but has been deferred due to covid. The committee will consider inviting Dr. Colla to do this presentation virtually. Some discussion with the appropriate municipal staff /department may be required. Brian will investigate this and will contact Dr. Colla again. Target time-frame is late April.

**Ceremony re Pollinator Garden:** it was suggested that we might wish to consider holding some type of celebratory ceremony in early to mid-summer. This will be discussed further at future meetings.

**Spring Planting** – scheduled for May 29:

Brian will connect with the supplier and funding source. It is understood that the planting may not be a “community event” as it has been in the past because of covid limitations.

**Other Business:** with the pending resignation of member Jocelyn Whalen, the committee will be in need of another member. Brian will speak to the Clerk’s office about this.

**Next Meeting:** Tuesday April 13<sup>th</sup> at 7:00 p.m.

**Adjournment:** moved by Patrick Bothwell, seconded by Carrie-Anne Atkins, that the meeting be adjourned. CARRIED

The meeting adjourned at approximately 8:30 p.m.



**Clarington Diversity Advisory Committee  
Thursday, March 25, 2021, 7:00 PM – 9:00 PM  
Via Microsoft Teams**

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext 2131

**Present:** Councillor Ron Hooper  
Sajida Kadri  
Meera McDonald  
Lyndsay Riddoch  
Laila Shafi  
Yasmin Shafi  
Rachel Traore  
Dione Valentine

**Also Present:** Erica Mittag – Community Development Coordinator

**Regrets:** Rajeshwari Saharan

The meeting called to order at 7:08 p.m.

**1. Land Acknowledgement Statement**

Meera McDonald read the Land Acknowledgement Statement.

**2. Review and Approval of Agenda**

Moved by Dione Valentine, seconded by Laila Shafi.

**Carried**

**3. Review and Approval of Previous Meeting Minutes**

Moved by Lyndsay Riddoch, seconded by Sajida Kadri.

That the minutes of the meeting of February 25, 2021 be approved.

**Carried**

**4. Communications – received for information.**

- **Durham Region Transit Commission** is evaluating their Social Equity Policy. They are requesting the input of the public on their draft social equity guidelines

and proposed changes to a few customer policies. Please visit their [website](#) to attend a virtual session or provide your input through their online platform.

- **Their Opportunity** has launched a program “[Hear My Voice](#)” for youth ages 14-19 years in collaboration with Maple Leaf Sports Entertainment Foundation to engage youth in conversation about diversity in our community and to participate in a yoga class. Program has begun, but registration is ongoing.

## 5. Council & Community Updates

Council Ron Hooper shared:

- There was a flag raising at the Municipal Administrative Centre on March 25, 2021 to mark the Greek bicentennial commemorating 200 years since its independence from the Ottoman Empire. Councillor Hooper attended representing the Diversity Advisory Committee.
- Vaccine Clinic Information – Eligible populations adults 75 and over or 75 this year can be made online at [www.durhamvaccinebooking.ca](http://www.durhamvaccinebooking.ca) or by calling 1-888-444-5113. Vaccine supply is limited, and appointment availability based on supply. Clarington is providing the vaccination clinic location at Garnet B. Rickard Recreation Complex, but vaccines are being managed by Durham Health.
- [Council Highlights](#) are published on our website on a regular basis to provide updates on recent Council activity.
- [Trees for Rural Roads](#) – Conservation areas provide trees to rural areas to increase our overall canopy. You can choose from variety of trees on rural properties. To learn more and apply by Wednesday, March 31 visit <https://www.clarington.net/en/live-here/Trees-for-Rural-Roads-Program.asp>.
- [Spring Break Camps](#) – info to sign up at [www.clarington.net](http://www.clarington.net) for April 12 -16, 2021. Camp times 8:30 a.m. to 4:30 p.m. 6 to 12 year old children. Covid precautions are in place.
- [Site for Bowmanville Hospital Helipad for Air Ambulance](#) was formerly located at back of Bowmanville Hospital and had some safety concerns. Advancements have been made to the helicopters being used now so looking at bringing them back. An interim pad is being considered just past community gardens on Haines Street. Service had been suspended and once there is a rebuild, they will be able to land on roof of new hospital.

Erica Mittag shared:

- Inclusion Support services for Spring Break Camp: Inclusion support for children who need additional support to be successful when attending camp. Needs can be supported and there is staff that can provide that guidance. Once you register

the child, Erica will coordinate info package as well as meet and greet to ensure successful experience at camp.

- Grandview Community Centre, through funding from the Ministry of Children, Community and Social Services, in partnership with Municipality of Clarington and City of Pickering, offered respite care for families of child/children for diagnoses of autism in 3-hour blocks for Saturdays in March. Families were eligible for one 3-hour block. Within the first seven hours of release, 61 families reached out. Supported locations in Newcastle, Courtice, Oshawa and Pickering. Look forward to offering similar programs and partnerships between Grandview and the Municipality of Clarington in the future.

## **6. Faith Days and Scheduling of Meetings**

Members reviewed the chart of observances and recognition that was shared at the previous meeting. Members shared no further considerations so the chart will be shared with the Municipality's Clerks Division for reference and consideration of scheduling of meetings moving forward.

## **7. Update on Anti-Black Racism Subcommittee**

Members discussed the possibility of a new Chair for the Anti-Black Racism Subcommittee. The Terms of Reference had been shared previously with Members. Dione Valentine was put forward as a Chair and is reviewing opportunity and will advise by March 31<sup>st</sup>, 2021.

There was a request to include section on Engage Clarington Diversity Page re: Anti-Black Racism Subcommittee Work

Moved by Rachel Traore; seconded by Meera McDonald

That staff be directed to investigate the opportunity to include reference to and highlights of the work of the Anti-Black Racism Subcommittee on the Diversity Advisory Committee page on the municipal website.

### **Carried**

Members were encouraged to provide any questions for the panelists for the upcoming Virtual Event being held March 31, 2021. Topics include mental health, police services, support to Black community on career development and education.

Consider what type of information or resources would you like to gain or take away from the session when thinking about questions to submit.

Members shared some question ideas and will forward to Erica for inclusion. Email any questions to Erica Mittag by March 26.

Registration is still available through the Clarington Public Library website. The event will be recorded and will be hosted on Clarington Public Library YouTube channel to view later if unable to attend.

## **8. Symbols of Hate**

The Working Group as voted on last meeting met to discuss scan of activities in other municipalities and discuss proposals for recommended action items in Clarington.

Working group has come up with the following list of recommended action items (attached) for consideration and approval.

Moved by Rachel Traore; seconded by Dione Valentine

That the recommendations presented by the working group related to symbols of hate be approved pending input from the Anti-Black Racism Subcommittee. If no significant changes are recommended, the recommendations will be shared with Council through a staff report, otherwise the recommendations will be brought back to the Diversity Advisory Committee for consideration.

**Carried**

## **9. Ideas for 2021 Workplan**

Members reviewed the 2021 / 2022 Workplan. The review included updating the status of the items; the revised workplan will be shared with Members and at an upcoming meeting, members will provide recommendations to prioritize or defer items on the workplan.

## **10. Other Business - All**

Rachel suggested a consistent content for communication on the purpose of the Diversity Advisory Committee. This information is currently found on the Clarington website, [Diversity Advisory Committee page](#). Erica to share minutes of both Diversity Advisory Committee and Anti-Black Racism Subcommittee with members of both groups.

[Community Diversity Survey](#) was discussed last November to re-launch the initiative. Due to lockdowns, this was delayed, however the survey is live once again. Erica will provide update at next meeting.

That the meeting be adjourned at 9:03 p.m.

Moved by Rachel Traore, seconded by Sajida Kadri.

**Next meeting: Thursday, April 22, 7:00 PM**

**Virtually – via Microsoft Teams**

## Clarington Diversity Advisory Committee 2021 / 2022 Work Plan

	Action	Working Group	Budget	Timing	Status	Notes
<b>1</b>	<b>Recommend policies and provide advice to the Municipality of Clarington on Diversity and Inclusion</b>					
1.1	Provide a lens to Council activities on Diversity issues	Erica / Laila / Sajida / Councillor Hooper		Draft for March 2021	In progress	Draft lens developed for review. Next step to further expand and test.
1.2	Develop a training / awareness program for: <ul style="list-style-type: none"> <li>• Council</li> <li>• Municipal staff</li> <li>• Community</li> </ul>	Erica / Meera	\$20,000	Fall 2020	In progress	Funding application currently on file through <a href="#">CSMARI</a> Depending on timing of notice of approval, decisions will have to be made on how to move forward with existing funds
1.3	Collaborate with other levels of government and local agencies (ongoing)	Lyndsay / Dione / Erica			Not started	Looking forward to opportunities to partner with new Diversity Equity and Inclusion division at the Region of Durham. Anticipating support for region-wide initiatives for greater cohesion and collaboration. (identify the levels of government, identify strategies for engagement, community partners – who do we engage with / who could we engage with, identify goals for engagement)
<b>2</b>	<b>Raise awareness by celebrating our community's differences and strengths</b>					
2.1	Recognize local and national celebrations and incidents through development of a communication plan for Mayor / Council	Meera/Rachel Lauren /Anti-Black Racism Subcommittee		Spring 2021	In progress	Underway with support from Anti-Black Racism Subcommittee and Clarington Communications (with involvement from Accessibility Coordinator)



2.2	Raise awareness of the Diversity Advisory Committee in the community through a social media campaign				In progress	Combined with above initiative
2.3	Committee participation with interactive activities at local events	In partnership with Accessibility Advisory Committee		2021?	Deferred	Currently on hold due to COVID-19; investigate other ways and prepare for future (to be discussed at a later time)
2.4	Providing presentations to schools / groups on Diversity information (i.e. community demographic info, video) (age appropriate, with supporting training materials)				Deferred	On hold pending discussions with the school boards to see what resources they have access to and what the gaps are
<b>3</b>	<b>Create a safe, welcoming and inclusive Clarington</b>					
3.1	Survey our community to determine programs needed and identify gaps and how best to serve them	Erica / Rachel / Councillor Hooper		November 2019  Spring / Summer 2021	In progress	Initial Survey complete  Relaunch when community opens up again
3.2	Seek to find out why people love living in Clarington and feel included / connected				In progress	Included in above
3.3	Collaborate with local agencies (i.e. Clarington	Raj		Spring 2021	In progress	Work in Progress Consider new resident welcome initiative

	Tourism, Clarington Board of Trade) to share information about the Committee with new Clarington residents					Consider information hub for new residents (Clarington Tourism / Clarington Communications) Collaboration with Tourism Advisory Committee working group
<b>4</b>	<b>Symbols of Hate</b>					
	(Refer to the recommendations from working group)				Not started	

That Clarington Council, in recognition of the power that symbols can have on the psychology and well-being of community members, request that the Association of Municipalities of Ontario (AMO) petition the Provincial government on behalf of Ontario municipalities to enact legislation that would enable municipalities to make enforceable decisions regarding symbols deemed unacceptable by the local community. Such consideration to also include a review of statutes where hate speech and symbols may be identified as illegal;

That the Municipality of Clarington, as a member of the Federation of Canadian Municipalities (FCM), support the Town of Collingwood's motion for FCM to advocate to the Federal Government in the development of legislation that would clarify and strengthen the definition of hate speech and symbols, including explicit recognition of the psychological harm that can be caused by hateful symbols, and work with all levels of government in addressing the root causes of hate speech;

And that this motion be forwarded to AMO and FCM as well as our local area Members of Parliament and Members of Provincial Parliament for their information.

That the Diversity Advisory Committee, in partnership with staff, be directed to prepare an anti-racism policy that would apply to all staff, Members of Council, and all visitors to Municipal-owned facilities and spaces. The Anti-Racism Policy would make clear the Municipality's expectation of tolerance for those working at and using Municipal-owned facilities and spaces. This Policy can be displayed at all facilities so that users are aware of the expectations under the Policy and the consequences for not adhering to it.

That once these action items are approved for direction, the Mayor and Members of Council of the Municipality of Clarington, in partnership with Clarington's Diversity Advisory Committee, release an Official Statement to share some context about this issue and demonstrate how we are working together to promote a community where every individual regardless of race, ethnic origin, gender identity or sexual orientation is welcome and racism, discrimination, intolerance and the promotion of hatred through symbols or statements have no place in our community.

Other action items the Committee will pursue:

- Engage with the Region of Durham to discuss ways to consistently address issues surrounding racism and discrimination, including symbols of hate, across all municipalities in the region;
- Engage with Durham Regional Police Services to better understand hate symbols and hate activity and how they are addressed in our community; and
- Engage with local school boards to see if there are programs in place within the schools that could be adapted for community education on matters surrounding bullying and hate activity.

## Committee Report to Council

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

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<b>Report To:</b>	Council	<b>Report Number:</b>	GGR-006-21
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<b>Date of Meeting:</b>	April 12, 2021
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<b>Report Subject:</b>	General Government Committee Meeting of March 29, 2021
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### Recommendations:

#### 1. Receive for Information

- (a) 9.1 Minutes of the Tyrone Hall Board dated January 20, 2021 and February 17, 2021
- (b) 9.2 Ralph Walton, Regional Clerk/Director of Legislative Services, Regarding Response to Resolution #GG-029-21 Energy from Waste - Waste Management Advisory Committee Terms of Reference
- (c) FSD-014-21 2020 Annual Investment Report

#### 2. Memo from Stephen Brake, Director of Public Works, Regarding Whistle Cessation Update – Cobbledick Road and Bennett Road Railway Safety Improvement Program Application Funding Status

That Staff be directed to pursue contributions for the project under 2022-2023 RSIP-ITR funding cycle.

#### 3. Memo from Stephen Brake, Director of Public Works, Regarding Signalization of Highway 401 ramps at Duke Street and Baseline Road

That the status quo be maintained at this time; and

That Staff continue to review and consider other options that may help improve traffic flow and vehicular safety at the Highway 401, Baseline Road and Duke Street intersection.

**4. Memo from Andy Allison, CAO, Regarding Community Funding Program**

That Staff be directed to advertise and promote a second intake under the Program with an application deadline of August 31, 2021.

**5. Jeannette Whynot, Staff Liaison to the Accessibility Advisory Committee, Regarding Service Ontario Bowmanville**

That the following resolution from the Accessibility Advisory Committee, regarding Service Ontario Bowmanville, be endorsed by the Municipality of Clarington:

Whereas the current COVID-19 social distancing requirements have impacted the number of people allowed inside businesses at one time;

Whereas the current Service Ontario Bowmanville location lacks the necessary indoor space to comply with current public health guidelines on COVID-19 social distancing;

Whereas residents of Clarington, especially persons with disabilities, cannot line up outside for hours on end for government services;

Whereas the Clarington Accessibility Advisory Committee supports the need to make government services accessible to everyone, especially people with disabilities;

Now therefore be it resolved that Staff be directed to write to Members of Provincial Parliament, Lisa Thompson, Minister of Government and Consumer Services, Raymond Cho, Minister of Seniors and Accessibility and Ministry staff, urging the privately operated Service Ontario Bowmanville location to adopt available technology to increase its accessibility to residents during these uncertain times, including the adoption of appointment software and that they establish protocols to address persons with disabilities who are required to attend for in-person services.

**6. Jon Pegg, Fire Marshal, Ministry of Community Safety and Correctional Services, Regarding Fire Safety Grant Program**

That the Mayor and Clerk be authorized to execute the Fire Safety Grant Transfer Payment Agreement.

**7. Jeff Haskins, East Division, Officer-in-Charge, Durham Regional Police Service, Regarding a Community Safety Update**

That the Presentation of Jeff Haskins, East Division, Officer-in-Charge, Durham Regional Police Service, regarding a Community Safety Update, be received with thanks.

**8. Courtice Shores Drive and Parking Lot**

That Report PWD-019-21 be received;

That Courtice Shores Drive be improved with surface treatment from the south limit to the tunnel under the CN Rail line;

That Staff be directed to proceed with the construction of identified parking facilities on-street and the creation of parking facilities off-street at the Courtice waterfront;

That the construction of the identified parking facilities be funded through the Rate Stabilization Fund;

That Staff report back to a General Government Committee meeting after determining the ownership and discussions with the owner identified;

That Staff be directed to adjust the on-street parking vs. off-street parking to accommodate large trees; and

That all interested parties listed in Report PWD-019-21 and any delegations be advised of Council's decision.

**9. North Village External Servicing and Cost Sharing Agreement**

That Report PWD-020-21 be received;

That the Municipality of Clarington be authorized to enter into a Road Construction Agreement with Smooth Run Developments Inc., Brookfield Residential (ON) LP, and Go Home Investments Inc. for roadworks on North Street, Grady Drive, and Regional Road 17;

That the estimated funds for the Municipality's share of the costs in the amount of \$1,139,057 (Net HST Rebate) be funded from the following accounts:

Description	Account Number	Amount
North St Sidewalk (2017)	110-32-331-83273-7401	\$85,000
North St Reconstruction (2019, 2020)	110-32-330-83273-7401	\$400,000
Structures Rehabilitation (2020)	110-32-330-83275-7401	\$410,173
Reg. Rd. 17 Sidewalk (2020)	110-32-331-83428-7401	\$160,819
Pavement Rehabilitation (2020)	110-32-330-83456-7401	\$83,065

That all interested parties listed in Report PWD-020-21 and any delegations be advised of Council's decision.

**10. Community Services Department Rates and Fees September 1, 2021 to August 31, 2022**

That Report CSD-001-21 be received; and

That Council approve the proposed rates and fees as outlined in Attachment 1 of Report CSD-001-21 for the period September 1, 2021 to August 31, 2022.

**11. Appointment to the Energy from Waste – Waste Management Advisory Committee (EFW-WMAC)**

That Report LGS-014-21 be received;

That Philip Haylock be appointed to the Energy from Waste – Waste Management Advisory Committee for a term ending December 31, 2022 or until a successor is appointed; and

That all interested parties listed in Report LGS-014-21 and any delegations be advised of Council's decision.

**12. Traffic Sign Reflectivity Inspection**

That Report FND-015-21 be received;

That the Purchasing Manager in consultation with the Director of Public Works be given the authority to extend contract CL2016-12 Traffic Sign Reflectivity Inspection Program for an additional one-year term ending December 31, 2021;

That Advantage Data Collection be awarded the additional one-year extension to their existing contract CL2016-12 for Traffic Sign Reflectivity Inspection for an approximate value of \$65,000 (Net HST Rebate);

That the estimated funds required for the additional one-year term in the amount of \$65,000 (Net HST Rebate) be funded by the Municipality as provided from the following accounts:

Description	Account Number	Amount
Safety Devices/Traffic Signs/Misc. Oper. Supply	100-36-384-10315-7112	\$65,000

That all interested parties listed in Report FND-015-21 and any delegations be advised of Council's decision.

**13. RFP2021-2 Architectural Engineering Services 156 Church St.**

That Report FSD-016-21 be received;

That the proposal received from Moon-Matz Ltd, being the most responsive bidder meeting all terms and conditions and specifications of RFP2021-2 be awarded the contract for the provision of architectural design, contract administration and engineering services to complete the interior renovations at The Shaw House, 156 Church St.;

That the total funds required for this project in the amount of \$59,936.64 (Net HST Rebate) be funded from the approved budget allocation as provided from the following account:

Description	Account Number	Amount
156 Church St. Renovations - 2020	110-36-370-83472-7401	\$59,937

That all interested parties listed in Report FSD-016-21 and any delegations be advised of Council's decision.

**14. LED Retrofit Budget Reallocations**

That Report FSD-017-21 be received; and

That the Director of Financial Services/Treasurer is authorized to reallocate up to \$235,000 from the "Various Streetlights Project" capital account to the "LED Conversion Project" capital account to complete the necessary streetlight conversions.

**15. Grass Cutting and Median Maintenance Services**

That Report FSD-018-21 be received;

That Howe's Your Yard with an estimated annual bid amount of \$537,700 (Net HST Rebate) being the lowest compliant bidder meeting all terms, conditions and specifications of tender CL2021-5 be awarded the contract for an initial three-year term for Grass Cutting and Median Maintenance Services, as required by the Public Works Department;

That pending satisfactory performance, the Purchasing Manager, in consultation with the Director of Public Works be given the authority to extend the contract for this service for up to two additional one-year terms;



That the estimated funds required for the first-year term in the amount of \$537,700 (Net HST Rebate) be funded by the Municipality as provided. The funds required for the second-year term and the third-year term in the estimated amount of \$1,075,400 (Net HST Rebate) will be included in future budget accounts. The funding required for the initial one-year term will be funded from the following accounts:

Description	Account Number	Amount
Parks Maintenance – Contract – Grass Cutting	100-36-325-10115-7155	\$537,700

That all interested parties listed in Report FSD-018-21 and any delegations be advised of Council's decision.

## **16. CL2021-6 Supply and Delivery of Bulk Gas and Diesel Fuels**

That Report FSD-019-21 be received;

That W.O. Stinson & Son Ltd. with an estimated annual bid of \$479,800 (Net HST Rebate) being the lowest bidder meeting all terms, conditions and specifications of CL2021-6 be awarded the contract an initial three-year term for the Supply and Delivery of Bulk Gas and Diesel Fuels, as required by the Public Works Department, Emergency and Fire Services Department, Legislative Services Department and the Community Services Department;

That pending satisfactory performance, the Purchasing Manager, in consultation with the Director of Public Works and the Director of Emergency and Fire Services be given the authority to extend the contract for this service for up to two additional one-year terms;

That the funds required for the first-year term in the estimated amount of \$479,800 (Net HST Rebate) be funded from respective fleet approved operating budgets as required. The funds required for the second and third-year term in the estimated amount of \$959,600 (Net HST Rebate) will be included in future budget accounts; and

That all interested parties listed in Report FSD-019-21 and any delegations be advised of Council's decision.

## **17. BIA Social Media**

That the Municipality of Clarington remit to the Bowmanville BIA a sum not to exceed \$30,000 funded from the Municipality's Safe Restart Program funding received from the Province of Ontario, to cover 50% of the cost to perform social media engagement for the Bowmanville BIA, the Newcastle BIA and the Orono BIA and that the unfunded costs be negotiated between the Bowmanville BIA, the Newcastle BIA and the Orono BIA.

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**18. Hall Board Funding during COVID-19**

Whereas many hall boards have little to no bookings due to COVID-19 and are struggling to cover the costs of utilities and PPE; and

Whereas even before COVID-19 many boards struggled to cover their utilities, maintenance and snow removal costs, significantly deterring volunteerism and contributing to low morale.

Now therefore be it resolved that Staff report back on eligibility criteria for hall boards to apply for one-time funding from the Tax Rate Stabilization Reserve Fund (which would be supported by the Safe Restart funds we got from the Province) to each hall in addition to the \$3000.00 grant they have already received for an amount to be determined per hall board on the basis of need to cover utilities, PPE and other expenses for the 2021 year; and

That Staff report back on long-term funding options for hall boards with respect to ongoing snow removal, utilities and maintenance where the hall boards may be struggling financially in order to ensure the long-term viability of the local boards.

**19. Playgrounds**

Whereas there was extensive discussion during the 2021 budget about the status of playgrounds across Clarington;

Whereas some older playgrounds in Clarington are in need of repairs and upgrades;

Whereas there are innovative new options for playgrounds that include outdoor gym equipment and ziplines which might be appropriate based on the character of the neighbourhood and usage patterns; and

Whereas Council would like to ensure that the Municipality is providing safe and accessible playground equipment for children;

Now therefore be it resolved that Staff conduct an assessment of all Clarington playgrounds and report back to the General Government Committee in November 2021; and

That the assessment shall examine the state of all playgrounds with regard to the following criteria: safety and accessibility; repairs and maintenance; the character of neighbouring community, usage patterns, and innovation with respect to equipment.

## Committee Report to Council

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

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**Report To:** Council

**Report Number:** PDR-005-21

**Date of Meeting:** April 12, 2021

**Report Subject:** Planning and Development Committee Meeting of April 6, 2021

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### Recommendations:

#### 1. Receive for Information

- (a) 10.1 Chris Jones, MCIP, RPP, Director of Planning and Regulation, Regarding CLOCA Comments for Proposed Changes to Ministers' Zoning Orders and the Planning Act (Schedule 3 to Bill 257)
- (b) 10.2 Ralph Walton, Regional Clerk/Director of Legislative Services, Region of Durham, Regarding Resolution Adopted by Regional Council on February 24, 2021 about Lake Simcoe

#### 2. Graham and Wilmot Creek Flood Plain Mapping Update Study

That Report PDS-022-21 be received;

That Council approve the Municipal contribution of \$30,000 from the Tax Rate Stabilization Reserve Fund to undertake the Graham and Wilmot Creek Flood Plain Mapping Update Study, in partnership with the Ganaraska Region Conservation Authority, the Region of Durham, and the National Disaster Mitigation Program;

That the Mayor and Clerk be authorized to execute the necessary agreements; and

That all interested parties listed in Report PDS-022-21 and any delegations be advised of Council's decision.

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**3. Start Time for May 17, 2021 Planning and Development Committee Meeting**

That the start time for the May 17, 2021 Planning and Development Committee meeting be changed to 4:00 p.m. so that the following items can be discussed at a specific time, followed by the regular Agenda:

- 4:00 p.m. – South West Courtice Secondary Plan
- 7:00 p.m. – Brookhill Secondary Plan

**4. Cedar Crest Beach Rd and West Beach Rd Berm review and Estimates**

That Report EGD-006-20 be received;

That no further flood mitigation work be undertaken on West Beach Rd at this time; and

That all interested parties listed in Report EGD-006-20 and any delegations be advised of Council's decision.

**5. Confidential Land Acquisition Matter**

That Report PDS-021-21 be received; and

That Councillor Zwart as the Ward 4 representative be appointed as Council Liaison to the Port Granby Nature Reserve ongoing stakeholder discussions.

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

**To:** Mayor and Members of Council

**From:** Ryan Windle, Director of Planning and Development Services

**Date:** April 11, 2021

**File No.:** PLN 21.2.7.3

**Re: Item 14.1, St. Marys Cement – Bowmanville Site, Environmental Compliance Approval Amendment for the Expanded Use of Alternative Low Carbon Fuels**

On April 6, 2021 at the Planning and Development Committee, delegate Wendy Bracken addressed Committee regarding the Environmental Compliance Approval (ECA) Amendment announced by the Environmental Registry of Ontario (ERO) on April 1, 2021 relating to the expanded use of Alternative Low Carbon Fuel (ALCF) at St. Marys Cement's (SMC) Bowmanville Site. Ms. Bracken expressed concern that the ECA amendment does not address the recommendations and concerns that Clarington and residents submitted to the Ministry of Environment, Conservation and Parks (MECP). Ms. Bracken added that the range of material types approved for use as ALCF is significantly broader than what was tested during the demonstration project carried out by SMC in 2019, and therefore she feels the potential air emissions from the use of ALCF have not been adequately assessed. Ms. Bracken requested Committee direct Staff to report back whether the Municipality's comments had been addressed. The delegation was referred by Committee to Staff to report back at the April 12, 2021 Council meeting by Resolution #PD-114-21.

SMC published their Notice of Intention to Apply for expanded ALCF use at their Bowmanville Site in August 2019. ALCF includes non-hazardous, residual wastes left after the separation of recyclables (i.e. paper fibres and plastics derived from industrial and/or consumer sources; plastics not suitable for composting) and certain types of biomass (i.e. woody residuals, not suitable for recycling or composting). This announcement followed the completion of a pilot project to demonstrate the use of ALCF at the SMC Bowmanville Site as a partial substitute for Petroleum Coke ("petcoke") the current fossil fuel being replaced) and assess the potential environmental effects.

SMC's proposal for expanded ALCF use included increasing the daily throughput of ALCFs from 96 tonnes per day to 400 tonnes per day. In March 2020, following the completion of supporting studies and a consultation program, SMC submitted an application to the MECP for the required ECA Amendment. The proposal was posted on the ERO for a 45-day comment period, from July 8 to August 22, 2020. On April 1, 2021, notice of the ECA Amendment being granted was posted on the ERO.

As outlined in the [ERO Decision Summary](#), the ECA Amendment Approval includes the following requirements:

- Annual source testing (including for dioxins and furans);
- Continuous emissions monitoring for the verification of air emissions (SO<sub>2</sub>, NO<sub>2</sub> and Total Particulate Matter) and process conditions;
- Sampling and analysis of the ALCF material used;
- Implementing operational procedures for ALCF use, storage and inspection of facilities;
- Documentation and record-keeping;
- Reporting to the MECP and the public including annual compliance reporting; and
- Complaints response and reporting.

Clarington submitted three comment letters to the MECP responding to SMCs ECA Amendment application. The letters are provided as Attachment 1 – 3, and are summarized as follows:

- Letter dated August 22, 2020 – Municipal comments in response to ERO posting number 019-2055 (Attachment 1);
- Letter dated November 5, 2020 – Additional comments prepared on behalf of the Municipality by Dillon Consulting Limited (Attachment 2); and
- Letter dated February 24, 2021 – Additional community concerns received by the Municipality (Attachment 3).

A summary of the Municipality's comments and concerns is provided in Attachment 4. The summary also includes Staff's interpreted response by the MECP based on a review of the [ERO Decision Summary](#) and Amended ECA Approval [Number 6729-BYRJEP](#), issued March 31, 2021. In addition, the summary takes into account correspondence received from Golder Associates Ltd., on behalf of SMC, in response to Clarington's August 22, 2020 letter. A complete copy of the letter received from Golder Associates Ltd., dated December 18, 2020, is provided as Attachment 5.

In her delegation, Ms. Bracken expressed her opinion that the approval granted is not protective of public health and encouraged Council to consider filing an appeal to the decision. Third-party rights to appeal are applicable to the subject ECA Amendment Approval.

The appeal process requires that the appellant first obtain leave to appeal (i.e. get permission) from the Environmental Review Tribunal (ERT). The ERT will consider the following two questions in deciding whether to grant leave to appeal:

1. Is there good reason to believe that no reasonable person, with respect to the relevant law and to any government policies developed to guide decisions of that kind, could have made the decision?
2. Could the decision the appellant wishes to appeal result in significant harm to the environment?

If leave to appeal is granted, the appellant must submit a comprehensive Notice of Appeal to the ERT. A deadline for doing so is specified by the ERT when leave to appeal is granted. If an appeal is granted, the ECA Amendment Approval would be put on hold.

The Municipality retained Dillon Consulting Limited (Dillon) to assist Council and Staff to understand and comment on the technical air quality components, regulatory requirements and cumulative impacts of SMC's ECA Amendment application. The review briefing completed by Dillon, dated October 23, 2020 (Attachment 2), states that "the methods followed [by SMC] appear to be reasonable and in line with provincial guidance and industry standards." The use of ALCF by SMC represents a shift away from burning petcoke to achieve a reduction in greenhouse gas emissions from the cement production process. Based on Dillon's review of the available source testing reports and an additional research review, Dillon recommends "that the conclusions presented with respect to emissions expected from the increased ALCF scenario at SMC are reasonable." No additional studies were recommended at this time to characterize emissions. Dillon further concludes that:

Studies completed by SMC show that the increase in ALCF throughput would lead to an insignificant increase in emissions and local airshed impacts. The assertion of no significant change in emissions was confirmed through a review of available research.

A determination of whether the ECA Amendment Approval is protective of public health is beyond Staff's area of expertise and is what we rely on the Staff of MECP and the Public Officer of Health to determine.

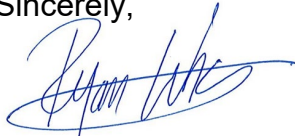
In response to Council and community concerns relating to cumulative impacts, Council has directed Staff to work with MECP and industry to set up a real-time air quality monitoring network within the Municipality. MECP Staff provided a review of available air quality data for the south Clarington area in July 2018, entitled [Overview of Ambient Air Monitoring Programs in Durham Region](#). Although there are limitations with the data, the findings of this assessment indicated that "analysis shows that air quality in Durham Region is similar to that of other urban settings in southern Ontario and the Greater Toronto Area." As an initial step in considering Council's request, MECP Staff have agreed to update this summary and will be carrying out additional monitoring with TAGA units in Clarington in the summer of 2021. SMC are willing to work with Staff from Clarington and MECP as part of this endeavour. Representatives of the Durham York Energy Centre will be invited to participate as well.

With the ECA Amendment now approved, Council may wish to reaffirm the Municipality's desire for collaboration between SMC and the Region of Durham to achieve the objective of using ALCF and reducing the need for expansion of the Durham York Energy Centre. In addition, requests that Council could make of SMC from a community benefits standpoint may include the following:

- Making ALCF permitting and environmental performance and compliance reporting publicly available on SMCs website, including Source Testing reports, Carbon Dioxide Emission Intensity reports and annual compliance reports;
- Posting of SMCs protocol for receiving and responding to questions and concerns from the public on the company's website; and
- Expanding the monitoring parameters at SMC's ambient air monitoring stations, thus contributing to a more comprehensive data set for the MECPs review of local air quality.

Should Council wish to appeal the MECP's decision on the ECA Amendment Approval, the Municipality is required to submit application to seek leave to appeal before April 16, 2021. The application must specify the portions of the decision being appealed, the reasoning, and the relief being requested. In other words, it must be stated how the decision is unreasonable, what the possibility of significant harm to the environment is based on, and a proposed remedy.

Sincerely,



Ryan Windle

Director, Planning and Development Services

cc: June Gallagher, Municipal Clerk  
Andy Allison, CAO  
Robert Maciver, Director of Legislative Services

Attachment 1 – Comment letter, dated August 22, 2020  
Attachment 2 – Comment letter, dated November 5, 2020  
Attachment 3 – Comment letter, dated February 24, 2021  
Attachment 4 – Comments and MECP Response Summary  
Attachment 5 – Response letter, Golder Associates Ltd., dated December 18, 2020





August 22, 2020

Client Services and Permissions Branch  
Ministry of Environment, Conservation and Parks  
135 St. Clair Ave. West  
1<sup>st</sup> Floor  
Toronto, ON M4V 1P5

Email: [enviropemissions@ontario.ca](mailto:enviropemissions@ontario.ca)

Dear Sir/Madam:

Re: Municipality of Clarington Comments  
St. Marys Cement – Bowmanville Site  
Application for Amendment to Environmental Compliance Approval No.  
0469-9YUNSK (ERO Number 019-2055)

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Please accept this letter as the comments of the Municipality of Clarington with respect to the application submitted by St. Marys Cement (SMC), a company of Votorantim Cimentos North America, for an amendment to Environmental Compliance Approval (ECA) Number 0469-9YUNSK to expand their current use of Alternative Low Carbon Fuel (ALCF) as an energy source for their Bowmanville Cement Plant (the Site). The subject application has been prepared under Ontario Regulation 79/15 of the Environmental Protection Act, which sets out the environmental permitting process and requirements for energy-intensive industries, such as cement manufacturers, to use ALCF in place of carbon dioxide emission intensive fossil fuels (i.e. coal and petroleum coke).

SMC currently has an ECA to use woody materials as an ALCF at the Site. In 2018, SMC undertook a pilot project to demonstrate and further assess the potential impacts of the use of other types of ALCF. This proposal builds from the results of the demonstration project and seeks to expand the use of ALCFs at the Site from the current 100 tonnes of ALCFs used per day to 400 tonnes of ALCFs per day (approximately 30% thermal replacement of the conventional fuels used at the Site), as well as the types of ALCFs used. In addition, SMC is seeking to install new equipment and to increase the ALCF storage capacity to accommodate the expansion.

The Municipality of Clarington has reviewed the application and documentation submitted by SMC in support of the application. Posting of the application details for comment has occurred during the Municipality's summer recess of Council. As such, the comments provided herein are those of staff and do not represent the position of Council. As described further in the Air Quality and Cumulative Effects section of this comment letter, the Municipality is in the process of retaining technical expertise in air quality to provide advice and recommendations to Council in relation to this proposal.

The Corporation of the Municipality of Clarington, 40 Temperance Street, Bowmanville, ON L1C 3A6  
1-800-563-1195 | Local: 905-623-3379 | [info@clarington.net](mailto:info@clarington.net) | [www.clarington.net](http://www.clarington.net)

We anticipate that the Technical Expert will report to Council in October 2020, after which further comments will be submitted to the Ministry of Environment, Conservation and Parks (MECP).

### **Greenhouse Gas Emissions Reduction**

A key objective of the proposal is to reduce SMC's greenhouse gas emissions. In 2018, the Municipality completed a community greenhouse gas emissions inventory update for the 2015 reporting year to track progress from the baseline year of 2007. This included for the first-time supplemental reporting of the contribution of large industrial emitters in Clarington. The inventory update found that the combustion of coal and petroleum coke by SMC at the Site represented nearly 25 per cent of total 2015 community emissions, while process emissions generated from lime calcination and feed oxidation processed at the Site represented 52 per cent of the total 2015 community emissions.

In March 2020, the Municipality joined over 400 Canadian municipalities and 1300 local governments in 25 countries in declaring a Climate Change Emergency. This declaration confirms and prioritizes the Municipality's commitment to protecting our economy, ecosystems and community from climate change through the reduction of greenhouse gas emissions and building resilience. The greenhouse gas emissions footprint of the community is significantly influenced by SMC. The Municipality supports the objective of greenhouse gas emissions reduction at the Site.

As required by O.Reg. 79/15, SMC has submitted a Carbon Dioxide Emission Intensity Report in support of the application. The results of the analysis showed that the ALCFs tested have significantly lower carbon dioxide emission intensity values than samples of conventional fuels taken from the Site. The Carbon Dioxide Emission Intensity Report does not account for other factors that will change the greenhouse gas emissions profile for the Site. A lifecycle analysis approach should take into consideration the net effect on greenhouse gas emissions generated from the transport of fuel (conventional versus ALCF) to the Site, the emissions released from the consumption of fuel at the Site, and the transportation and disposal of materials removed from the Site as a result of pre-screening.

SMC is required by Ontario Regulation 390/18 to report their greenhouse gas emissions annually and to have third-party verification of their annual emissions report. While the publicly available data reports the amount of greenhouse gases (carbon dioxide equivalent) emitted by SMC from the combustion of biomass, the available data does not provide for an on-going demonstration of the carbon dioxide emissions intensity reduction that is being achieved or the contribution to any established greenhouse gas reduction targets that the facility is trying to achieve.

It is understood that a fuel testing program to regularly monitor the carbon dioxide intensity of the ALCF used at the Site will be implemented. However, we request clarification on the frequency of this analysis and the mechanism for reporting. In addition to regular, publicly available reporting to demonstrate whether the objectives of

the ALCF legislation are being met or exceeded, we request that SMC share with the community the contribution that the use of ALCF has on reducing total annual greenhouse gas emissions from the Site using a baseline established before the practice of using ALCF as a fuel source.

### **Land Use, Zoning and Site Development**

The Site is designated “Aggregate Extraction Area,” “General Industrial Area,” “Environmental Protection Area”, and “Special Policy Area C” in the Clarington Official Plan and zoned “M3-1 (Extractive Industrial Special Exception 1)” and “M3-2 (Extractive Industrial Special Exception 2)” in Comprehensive Zoning By-law 84-63. These documents permit a cement manufacturing facility, quarry, and uses that are ancillary to the manufacturing facility and quarry on the Site. The uses proposed by the subject application are considered ancillary to the cement manufacturing facility and are therefore permitted by the Official Plan and Zoning By-law.

In addition to the adjacent land uses identified in the ECA application submitted by SMC, it is important to note that there are residential and recreational areas in immediate proximity to the SMC Site. The Site is located within the Bowmanville Urban Area of Clarington.

The documentation submitted to the MECP to support the subject application provides minimal details relating the proposed changes to existing on-site buildings and structures. In addition, some inconsistencies in the information related to ALCF buildings and structures were noted and as a result, it is not clear whether the construction of a new, secondary ALCF building is proposed.

SMC has a Site Plan granted under Section 41 of the Planning Act that applies to the existing ALCF building. An expansion to the existing ALCF building and/or the erection of a new building/structures will require amendment of the Site Plan Approval issued for the ALCF building and the issuance of building permits pursuant to the Ontario Building Code.

### **ALCF Sources and Supporting Regional Waste Management Objectives**

The proposal does not indicate the service area from within which ALCF will be sourced. While the Municipality appreciates the potential benefits to SMC of having flexibility in this regard, we do not support Clarington becoming a location of convenience for waste diversion of Ontario’s Industrial, Commercial and Institutional sectors.

Clarington is the host community for the Durham York Energy Centre (DEYC), where all of Durham Region’s residential waste and a portion of waste generated by households in York Region is disposed of. Significant growth rates in Durham Region have contributed to the DEYC reaching capacity sooner than originally estimated. To free-up capacity and postpone the need for expansion of the DEYC, the Region of Durham is pursuing the development of a mixed waste pre-sort and anaerobic digestion facility,

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also sited in Clarington. From a community benefits standpoint, the Municipality strongly encourages SMC to identify opportunities to collaborate with the Region of Durham to achieve the objective of using ALCF and reduce the need for expansion of the DYEC.

### **ALCF Receipt, Processing and Storage**

The introduction of O.Reg. 79/15 provided a streamlined approvals process for the use of ALCF for Ontario's cement sector. Changes included the removal of the requirements for proponents to obtain a waste ECA for disposal sites. Information that would typically be clearly described by proponents in a waste ECA application for a site to manage and process waste (e.g. maximum daily or annual receiving limits; maximum storage capacity limits) is not clearly indicated in the subject application or supporting documents. This makes it difficult to fully understand the actual scale of the proposed operations.

The application is seeking approval to increase the daily throughput of ALCF at the Site to 400 tonnes. However, the *Alternative Low Carbon Fuel Handling Procedures and Testing Manual* (St. Marys Cement, March 2020) indicates that the ALCF system will have a feeding system designed with a feed rate of up to 10 tonnes per hour. At this feed rate, the maximum quantity of ALCF throughput that could be achieved over a 24-hour period is 240 tonnes. How will the additional throughput be achieved?

While the application indicates that SMC is seeking approval for new equipment to support the ALCF, few details are provided. The Municipality requests confirmation that all new equipment proposed to support the ALCF expansion has been considered in the assessment of air and noise requirements and potential impacts associated with the proposal. This includes the new conveyance system to the kiln burner, pre-processing rotary cutter and drum or belt magnetic separator that have been referenced in the supporting documents to the application.

The *Emission Summary and Dispersion Modelling Report* (BCX Environmental Consulting, March 2020) indicates that unloading of ALCF will be a completely enclosed process. How is ALCF feedstock inspection occurring to remove undesirable materials or reject undesirable loads if there is direct feed to the conveyor?

Clarification on proposed ALCF storage at the Site is requested in order to provide fulsome comments. A maximum six-month storage duration for any one load is proposed; however, the maximum quantity of ALCF to be stored at any one time is not known. The *Alternative Low Carbon Fuel Handling Procedures and Testing Manual* (St. Marys Cement, March 2020) indicates that there may be outdoor storage. The proposed location for this is not clearly indicated in any of the supporting documents. Outdoor storage raises questions about how ALCF moisture levels, run off, and potential nuisance impacts, such as litter and odour, would be managed. The Municipality does not support the outdoor, unclosed storage of ALCF. Further, Darlington Creek, which crosses the Site, is in close proximity to the existing ALCF

building and portions of the Site are within the regulatory limits of the Conservation Authority. Consultation with CLOCA should be undertaken.

## **Traffic Impacts**

The application has considered the potential impacts of the additional traffic to/from the Site relating to the delivery of ALCF. As noted in the *Traffic Impact Study* (AECOM, January 2020), the increased number of trucks will have a negative impact on the adjacent intersections. These intersections are already at capacity, so any additional traffic will make the condition worse.

The intersections that are studied are all under the jurisdiction of the Ministry of Transportation (MTO). SMC should consult with MTO regarding the operation of these intersections.

The Municipality will be undertaking rehabilitation of the Bowmanville Avenue bridge over the Canadian National Railway line in the fall of 2020 and spring/summer 2021. We have been in consultation with SMC through the design. There will be temporary traffic signals to control traffic through the construction zone and the intersection of Bowmanville Avenue and Energy Drive. This will cause disruption of traffic to SMC during construction.

The work will include permanent widening of the sidewalk on the west side of Bowmanville Avenue and removal of the northbound left turn lane at the intersection of Bowmanville Avenue and Energy Drive. There will be only a northbound through-left lane. The southbound lanes will be permanently changed to include a southbound through lane and a southbound right turn taper.

The increased heavy truck traffic will impact the lifespan of the infrastructure on Bowmanville Avenue and will increase the lifecycle cost of maintaining the road and bridge in good condition.

MTO is currently doing design work for the rehabilitation of Bowmanville Avenue over Highway 401 with construction to take place in the next couple of years. This will result in significant traffic disruption during construction. MTO is considering options for permanent operational improvements at the Bowmanville Avenue interchange, which may include signals at the intersections of Bowmanville Avenue at Energy Drive and Energy Drive at the Highway 401 ramps. They are also considering extending the Highway 401 eastbound off ramp.

The *Traffic Impact Study* (AECOM, January 2020) is based on an anticipated increase in two-way trips of up to 35 per day. This is based on the assumption that 7 days of material will be delivered over 4 days and that the deliveries will be spaced out through the day similar to existing traffic patterns. SMC should confirm that this assumption is correct since any spike in traffic would have additional impact on the affected intersections and should be part of the discussions with MTO.

## Air Quality and Cumulative Effects

The Municipality appreciates the work undertaken by SMC to complete the additional supporting *Air Quality Study and Cumulative Effects Assessment* (BCX Environmental Consulting, January 2020). We request that air quality and the cumulative effects of the proposal on the community be a key consideration as part of a thorough and comprehensive assessment by the MECP. Is the advancement of greenhouse gas reduction being achieved at the cost of impacted air quality or community health?

This proposal is only one of two environmental permitting processes that are now underway within Clarington involving the thermal treatment of municipal solid waste. The Site is located approximately 4 km east of the DYEC, which is undergoing a concurrent Environmental Screening Process to increase processing capacity from 140,000 to 160,000 tonnes per year. Council and residents have concerns with the potential cumulative effects of these projects within what is perceived to be an already burdened airshed. Questions have also been raised about specific contaminants of concern, including fine particulate matter (PM<sub>2.5</sub>), dioxins and furans, nitrogen oxides (NO<sub>x</sub>), sulphur dioxide (SO<sub>2</sub>), and Benzo(a)pyrene. Further, the allowance for the industry to use emissions trading for sulphur dioxide and nitrogen oxides has seen the Site benefit from other locales in Ontario.

Given the technical complexity of the air quality aspects of the subject application and the on-going Environmental Screening Process for the DYEC, it is difficult for Council members and staff to understand the inter-relationships between the project requirements, their potential cumulative effects, and the adequacy of their respective monitoring programs and overall ambient air quality monitoring for the area. As such, in accordance with Council direction, staff are in the process of seeking independent, technical expertise to provide advice and assist with interpretation and commenting. We anticipate that the Technical Expert will report to Council in October 2020, after which further comments will be submitted to the MECP on the subject application.

While we understand that a key objective of the use of ALCF in the cement sector is the reduction of greenhouse gas emissions rather than providing a waste management solution, we cannot discount the fact that this proposal would result in a substantial amount of waste being brought to the Municipality for final disposal by means of a thermal treatment process. Accordingly, the Municipality expects SMC will ensure the facility incorporates and utilizes modern, state of the art, emissions control technologies that meet or exceed provincial standards for the protection of human health and the environment. The Site should be required to meet the most current and stringent air emissions levels, and not be grandfathered as “existing.”

Details on how the air emissions from the facility will be monitored and reviewed is important to community understanding of the proposal. The application does not include details about the frequency and scope of continuous emissions monitoring, on-going source testing or ambient emissions monitoring proposed for the Site. These details are requested, including information on the application of *Ontario's Guideline A-7: Air Pollution Control, Design and Operation Guidelines for Municipal Waste Thermal*

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*Treatment*, to the project, as well as a comparison of the proposed air quality monitoring program for the Site to the requirements of the DYEC. The Municipality requests the opportunity to review and seek clarification on the air quality monitoring program and related requested information prior to MECP making a decision on the ECA amendment application.

In addition to SMC's existing ambient air quality monitors, a network of air monitoring stations is present in the vicinity of the property, including ambient air monitoring equipment for the DYEC and a long-term ambient air monitoring station at the Durham College Oshawa Campus. Data is also available for temporary ambient air monitoring stations installed as part of the Highway 407/418 construction. These monitoring stations contributed to the completion of a review of local air quality undertaken by the MECP in 2018. MECP's *Technical Memorandum: Overview of Ambient Air Monitoring Programs in Durham Region* summarizes the analysis of air quality data in the Region for years 2013 to 2016. The Municipality requests MECP undertake an updating of this report to include data to 2020, with regular updating thereafter.

Other, more specific, preliminary comments based on the initial review of air quality reports submitted in support of the subject application are as follows:

- The *Emission Summary and Dispersion Modelling Report* (BCX Environmental Consulting, March 2020), completed a portion of the analysis using a designation of the site as being in a rural setting. The Municipality is concerned with this determination. As indicated, the Site is located with the Bowmanville Urban Area of Clarington. A residential neighbourhood comprised of approximately 100 households is located directly east of the property along the Lake Ontario shoreline, and extensive residential neighbourhoods exist immediately north of the Site, on the north side of Highway 401. In addition, commercial and mixed-use areas, a designated Major Transit System Area, and both the East Bowmanville and South Bowmanville Industrial Parks are located within a 3 km radius of the property boundary (see enclosed map).
- The generation of PM<sub>2.5</sub> by SMC and the DYEC has been an on-going concern of Council. While previous presentations by SMC to Council have indicated that the contribution of PM<sub>2.5</sub> to the community by the Site is low, the *Emission Summary and Dispersion Modelling Report* (BCX Environmental Consulting, March 2020) identifies PM<sub>2.5</sub> as a primary emission from the facility. As stated, the Municipality requests that ambient air monitoring for the Site be consistent with that of the DYEC, including PM<sub>2.5</sub>.
- The *Air Quality Impact Study and Cumulative Effects Assessment* (BCX Environmental Consulting, January 2020) uses the current sulphur dioxide Ambient Air Quality Criteria value of 690 ug/m<sup>3</sup>. Air standards for sulphur dioxide were updated in 2018. While a phase in period is currently underway, the new standards will take effect in less than three years. To align with the conservative approach that has been taken with the analysis completed by SMC, to address community concerns, and recognizing the new standard will come into effect in

sequence with or very soon after the potential start-up of expanded operations, the Municipality requests that the most current standards be used.

- The following discrepancies in data amongst the supporting documents have been identified:
  - Differing clinker production rates of 1.8 million tonnes per year [*Carbon Dioxide Emission Intensity Report* (Golder Associates, January 2020) and the *Air Quality Study and Cumulative Effects Assessment* (BCX Environmental Consulting, January 2020)] and 2.4 million tonnes per year [Alternative Low Carbon Fuels Handling Procedures and Testing Manual (St.Marys Cement, March 2020)].
  - Differing maximum production rates of 5500 tonnes per day [*Air Quality Study and Cumulative Effects Assessment* (BCX Environmental Consulting, January 2020)] and 5800 tonnes per day [*Carbon Dioxide Emission Intensity Report* (Golder Associates, January 2020)].

### **Consultation and Complaints Management**

An extensive consultation program was carried out by SMC as part of preparing the ALCF permit application. Timing of the release of the final supporting documents for the proposal, which coincided with the onset of the COVID-19 pandemic, effected our ability to complete our review and submit comments to the MECP and SMC prior to the Environmental Registry deadline and influenced in part the hiring of air quality technical expertise. As previously mentioned, we anticipate submitting additional comments to the MECP.

As SMC continues through the permitting process, we would like to see on-going active engagement and education of the community about ALCF including, potential benefits of ALCF use, potential environmental and nuisance impacts mitigation, monitoring and measuring that will occur, and how questions and concerns can be communicated and addressed. Continuation and regular updating of the project website, along with on-going engagement of the St. Marys Cement Community Relations Committee are ideal forms for this to occur.

Further, the Municipality requests that a complaints management and resolution protocol be documented and made publicly available. This has been a requirement of many significant undertakings in the community and helps to clearly and openly communicate to the public a company's commitment to open dialogue with the community and to hearing and addressing concerns.

More specifically with respect to nuisance odour complaints management, the Municipality encourages SMC become involved in the odours management stakeholders group being led by the Region of Durham in collaboration with other waste management and large industrial operators in the South Courtice / South Bowmanville area of Clarington, including Covanta, Miller Waste Systems, Ontario Power Generation and Waste Management (of Canada). While the purpose of using ALCFs at the Site is not waste disposal, the quantities of waste that will be managed are comparable and



possibly greater than other nearby facilities. We anticipate public perception of nuisance impacts, including odour, may arise in the community as a result of the project.

### **In closing**

Thank you for the opportunity to provide comments on the application by St. Marys Cement under Alternative Low Carbon Fuels Regulation O.Reg. 79/15 relating to their cement manufacturing operations in Clarington. Additional comments from the Municipality will be submitted to MECP and SMC once our consultant has had time to review and provide advice and recommendations to Council. We request to continue to be advised about the project and opportunities to comment and provide input and will continue to track its progress.

Should you have any questions on the contents of this letter or require any further information from us, please contact Amy Burke, Acting Manager – Special Projects Branch at 905-623-3379 Ext. 2423 or [aburke@clarington.net](mailto:aburke@clarington.net).

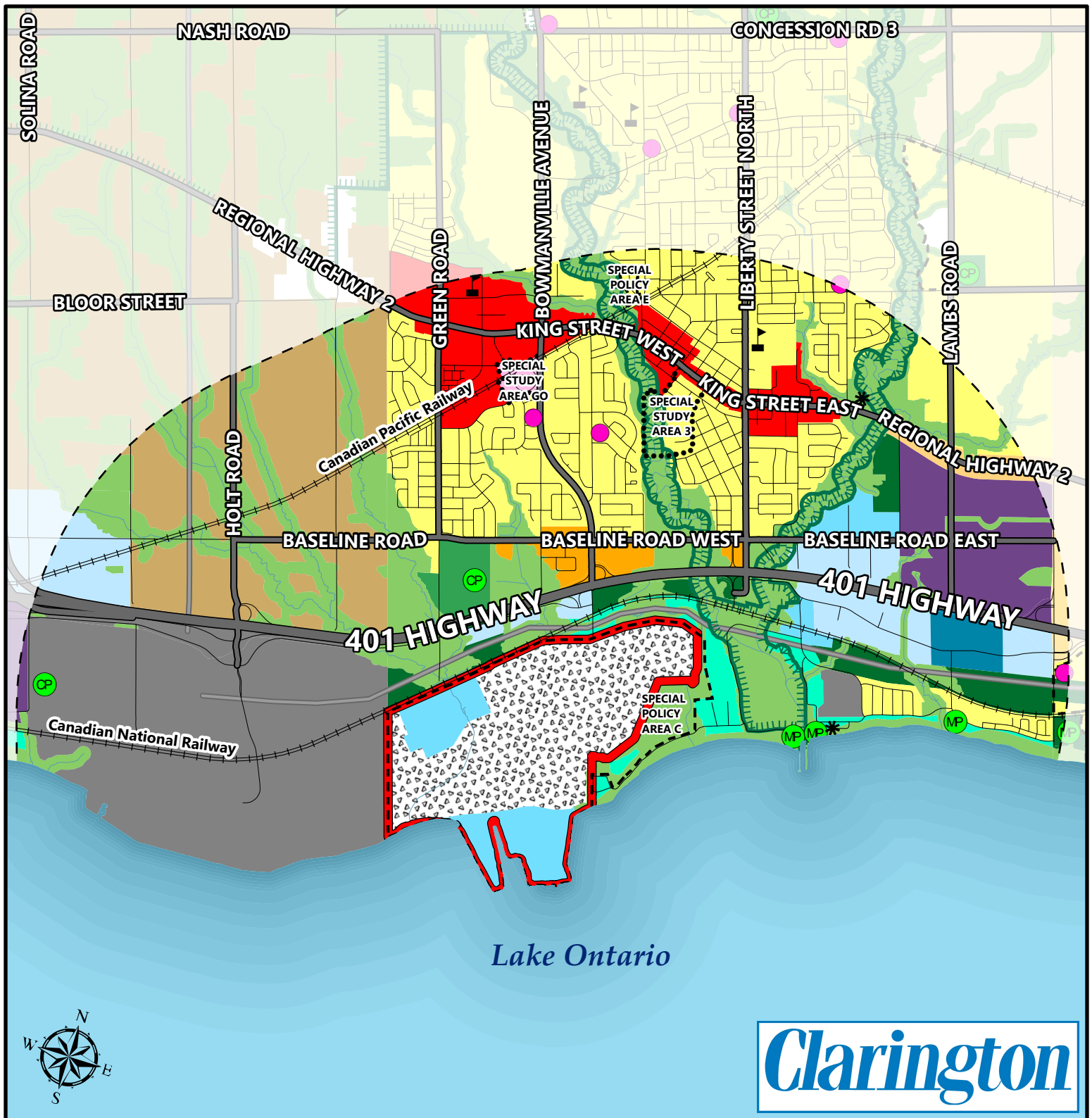
Sincerely,



Faye Langmaid, RPP, FCSLA  
Acting Director of Planning and Development Services  
Municipality of Clarington

Cc: Mayor and Members of Council  
CAO and Director of Public Works  
Ruben Plaza, Environmental Manager – Canada, St. Marys Cement  
Sarah Schmied, Project Manager, Golder Associates Ltd.  
Celeste Dugas, MECP, York-Durham District Office  
Philip Dunn, MECP, York-Durham District Office  
Kim Lendvay, MECP, York-Durham District Office  
Susan Siopis, Commissioner of Works, Regional Municipality of Durham

Enclosure



## Official Plan Land Use within 3Km of St. Marys Cement

<span style="border: 2px solid red; padding: 2px;"> </span> St. Marys Cement	Secondary School	<span style="background-color: #4b0082; color: white; padding: 2px;"> </span> Business Park	<span style="background-color: #fff9c4; border: 1px solid black; padding: 2px;"> </span> Prime Agriculture
<span style="border: 1px dashed black; padding: 2px;"> </span> 3km From St. Marys	<span style="border: 1px dashed black; padding: 2px;"> </span> Special Policy Area	<span style="background-color: #2e7d32; color: white; padding: 2px;"> </span> Community Park	<span style="background-color: #ffcc80; border: 1px solid black; padding: 2px;"> </span> Regional Corridor
<span style="color: black;">*</span> Tourism Node	<span style="border: 1px dotted black; padding: 2px;"> </span> Special Study Area	<span style="background-color: #c8e6c9; border: 1px solid black; padding: 2px;"> </span> Environmental Protection	<span style="background-color: #d7ccc8; border: 1px solid black; padding: 2px;"> </span> Rural
GO Station	<span style="border: 1px dotted black; padding: 2px;"> </span> Special Study GO Area	<span style="background-color: #ffeb3b; border: 1px solid black; padding: 2px;"> </span> Gateway Commercial	<span style="background-color: #f8bbd0; border: 1px solid black; padding: 2px;"> </span> Transportation Hub
<span style="color: magenta;">●</span> Neighbourhood Centre	Aggregate Extraction Area	<span style="background-color: #bbdefb; border: 1px solid black; padding: 2px;"> </span> General Industrial	<span style="background-color: #ff0000; border: 1px solid black; padding: 2px;"> </span> Urban Centre
<span style="color: green;">●</span> Community Park	Greenbelt Boundary	<span style="background-color: #e1bee7; border: 1px solid black; padding: 2px;"> </span> Light Industrial	<span style="background-color: #ffff00; border: 1px solid black; padding: 2px;"> </span> Urban Residential
<span style="color: green;">●</span> Municipal Wide Park	Aggregate Extraction	<span style="background-color: #4caf50; color: white; padding: 2px;"> </span> Green Space	<span style="background-color: #808080; border: 1px solid black; padding: 2px;"> </span> Utility
		<span style="background-color: #00bcd4; color: white; padding: 2px;"> </span> Prestige Employment	<span style="background-color: #00e0e0; border: 1px solid black; padding: 2px;"> </span> Waterfront Greenway



November 5, 2020

Sushant Agarwal, Senior Air Review Engineer  
 Environmental Permissions Branch  
 Ministry of Environment, Conservation and Parks  
 135 St. Clair Ave. West, 1<sup>st</sup> Floor  
 Toronto, ON M4V 1P5

Email: [Sushant.Agarwal@ontario.ca](mailto:Sushant.Agarwal@ontario.ca)

Dear Mr. Agarwal:

Re: Municipality of Clarington Comments  
 St. Marys Cement – Bowmanville Site  
 Application for Amendment to Environmental Compliance Approval No.  
 0469-9YUNSK (ERO No. 019-2055; Ministry Ref. No. 0051-BN9Q3S)  
 Our File: PLN 21.2.7.3

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In our letter dated August 22, 2020, the Municipality of Clarington submitted comments and questions to the Ministry of Environment, Conservation and Parks (MECP) relating to the proposed expanded on-going use of Alternative Low Carbon Fuels (ALCF) at the St. Marys Cement (SMC) – Bowmanville Plant. Within our letter it was indicated that the Municipality was in the process of retaining a consultant to assist Council and staff to understand and comment on the technical air quality components, inter-relationships, regulatory requirements, and cumulative impacts of the proposal, and that supplementary comments would be forthcoming. We appreciate the opportunity provided by the MECP to submit the enclosed additional comments on SMC's proposal, prepared on behalf of the Municipality by Dillion Consulting Limited (Dillion).

Dillion's scope of work included a review of relevant supporting studies and documents, a review of key areas of concern for the Municipality and the community, and to augment the Municipality's role on commenting to the MECP. Their scope did not comprise a detailed peer review of the air quality and cumulative emissions aspects of SMC's proposal. A detailed technical review of all aspects of SMC's proposal is the responsibility of the MECP as a component of their consideration of SMC's Environmental Compliance Approval Amendment application.

In summary, the findings of Dillion's review indicate that the approach and analysis of studies completed by SMC for the proposed expanded use of ALCF appear to be reasonable and aligned with provincial guidance and best practices, and that the studies completed demonstrate "an insignificant increase in emissions and local airshed impacts." Further, Dillion concurs with the Municipality's air quality-related comments and recommendations previously submitted to the MECP.

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In addition to the requests made in our August 22, 2020 letter, Dillion has recommended that the Municipality pursue collaboration between the MECP and local industry to establish a local real-time air quality monitoring network. This recommendation was endorsed by Clarington Council on November 2, 2020. We would like to initiate discussion with the MECP about this undertaking and kindly request confirmation of the appropriate Ministry contact to engage.

Thank you for the opportunity to provide comments on the application submitted by SMC for an amendment to Environmental Compliance Approval Number 0469-9YUNSK to expand their current use of ALCF as an energy source for their cement manufacturing operations in Clarington. Please be advised that we have requested a written response from SMC to our August 22, 2020 comment letter and appreciate their concurrence to do so. We request to continue to be advised about the project and opportunities to comment and provide input, and will continue to track the project's progress.

Should you have any questions on the contents of this letter, or require any further information from us, please contact me at 905-623-3379 Ext. 2423 or [aburke@clarington.net](mailto:aburke@clarington.net).

Sincerely,



Amy Burke  
Acting Manager – Special Projects Branch  
Planning and Development Services  
Municipality of Clarington

Cc: Mayor and Members of Council  
CAO and Director of Public Works  
Ruben Plaza, Environmental Manager – Canada, St. Marys Cement  
Sarah Schmied, Project Manager, Golder Associates Ltd.  
Celeste Dugas, MECP, York-Durham District Office  
Philip Dunn, MECP, York-Durham District Office  
Kim Lendvay, MECP, York-Durham District Office  
Susan Siopis, Commissioner of Works, Regional Municipality of Durham  
Hamish Corbett-Hains, Associate, Senior Air Quality Engineer, Dillion Consulting

Enclosure

# Memo



**To:** Amy Burke, Senior Planner, Municipality of Clarington  
**From:** Hamish Corbett-Hains, Associate, Senior Air Quality Engineer, Dillon Consulting Limited  
**cc:** Ravi Mahabir, Partner, Dillon Consulting Limited  
**Date:** October 23, 2020  
**Subject:** Briefing on St. Marys Cement's proposal to increase its throughput of Alternative Low Carbon Fuel (ALCF)  
**Our File:** 20-3534

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## Background

Dillon Consulting Limited (Dillon) was retained by the Municipality of Clarington (the Municipality) to provide support in commenting on the proposal by St. Marys Cement Bowmanville (SMC) to increase the site's throughput of Alternative Low Carbon Fuel (ALCF).

Dillon's scope included a review of select SMC documents to understand the background on the proposed project, a review of key areas of concern identified by the Municipality, and development of this briefing note that documents key findings and responses to key concerns.

This briefing note is not a detailed peer review of the documents referenced to assess accuracy, rather it is a review of the general approach and findings of the air quality studies presented to guide the Municipality in responding to the SMC proposal. In conducting this review, Dillon therefore relied on the information provided by other consultants.

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## Review of the Studies

Dillon reviewed air emissions studies that were completed by SMC and submitted to the Ministry of the Environment, Conservation and Parks (MECP). These studies included: source testing reports, an Emissions Summary and Dispersion Modeling Report (ESDM Report), and an Air Quality Cumulative Effects Study, collectively referred to in this brief as "the Studies".

Dillon did not perform a peer review of the Studies, which would involve independently confirming key technical aspects such as air dispersion modelling input parameters. However, in reviewing the Studies Dillon notes that the methods followed appear to be reasonable and in line with provincial guidance and industry standards. Specifically, the following were noted:

- The Studies characterized the change in emissions through source testing, which is considered the most accurate approach to quantifying emissions.
- The Studies include air dispersion modelling of the Facility which appears to meet the standards of the MECP's regulatory approval process.
- The Studies include a cumulative effects analysis of SMC, with consideration of background air quality in the Municipality as well as the Durham York Energy Centre (DYEC). Cumulative effects



analysis is not a requirement in Ontario; the inclusion of this analysis is warranted considering the complexity of the proposal and provides additional context.

- The Studies have compared the proposed changes at SMC against the appropriate criteria for both the industrial regulatory assessment and the cumulative effects study.

Key findings from the review are described in greater detail below:

- The Studies found no significant difference between emissions in the baseline scenario (current operations) and the increased ALCF scenario.
  - The source testing reports concluded that there was no statistically significant change in emissions between SMC operating on conventional fuels versus ALCF.
  - It is noted that statistical significance can be difficult to accurately characterize when a small number of data points are used, as was the case in the source testing report (i.e.; 3 tests for each parameter).
  - Based on the findings of the source testing as well as the discussion in the “Literature Review” section of this brief, Dillon recommends that the conclusions presented with respect to emissions expected from the increased ALCF scenario at SMC are reasonable. Dillon does not recommend that any additional studies are required at this time to characterize emissions as a result of the proposed changes at SMC.
- The Studies predict compliance with MECP air quality criteria.
  - The ESDM Report for the site characterizes emissions in accordance with industry practices, including source testing and engineering calculations.
  - The ESDM Report documents that the proposed change will comply with the MECP’s O.Reg.419/05 air quality standards and associated point of impingement criteria.
  - The ESDM application is subject to a detailed technical review by the MECP’s air quality engineers. Provided that the MECP accepts the findings presented in the ESDM, Dillon does not recommend that further studies are required to demonstrate compliance with the provincial requirements for industrial air quality.
- The Studies include a Cumulative Effects Study which found that there is predicted to be no significant impact on local air quality.
  - The Cumulative Effects Study is not a requirement under Ontario’s regulatory framework but is an appropriate analysis in light of the concerns being raised.
  - The Cumulative Effects Study generally follows industry practices.
  - The Cumulative Effects Study predicts that cumulative air quality would meet MECP air quality criteria.
  - The air quality benchmarks used within this study were the MECP’s Ambient Air Quality Criteria (AAQCs), the Canadian Ambient Air Quality Standards (CAAQS) and, in the absence of these, the MECP’s point of impingement criteria. These are appropriate benchmarks for a cumulative effects study.
  - The study found that there is no predicted change in cumulative air quality associated with the use of additional ALCF (as proposed by SMC).
  - The study considered the potential future impacts of an increase in throughput at DYEC.
  - It is noted that to characterize baseline conditions for volatile organic compounds (VOCs) this study relied on a series of single day, ambient air quality monitoring events that were conducted on individual days in September and December 2018. This provides a limited ambient air quality data set which may under-predict ambient concentrations of VOCs. As discussed in the

“Literature Review” section of this brief, there is no evidence to suggest that the ALCF proposal at SMC would result in increased VOC emissions. Therefore, the potential to under-predict ambient concentrations of VOCs is unlikely to impact the findings of the Studies.

- Dillon does not recommend that further studies are required to characterize the cumulative impacts to air quality as a result of the SMC ALCF proposal.

## Literature Review

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In addition to reviewing the referenced documents, Dillon drew upon the findings of research conducted by Richards, G et. al. (Air emission from the co-combustion of alternative derived fuels within cement plants: Gaseous pollutants, January 2015) in formulating recommendations. This research reviewed emissions of key indicator compounds (Carbon Monoxide (CO), Carbon Dioxide (CO<sub>2</sub>), Nitrogen Oxides (NO<sub>2</sub>), Sulphur Oxides (SO<sub>x</sub>), Hydrogen Fluoride (HF), Hydrogen Chloride (HCl) and Total VOCs (TVOCs)) associated with varying types of Alternative Derived Fuels (ADF). Dillon’s review focused on ADF samples that were similar to the ALCF types proposed by SMC (i.e.; included biomass, cellulosic, and plastic materials).

The findings of the review of this research were that:

- SO<sub>x</sub> emissions increased but not due to ADF use.
  - There was potential for increase in SO<sub>x</sub> emissions with increased ADF throughout.
  - A regression analysis showed correlation between this increase and process related parameters (e.g. precalciner firing rate, average meal feed rate, average clinker produced, excess air).
  - Therefore increases in SO<sub>x</sub> emissions were not linked to ADF throughput, but other process related parameters.
- HCl emissions increased but not due to ADF use.
  - Similar to SO<sub>x</sub> emissions, there was a measured increase in HCl emissions with increased ADF throughput.
  - Analysis of the overall process attributed these changes to changes in process parameters (e.g. average meal feed and clinker produced, kiln flame and gas temperature).
- The study found that the use of ADF (or ALCF in the context of SMC) “...within different cement kilns were shown to have minimal influence when compared to baseline emission rates, or significantly reduced the unit mass emission factor of gaseous pollutants”.

The overall findings of Dillon’s review of the Studies and literature are:

- The Studies completed by SMC provide a reasonable level of characterization of the potential for the proposal to comply with the MECP’s air quality criteria, and demonstrate an insignificant change in cumulative air quality.
- Testing conducted on other cement kilns, using similar ALCF types, shows no significant change from baseline emissions and also a potential for a reduction in emissions of specific compounds.
- Dillon does not recommend that further studies are needed to assess the proposed change to SMC’s operations. Dillon recommends that efforts on managing air quality within the Region should focus on the development of a real-time air monitoring network, as described in the following section.

## Review of Key Concerns Raised

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The Municipality has put forward key considerations for review. Each key consideration is identified below, followed by a response to each.

- Provincial Sulphur Dioxide (SO<sub>2</sub>) emissions trading across large industrial facilities means that the SMC Bowmanville facility may be compromising air quality in the local airshed and benefiting from emissions trading with other sites.

### Response:

The SMC Bowmanville facility complies with the SO<sub>2</sub> air quality criteria and the Cumulative Effects study shows that cumulative air quality is predicted to be within relevant air quality criteria. The MECP's air quality criteria are developed to be protective of human health impacts.

There are other Ontario jurisdictions with regional air quality concerns who have implemented local air quality monitoring networks to provide reliable high-quality data for regional-level analysis. Two notable examples include the industry-funded HAMN network in Hamilton and the industry-funded CASA network in Sarnia. The collection and public posting of regional data provides a greater level of transparency to the community and can be beneficial in identifying and evaluating long-term issues.

As the public becomes increasingly aware and concerned about air quality matters, local data that provides a feedback loop to industry and also provides ongoing management of the airshed is emerging as a key tool to enhancing industry-community relations. From Dillon's experience, many of the successful deployment of community ambient air quality networks are industry funded.

It is recommended that the Municipality could work with the MECP and industry (e.g. SMC, DYEC) to set up a real-time air quality monitoring network within the Municipality. This monitoring network would measure and report on a range of key air quality indicators including SO<sub>2</sub>.

- Particulate matter with aerodynamic diameter less than 2.5µm (PM<sub>2.5</sub>) should be assessed and is of concern.

### Response:

The Cumulative Effects Study completed by SMC predicts that the proposed project will not have a significant impact on PM<sub>2.5</sub> levels within the local airshed.

This finding was confirmed by data within one SMC presentation that showed that PM<sub>2.5</sub> concentrations locally are driven by regional air quality events, and not local sources of emissions.

It is recommended that the Municipality work with the MECP and industry (e.g. SMC, DYEC) to set up a real-time air quality monitoring network within the Municipality. This



monitoring network would measure and report on a range of key air quality indicators including PM<sub>2.5</sub>.

- Dioxin and Furan emissions are of concern and should be addressed.

Response

The Cumulative Effects Study completed by SMC assessed the impacts on Dioxins and Furans from SMC on the local airshed, drawing upon emissions testing from demonstration tests at SMC. The results showed an insignificant change in Dioxins and Furans emissions as a result of the project and no significant impact on the local airshed.

Additionally, the limited potential for increases in dioxins and furans, and possible decreases in these emissions, when using select types of ALCF has been documented in research by Richards G, et. al. (Dioxin-like pcb emissions from cement kilns during the use of *alternative fuels*, October 2016).

- The proposed changes at SMC (increased throughput of ALCF) and the proposed changes at DYEC (increased throughput of waste) will both compound the stress on the local airshed.

Response

SMC's proposal for increased throughput of ALCF in their cement kilns differs from DYEC's proposal for increased waste throughput. Unlike the DYEC proposal, the SMC proposal does not include an overall increase in the quantity of fuel consumed.

It has been noted earlier in this review that emissions testing and modeling conducted in support of SMC's proposal has shown that there is not likely to be an impact on local air quality.

This is based on SMC using "biomass, cellulosic and plastic materials derived from industrial and/or post-consumer sources, which cannot be recycled, are not considered hazardous and are not derived from animals or the processing and preparations of food". This material stream is distinctly different from general (non-hazardous) municipal solid waste that is processed at DYEC, which is likely to lead to differences in emissions potentials from the two sites.

Further, DYEC and SMC have different processes (cement kilns, versus thermal treatment of waste) that could add to differences in key emissions from the two sites.

These differences in emissions potential and key air quality indicators from the two proposals are important to consider in the review of information and studies from both sites.

Regardless of the proposal for expansion at DYEC, the studies completed for SMC predict ongoing compliance with provincial criteria and demonstrate an insignificant change in cumulative air quality.

## Conclusions

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Dillon was retained by the Municipality to provide support in commenting on the proposal by SMC to increase the site's throughput of ALCF. Dillon's scope included a review of select SMC documents to understand the background on the proposed project, a review of key areas of concern identified by the Municipality and development of a briefing that documents key findings and responses to key concerns.

The findings of the review are as follows:

- Studies completed by SMC show that the increase in ALCF throughput would lead to an insignificant increase in emissions and local airshed impacts. The assertion of no significant change in emissions was confirmed through a review of available research.
- It is recommended that the Municipality work with the MECP and industry (e.g. SMC, DYEC) to set up a real-time air quality monitoring network within the Municipality.



February 24, 2021

Sushant Agarwal, Senior Air Review Engineer  
 Environmental Permissions Branch  
 Ministry of Environment, Conservation and Parks  
 135 St. Clair Ave. West, 1<sup>st</sup> Floor  
 Toronto, ON M4V 1P5

Email: [Sushant.Agarwal@ontario.ca](mailto:Sushant.Agarwal@ontario.ca)

Dear Mr. Agarwal:

Re: St. Marys Cement – Bowmanville Site  
 Application for Amendment to Environmental Compliance Approval No.  
 0469-9YUNSK (ERO no. 019-2055; Ministry Ref. No. 0051-BN9Q3S)  
 Our File: PLN 21.2.7.3

Since submission of our comment letter dated November 5, 2020, on the subject Application, Clarington Council and Staff have continued to hear concerns from the community relating to the air quality assessment aspects of St. Marys Cement's Alternative Low Carbon Fuel (ALCF) proposal. As the Ministry of the Environment, Conservation and Parks (MECP) proceeds through their detailed technical review of the application, we submit the following key concerns raised for your review and consideration.

- The types of ALCFs being sought for permanent approval appears to be much broader than the ALCF types tested during the demonstration project. How is this variability and any potential differences in the resulting air emissions taken into account?
- A full consideration of "worst-case scenario" emissions should involve modelling using the kiln stack emission limits set out in Environmental Compliance Approval 0469-9YUNSK. Of particular concern is the absence of modelling using the kiln stack emission limit for dioxins and furans of 80 pg/Rm<sup>3</sup> as ITEQ.
- While the Cumulative Effects Assessment considered the Region of Durham's proposal to increase the annual processing capacity at the near-by Durham York Energy Centre (DYEC) from 140,000 to 160,000 tonnes per year, the Region is currently updating this information in consultation with the MECP as they complete their Environmental Screening Process for the project. Concern was raised that the Technical Memorandum data was drawn from had not undergone a technical review by the MECP. Will the results of the updated air quality impact assessment for the 160,000 tonnes per year scenario be taken into account by

The Corporation of the Municipality of Clarington, 40 Temperance Street, Bowmanville, ON L1C 3A6  
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St. Marys Cement and/or the MECP and any potential changes to the results of the Cumulative Effects Assessment be considered?

- Stack emission limits, continuous emissions monitoring parameters and ambient air monitoring requirements should be as stringent for the proposed undertaking as required for the DYEC.

As indicated in our previous correspondence on November 2, 2020, Clarington Council passed Resolution #C-449-20 respecting comments from Dillon Consulting Limited on St. Marys Cement's proposal, which included the following direction:

*That Municipal Staff be requested to work with MECP and industry (e.g. SMC, DYEC) to set up a real-time air quality monitoring network within the Municipality.*

Consistency in ambient air quality monitoring between the two sites would support this undertaking and we encourage its consideration by St. Marys Cement and the MECP. We understand the MECP is currently reviewing our request and look forward to discussing this potential initiative with the MECP and local stakeholders.

Should you have any questions or require any future information, please contact me at 905-623-3379 ext. 2423 or [aburke@clarington.net](mailto:aburke@clarington.net).

Sincerely,



Amy Burke  
Acting Manager – Special Projects Branch  
Planning & Development Services  
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Cc: Mayor and Members of Council  
Director of Planning & Development Services  
CAO and Director of Public Works  
Ruben Plaza, Environmental Manager – Canada, St. Marys Cement  
Sean Capstick, Principal, Golder Associates Ltd.  
Celeste Dugas, MECP, York-Durham District Office  
Ravi Mahabir, Partner, Dillon Consulting Limited

**Attachment 4 - Comments and Response Summary**  
**St. Marys Cement - Bowmanville Site, Environmental Compliance Approval Amendment**  
**for the Expanded Use of Alternative Low Carbon Fuels**

<b>Clarington Comments (supplemented by Air Quality Advisor, Dillon Consulting)</b>		<b>Response (MECP ECA Amendment Approval and SMC's Consultant, Golder Associates)</b>
<b>Greenhouse Gas Emissions Reduction</b>		
1a	The Municipality supports the objective of greenhouse gas emissions reduction at the Site.	SMC indicates the O.Reg. 79/15: Alternative Low Carbon Fuels and the intended use of ALCFs at the site seeks to reduce greenhouse gas emissions.
1b	Carbon dioxide emission intensity reporting should use a lifecycle analysis approach, also taking into consideration the transportation impacts associated with the use of ALCF.	The ERO Decision Summary states that SMC demonstrated meeting the requirements set out in O.Reg. 79/15: Alternative Low Carbon Fuels. ECA conditions 12.1 - 12.2 stipulate carbon dioxide emission intensity reporting annually, using a representative sample of ALCF and traditional fuel at the time that source testing is being undertaken. Reporting is to be done in accordance with the requirements set out in O.Reg. 79/15.
1c	Request clarification on the frequency of fuel testing / carbon dioxide emissions reporting.	ECA condition 12.1 - 12.3 sets out requirements for carbon dioxide emission intensity. The frequency corresponds with the frequency of source testing. Source testing is required annually (ECA condition 11.3).
1d	Request that SMC share with the community the contribution that the use of ALCF has on reducing total annual greenhouse gas emissions from the Site using a baseline established before the practice of using ALCF.	ECA condition 12.3 requires SMC to submit the carbon dioxide emission intensity report, prepared annually, to the MECP York-Durham District Manager. SMC indicates that greenhouse gas reporting will be discussed with SMCs Community Relations Committee.
<b>Land Use, Zoning and Site Development</b>		
2a	The uses proposed are permitted by the Official Plan and Zoning By-law.	Acknowledged by SMC
2b	An expansion to the existing ALCF building and/or the erection of a new building/structures will require amendment of the Site Plan Approval issued for the ALCF building and the issuance of building permits pursuant to the Ontario Building Code.	SMC has concurred that they will address all municipal approval requirements.
<b>ALCF Sources and Supporting Regional Waste Management Objectives</b>		
3a	Request clarification on the service area from within which ALCF will be sourced from.	The ECA does not define a service area. SMC indicates that the ALCFs will primarily be sourced locally.
3b	The Municipality encourages SMC to identify opportunities to collaborate with the Region of Durham to achieve the objective of using ALCF and reduce the need for expansion of the DYEC.	SMC indicates that discussions with the Region of Durham have been initiated.
<b>ALCF Receipt, Processing and Storage</b>		
4a	Request clarification on the throughput for the Site, noting a variance between the daily ALCF throughput of 400 tonnes per day and the feeding system feed rate.	ECA condition 7.3 sets out a maximum daily processing rate for ALCF of 400 tonnes per day. With respect to the feed rate, SMC indicates that feed system feed rate will be increased over time to achieve the maximum approved daily processing rate. ECA condition 8.4 requires SMC to prepare within three months of the ECA being issued procedures for the handling, processing and combustion of ALCFs.

<b>Clarington Comments (supplemented by Air Quality Advisor, Dillon Consulting)</b>		<b>Response (MECP ECA Amendment Approval and SMC's Consultant, Golder Associates)</b>
4b	Request confirmation that all new equipment proposed to support the ALCF expansion has been considered in the assessment of air and noise requirements and potential impacts associated with the proposal.	The stated scope of the application of the ECA includes ALCF processing, storage and handling, including the equipment and other ancillary processes and activities. SMC has indicated that all new equipment required for ALCF use will be enclosed. ECA condition 8 requires SMC to prepare within three months of the ECA being issued procedures to prevent or minimize a range of potential impacts including air, odour, and noise emissions.
4c	Request clarification of the process for inspecting ALCF prior to use.	ECA condition 9 sets out requirements for ALCF analysis and criteria for acceptance from vendors. The conditions include a requirement to update the Site's most current Emission Summary and Dispersion Modelling Report if the analysis indicates the potential for higher contaminant emission rates from the cement kiln than was considered by the ESDM. The ECA does not include conditions for ALCF inspection that has met the criteria for acceptance. SMC confirmed that inspection will occur upon the receipt of waste, but clarification as to how with an enclosed system in place was not given.
4d	Request clarification on the location, quantity and duration of storage. The Municipality does not support the outdoor, unenclosed storage of ALCF.	ECA condition 8.8 requires that ALCF be securely stored indoors or in enclosed containers. ALCFs may only be stored for the purposes of use in the cement kiln. Maximum quantity and duration limits for ALCF storage are prescribed in O.Reg. 79/15, which SMC is required to comply with.
<b>Traffic Impacts</b>		
5a	SMC should consult with the MTO regarding the increase in truck traffic as it relates to adjacent intersections, which are under MTOs jurisdiction and are already at capacity.	SMC has indicated that MTO has been notified of the proposal.
5b	The increased heavy truck traffic will impact the lifespan of the infrastructure on Bowmanville Avenue, including the Municipal bridge at Bowmanville Avenue over the CN Rail line, increasing the lifecycle cost of maintaining the road and bridge in good condition.	This concern is not included within the jurisdiction of the ECA Amendment Approval.
5c	Request clarification of the assumptions made in the Traffic Impact Study (AECOM, January 2020) and whether the potential for traffic spikes was considered.	SMC indicates that the assumptions included in the Traffic Impact Study were based on a worst-case scenario and that the expected traffic volumes are less.
<b>Air Quality and Cumulative Effects</b>		
6a	The Municipality requests that air quality and the cumulative effects of the proposal on the community be a key consideration as part of a thorough and comprehensive assessment by the MECP, and further that the advancement of greenhouse gas emissions not be achieved at the cost of impacted air quality or community health.	The MECP considered the cumulative effects assessment completed by SMC as part of their review of SMC's ECA Amendment application. The MECP has agreed to update the July 2018, Overview of Ambient Air Monitoring Programs in Durham Region (south Clarington area) and will be carrying out additional monitoring with TAGA units in Clarington in the summer of 2021.

Clarington Comments (supplemented by Air Quality Advisor, Dillon Consulting)		Response (MECP ECA Amendment Approval and SMC's Consultant, Golder Associates)
6b	The Municipality expects SMC will ensure the facility incorporates and utilizes modern, state of the art, emissions control technologies that meet or exceed provincial standards for the protection of human health and the environment.	No direct response. However, SMC is required to maintain compliance with O.Reg. 419/05: Air Pollution - Local Air Quality. When new standards are put in place, SMC will be required to maintain compliance with those.
6c	The Site should be required to meet the most current and stringent air emissions levels, and not be grandfathered as "existing."	ECA condition 4 sets out performance limits for air, noise and vibration emissions. SMC is required to maintain compliance with O.Reg. 419/05: Air Pollution - Local Air Quality. Stack emission limits are prescribed in Schedule B of the ECA and include compliance emission limits for Total Particulate Matter and Dioxins and Furans. The in-stack emission limits align with the parameters and parameter concentrations set out in Ontario's Guideline A-7: Air Pollution Control Design and Operations Guidelines for Municipal Waste Thermal Treatment, Table 2 limits for existing cement and lime kilns burning municipal waste.
6d	Request for clarification on the proposed frequency and scope of continuous emissions monitoring, source testing and ambient air emissions monitoring, as well as the application of Ontario's A-7 Guideline to the project.	ECA condition 10 sets out requirement for SMC to undertake continuous emissions monitoring (CEM) in the kiln stack. Parameters to be monitored continually are limited to Nitrogen Oxides, Sulphur Dioxide and Total Particulate Matter. Guideline A-7 include a broader list of parameters to consider for continuous or long-term monitoring. No comment was provided on the MECPs reasoning for the CEMs parameters selected. ECA condition 11 sets out requirements for source testing, including the frequency (annually), procedure and parameters to be tested for. Ambient air monitoring is not prescribed in the ECA. SMC is required to maintain compliance with O.Reg. 419/05: Air Pollution - Local Air Quality.
6e	Request for a comparison of the proposed air quality monitoring program for the SMC Bowmanville Site to the requirements of the DYEC.	Request not granted.
6f	Request the opportunity to review and seek clarification on the air quality monitoring program and related requested information prior to MECP making a decision on the ECA amendment application.	Request not granted.
6g	Request the MECP update the Technical Memorandum: Overview of Ambient Air Monitoring Programs in Durham Region (MECP, July 2018), with regular updating thereafter.	The MECP has agreed to an initial update of this document, and to include in the update the results of monitoring with TAGA units in Clarington in the summer of 2021.
6h	Request clarification on the designation of the site in the Emission Summary and Dispersion Modelling Report (BCX Environmental Consulting, March 2020) as being in a rural setting.	SMC indicates that the use of "rural setting" is based off a definition for the MECP meteorological dataset for use in the air dispersion modelling.
6i	Request that ambient air monitoring for the Site be consistent with that of the DYEC, including PM2.5.	Ambient air monitoring is not prescribed in the ECA. SMC is required to maintain compliance with O.Reg. 419/05: Air Pollution - Local Air Quality. SMC will maintain their existing ambient air monitoring program, which consists of continuous monitoring for PM10 and non-continuous monitoring for PM10 and Dustfall.

<b>Clarington Comments (supplemented by Air Quality Advisor, Dillon Consulting)</b>		<b>Response (MECP ECA Amendment Approval and SMC's Consultant, Golder Associates)</b>
6j	Request that SMC be required to update the Air Quality Impact Study and Cumulative Effects Assessment (BCX Environmental Consulting, January 2020) to take into account the updated sulphur dioxide ambient air quality criteria value that are being phased in and will soon take effect.	Not granted. SMC used the criteria value that is currently in effect. SMC has recently completed the installation of a wet scrubber, intended to reduce SMCs sulphur dioxide emissions.
6k	Potential discrepancies clinker and product production rates amongst the supporting documents were identified.	SMC confirmed that the various rates given in the supporting documents were correct.
<b>Consultation and Complaints Management</b>		
7a	Actively engage the public throughout the remainder of the permitting process about the proposed use of ALCF, including how questions and concerns can be communicated and addressed.	Staff can confirm that updates were provided to SMCs Community Relations Committee between submission of the ALCF application and issuance of approval by the MECP. Regarding on-going operations, ECA condition 16.2 requires that SMC make the required annual compliance report available to the public by posting on SMCs website and making it available for review at the Bowmanville Site immediately after it is submitted to the MECP. The annual compliance report is due to the Ministry by June 30 of each year.
7b	Request a complaints management and resolution protocol and that the protocol be made publicly available.	ECA condition 14 sets out requirements for complaints recording and reporting. All environmental complaints from the public are to be recorded, investigated and reported on. The MECP York-Durham District Manager is to be notified of each environmental complaint within two days of SMC receiving the complaint. A summary of environmental complaints received and actions taken is to be included in the annual compliance report.
7c	The Municipality encourages SMC to become involved in the odours management stakeholders group being led by the Region of Durham in collaboration with other waste management and large industrial operators in the South Courtice / South Bowmanville area of Clarington, including Covanta, Miller Waste Systems, Ontario Power Generation and Waste Management (of Canada).	No comment.
<b>Key Community Concerns</b>		
8a	Concern that supporting studies have not fully assessed the range of ALCF material types proposed. Request clarification on how the potential differences in the resulting air emissions is taken into account.	No comment. ECA condition 7 lists the ALCF types that SMC is approved to use. ECA condition 4 sets out performance limits for air, noise and vibration emissions. These are applicable irrespective of the ALCF being used. SMC is required to maintain compliance with O.Reg. 419/05: Air Pollution - Local Air Quality. Stack emission limits are prescribed in Schedule B of the ECA and include compliance emission limits for Total Particulate Matter and Dioxins and Furans.
8b	ESDM modelling of "worse-case" scenario should account for the kiln stack emission limits set out in Environmental Compliance Approval 0469-9YUNSK.	No comment. Note that the review completed by Dillon, for the Municipality, indicated that the methods followed by SMC were in line with provincial guidance and industry standards.



Clarington Comments (supplemented by Air Quality Advisor, Dillon Consulting)		Response (MECP ECA Amendment Approval and SMC's Consultant, Golder Associates)
8c	Request clarification on whether the air quality and cumulative effects assessment will be updated using the data from the Durham York Energy Centre Environmental Screening Report for the proposed capacity expansion to 160,000 tonnes per year, once released.	No comment. SMC used the most current data that was available at the time of completing their supporting studies.
8d	Request that stack emission limits, continuous emissions monitoring parameters and ambient air monitoring requirements be as stringent for the proposed undertaking as required for the DYEC.	The ERO Decision Summary includes a response to this concern, stating that SMC has demonstrated compliance with the applicable air and noise requirements. ECA condition 4 sets out performance limits for air, noise and vibration emissions. SMC is required to maintain compliance with O.Reg. 419/05: Air Pollution - Local Air Quality. Stack emission limits are prescribed in Schedule B of the ECA and include compliance emission limits for Total Particulate Matter and Dioxins and Furans. The in-stack emission limits align with the parameters and parameter concentrations set out in Ontario's Guideline A-7: Air Pollution Control Design and Operations Guidelines for Municipal Waste Thermal Treatment, Table 2 limits for existing cement and lime kilns burning municipal waste.



December 18, 2020

Project No. 19117137

**Amy Burke**

Municipality of Clarington  
40 Temperance Street  
Bowmanville, ON L1C 3A6  
ABurke@clarington.net

**RE: ALTERNATIVE LOW CARBON FUEL USE AT THE ST MARYS CEMENT BOWMANVILLE PLAN**

Ms. Burke,

Thank you for submitting your comments and concerns regarding the Alternative Low Carbon Fuel Application for the St Marys Cement (SMC) Bowmanville Plant. The Project Team's responses to your comments that we received are below in Table 1.

**Table 1: Project Team Responses to Comments Received August 22, 2020**

ID	Comment	Response
1	<p><b>Greenhouse Gas Emissions Reduction.</b></p> <p>As required by O. Reg. 79/15, SMC has submitted a Carbon Dioxide Emission Intensity Report in support of application. The report does not account for other factors that will change the greenhouse gas emissions profile for the Site. A lifecycle analysis approach should take into consideration the Net effect on greenhouse gas emissions generated from the transport of fuel (conventional versus ALCF) to the Site, the emissions released from the consumption of fuel at the Site, the emissions released from the consumption of fuel at the Site, and the transportation and disposal of materials removed from the Site as a result of pre-screening.</p> <p>SMC is required by Ontario Regulation 390/18 to report their greenhouse gas emissions annually and to have third-party verification of their annual emissions report. While the publicly available data reports the amount of greenhouse gases (carbon dioxide equivalent) emitted by SMC from the combustion of biomass, the available data does not provide for an on-going demonstration of the carbon dioxide emissions intensity reduction that is being</p>	<p>SMC is already approved and using low carbon fuels to reduce cement making GHG emissions.</p> <p>O. Reg 79/15 is designed to further reduce greenhouse gas (GHG) emissions. The regulation only allows the use of alternative low carbon fuels (ALCFs) that have a lower carbon dioxide emission intensity that is less than the carbon dioxide emission intensity of coal or petcoke. The ALCFs will be primarily sourced from local sources which are expected to have a significantly lower transportation distance than coal or petcoke. The ALCFs that can be accepted are those that cannot be recycled and are therefore destined for landfills. Landfills are a significant source of methane which is an approximately 25 times more powerful GHG than carbon dioxide. All of these factors contribute to the use of ALCFs in a cement plant as a decrease in GHG emissions at the site .</p> <p>The target conventional fuel thermal displacement rate is 30% the expected GHG</p>

Golder Associates Ltd.  
20 Queen St. West, Suite 2300  
Toronto, ON M5H 3R3, Canada

T: +1 416 366 6999 F: +1 416 366 6777

ID	Comment	Response
	<p>achieved or the contribution to any established greenhouse gas reduction targets that the facility is trying to achieve.</p> <p>It is understood that a fuel testing program to regularly monitor the carbon dioxide intensity of the ALCF used at the Site will be implemented. However, we request clarification on the frequency of this analysis and the mechanism of reporting.</p> <p>In addition to regular, publicly available reporting to demonstrate whether the objectives of the ALCF legislation are being met or exceeded, we request that SMC share with the community the contribution that the use of ALCF has on reducing total annual greenhouse gas emissions from the Site using a baseline established before the practice of using ALCF as a fuel source.</p>	<p>reduction from fuel combustion will be on a similar order of magnitude to this displacement rate and will be tracked as part of the testing procedures.</p> <p>SMC is subject to federal and provincial GHG reporting programs that include 3<sup>rd</sup> party verification. The use of ALCFs is one of the initiatives that SMC is undertaking to reduce their annual GHG emissions and the emission reduction will be part of this verification. The GHG reporting program data is publicly available and will be discussed at Community Relations Committee meetings.</p>
2	<p><b>Land Use, Zoning and Site Development.</b></p> <p>In addition to the adjacent land uses identified in the ECA application submitted by SMC, it is important to note that there are residential and recreational areas in immediate proximity to the SMC Site. The Site is located within the Bowmanville Urban Area of Clarington.</p> <p>The documentation submitted to the MECP to support the subject application provides minimal details relating the proposed changes to existing on-site buildings and structures. In addition, some inconsistencies in the information related to ALCF buildings and structures were noted and as a result it is not clear whether the construction of a new, secondary ALCF building is proposed. An expansion to the existing ALCF building and/or the erection of a new building/structures will require amendment of the Site Plan Approval issued for the ALCF building and the issuance of building permits pursuant to the Ontario Building Code.</p>	<p>The residential receptors of the communities surrounding the SMC property have been included in the air quality modelling as part of the site application.</p> <p>SMC presented details on the ALCF storage at the second public meeting including that the expansion of storage capacity will include expansion of the existing building and addition of a second building. The new storage capacity will be sufficient to store a little more than two days of ALCF materials at the usage rate of 400 tonnes per day. SMC would be happy to discuss this further with the Municipality of Clarington and will meet all municipal approval requirements.</p>

ID	Comment	Response
3	<p><b>ALCF Sources and Supporting Regional Waste Management Objectives</b></p> <p>The proposal does not indicate the service area from within which ALCF will be sourced. While the Municipality appreciates the potential benefits to SMC of having flexibility in this regard, we do not support Clarington becoming a location of convenience for waste diversion of Ontario's Industrial, Commercial and Institutional sectors.</p> <p>Clarington is the host community for the Durham York Energy Centre (DEYC), where all of Durham Region's residential waste and a portion of waste generated by households in York Region is disposed of. To free-up capacity and postpone the need for expansion of the DYEC, the Region of Durham is pursuing the development of a mixed waste pre-sort and anaerobic digestion facility, also sited in Clarington. From a community benefits standpoint, the Municipality strongly encourages SMC to identify opportunities to collaborate with the Region of Durham to achieve the objective of using ALCF and reduce the need for expansion of the DYEC.</p>	<p>Once SMC receives the ECA amendment, their Director of Alternative Fuels and Raw Materials will start working with local suppliers, including the Region of Durham. SMC has already met with the Region on various occasions and has initiated discussions for how SMC and the Region can work together and how the Region can be an ALCF supplier for SMC.</p> <p>It is important to note that ALCFs accepted at SMC's Bowmanville Cement Plant are accepted based on strict specifications and thermal heating values for the purpose of producing cement. An incinerator is a different type of facility than SMC's Bowmanville Cement Plant. Energy from waste facilities, are waste management facilities that produce energy from the combustion of household waste. SMC's Bowmanville Cement Plant is a cement plant and is applying to use alternative fuel sources, such as ALCFs to produce quality cement and also reduce GHGs. The types of materials that meet these requirements are very different than the material received by the DYEC.</p>
4	<p><b>ALCF Receipt, Processing and Storage</b></p> <p>The application is seeking approval to increase the daily throughput of ALCF at the Site to 400 tonnes. However, the Alternative Low Carbon Fuel Handling Procedures and Testing Manual (St. Marys Cement, March 2020) indicates that the ALCF system will have a feeding system designed with a feed rate of up to 10 tonnes per hour. At this feed rate, the maximum quantity of ALCF throughput that could be achieved over a 24-hour period is 240 tonnes. How will the additional throughput be achieved?</p> <p>While the application indicates that SMC is seeking approval for new equipment to support the ALCF, few details are provided. The Municipality requests confirmation that all new equipment proposed to support the ALCF expansion has been considered in the assessment of air and noise requirements and potential</p>	<p>At this time SMC's feed rate can accommodate up to 12 tonnes per hour; however, the plan is to increase the feeding system over time to achieve the 400 tonnes per day. SMC will update the ALCF Handling Procedures and Testing Manual as part of the ECA conditions.</p> <p>All new equipment to support the expanded use of ALCFs at the site will be enclosed and will not have potential impacts to noise or air quality.</p> <p>Inspection of ALCFs will take place upon receipt at the site. SMC has a vendor screening process and works closely to ensure quality of ALCF materials and that they meet the specifications required under O. Reg 79/15, their ECA and O. Reg 419.</p>

ID	Comment	Response
	<p>impacts associated with the proposal. This includes the new conveyance system to the kiln burner, pre-processing rotary cutter and drum or belt magnetic separator that have been referenced in the supporting documents to the application.</p> <p>The Emission Summary and Dispersion Modelling Report (BCX Environmental Consulting, March 2020) indicates that unloading of ALCF will be a completely enclosed process. How is ALCF feedstock inspection occurring to remove undesirable materials or reject undesirable loads if there is direct feed to the conveyor?</p> <p>Clarification on proposed ALCF storage at the Site is requested in order to provide fulsome comments. A maximum six-month storage duration for any one load is proposed; however, the maximum quantity of ALCF to be stored at any one time is not known. The Alternative Low Carbon Fuel Handling Procedures and Testing Manual (St. Marys Cement, March 2020) indicates that there may be outdoor storage. The proposed location for this is not clearly indicated in any of the supporting documents. Outdoor storage raises questions about how ALCF moisture levels, run off, and potential nuisance impacts, such as litter and odour, would be managed. The Municipality does not support the outdoor, unclosed storage of ALCF.</p> <p>Further, Darlington Creek, which crosses the Site, is in close proximity to the existing ALCF building and portions of the Site are within the regulatory limits of the Conservation Authority. Consultation with CLOCA should be undertaken.</p>	<p>The proposed storage capacity at the site will accommodate a little more than two days of ALCFs at the usage rate of 400 tonnes per day. In accordance with the O. Reg 79/15, fuel cannot be stored for more than 18 months, the maximum amount of fuel stored is the amount that is reasonably capable of being combusted at the site during a period of six months, and the fuel stored is to be combusted at the site.</p> <p>As all storage will be indoors, there will be no potential for impacts to Darlington Creek as a result of the use of ALCFs.</p>

ID	Comment	Response
5	<p><b>Traffic Impacts</b></p> <p>As noted in the Traffic Impact Study (AECOM, January 2020), the increased number of trucks will have a negative impact on the adjacent intersections. These intersections are already at capacity, so any additional traffic will make the condition worse.</p> <p>The intersections that are studied are all under the jurisdiction of the Ministry of Transportation (MTO). SMC should consult with MTO regarding the operation of these intersections.</p> <p>The Municipality will be undertaking rehabilitation of the Bowmanville Avenue bridge over the Canadian National Railway line in the fall of 2020 and spring/summer 2021. We have been in consultation with SMC through the design. There will be temporary traffic signals to control traffic through the construction zone and the intersection of Bowmanville Avenue and Energy Drive. This will cause disruption of traffic to SMC during construction.</p> <p>The Traffic Impact Study (AECOM, January 2020) is based on an anticipated increase in two-way trips of up to 35 per day. This is based on the assumption that 7 days of material will be delivered over 4 days and that the deliveries will be spaced out through the day similar to existing traffic patterns. SMC should confirm that this assumption is correct since any spike in traffic would have additional impact on the affected intersections and should be part of the discussions with MTO.</p>	<p>MTO has been notified of the project throughout project milestones and will be notified of project updates going forward.</p> <p>The assumptions included in the Traffic Impact Study were based on a worst-case scenario, conservative estimate (e.g., seven days of material being delivered over four days was based on deliveries when there is a statutory holiday weekend, assuming no materials would be delivered over the course of the three-day weekend). Typical delivery volumes will be lower.</p>

ID	Comment	Response
<b>Air Quality and Cumulative Effects</b>		
6a	<p>We request that air quality and the cumulative effects of the proposal on the community be a key consideration as part of a thorough and comprehensive assessment by the MECP. Is the advancement of greenhouse gas reduction being achieved at the cost of impacted air quality or community health?</p> <p>This proposal is only one of two environmental permitting processes that are now underway within Clarington involving the thermal treatment of municipal solid waste. The Site is located approximately 4 km east of the DYEC, which is undergoing a concurrent Environmental Screening Process to increase processing capacity from 140,000 to 160,000 tonnes per year. Council and residents have concerns with the potential cumulative effects of these projects within what is perceived to be an already burdened airshed. Questions have also been raised about specific contaminants of concern, including fine particulate matter (PM2.5), dioxins and furans, nitrogen oxides (NOX), sulphur dioxide (SO2), and Benzo(a)pyrene. Further, the allowance for the industry to use emissions trading for sulphur dioxide and nitrogen oxides has seen the Site benefit from other locales in Ontario.</p> <p>Given the technical complexity of the air quality aspects of the subject application and the on-going Environmental Screening Process for the DYEC, it is difficult for Council members and staff to understand the inter-relationships between the project requirements, their potential cumulative effects, and the adequacy of their respective monitoring programs and overall ambient air quality monitoring for the area. As such, in accordance with Council direction, staff are in the process of seeking independent, technical expertise to provide advice and assist with interpretation and commenting. We anticipate that the Technical Expert will report to Council in October 2020, after which further comments will be submitted to the MECP on the subject application.</p>	<p>SMC prepared the air quality and cumulative effects assessment in response to public comments received during the preparation of the application. This report was reviewed by Dillon Consulting Limited (Dillon) on behalf of the Municipality of Clarington. Dillon's review agreed with the Air Quality and Cumulative Effects Assessment, that the increase in ALCF throughput would lead to an insignificant increase in emissions and local airshed impacts. This report is currently under review by the MECP. SMC is committed to responding to community concerns.</p> <p>SMC is required to remain in compliance with O. Reg 419 with the use of ALCFs. MECP regulates O. Reg 419 as standards for protection of human health. MECP is always looking at new regulations for Ambient Air Quality Criteria and makes changes to provincial standards in order to continue to protect human health.</p>



ID	Comment	Response
6b	<p>While we understand that a key objective of the use of ALCF in the cement sector is the reduction of greenhouse gas emissions rather than providing a waste management solution, we cannot discount the fact that this proposal would result in a substantial amount of waste being brought to the Municipality for final disposal by means of a thermal treatment process. Accordingly, the Municipality expects SMC will ensure the facility incorporates and utilizes modern, state of the art, emissions control technologies that meet or exceed provincial standards for the protection of human health and the environment. The Site should be required to meet the most current and stringent air emissions levels, and not be grandfathered as “existing.”</p> <p>Details on how the air emissions from the facility will be monitored and reviewed is important to community understanding of the proposal. The application does not include details about the frequency and scope of continuous emissions monitoring, ongoing source testing or ambient emissions monitoring proposed for the Site. These details are requested, including information on the application of <i>Ontario’s Guideline A-7: Air Pollution Control, Design and Operation Guidelines for Municipal Waste Thermal Treatment</i>, to the project, as well as a comparison of the proposed air quality monitoring program for the Site to the requirements of the DYEC. The Municipality requests the opportunity to review and seek clarification on the air quality monitoring program and related requested information prior to MECP making a decision on the ECA amendment application.</p> <p>In addition to SMC’s existing ambient air quality monitors, a network of air monitoring stations is present in the vicinity of the property, including ambient air monitoring equipment for the DYEC and a long-term ambient air monitoring station at the Durham College Oshawa Campus. Data is also available for temporary ambient air monitoring stations installed as part of the Highway 407/418 construction. These monitoring stations contributed to the completion of a review of local air quality undertaken by the MECP in 2018. MECP’s Technical Memorandum: Overview of Ambient Air</p>	<p>The DYEC is a different type of facility than SMC’s Bowmanville Cement Plant. As stated on the DYEC’s website, <a href="http://durhamyorkwaste.ca">durhamyorkwaste.ca</a>, the DYEC is a waste management facility that produces energy from the combustion of household waste. SMC’s Bowmanville Cement Plant is a cement plant and is applying to use alternative fuel sources, such as ALCFs, to produce quality cement. The process for using ALCFs at a cement plant is different than an energy from waste facility as the materials that can be used are different (e.g., ALCFs to produce cement have to remain compliant with not only MECP regulatory requirements but also compliant with the manufacturing process in order to produce quality cement), and the systems are built differently. The cement kiln operates at extremely high temperatures (1,550 °C) and ALCFs are not introduced into the kiln during start-up or shut-down. The cement kiln also has a long residence time for fuels.</p> <p>SMC is required to maintain compliance with O. Reg 419. When new standards are put in place, SMC will be required to maintain compliance with those. Environmental Compliance Approvals (ECAs) do not grandfather existing standards for approval holders.</p> <p>As indicated in 6a, the Air Quality and Cumulative Effects Assessment report was reviewed by Dillon on behalf of the Municipality of Clarington. Dillon’s review agreed with the Air Quality and Cumulative Effects Assessment, that the increase in ALCF throughput would lead to an insignificant increase in emissions and local airshed impacts.</p>



ID	Comment	Response
	Monitoring Programs in Durham Region summarizes the analysis of air quality data in the Region for years 2013 to 2016. The Municipality requests MECP undertake an updating of this report to include data to 2020, with regular updating thereafter.	
6c	The Emission Summary and Dispersion Modelling Report (BCX Environmental Consulting, March 2020), completed a portion of the analysis using a designation of the site as being in a rural setting. The Municipality is concerned with this determination. As indicated, the Site is located with the Bowmanville Urban Area of Clarington. A residential neighbourhood comprised of approximately 100 households is located directly east of the property along the Lake Ontario shoreline, and extensive residential neighbourhoods exist immediately north of the Site, on the north side of Highway 401. In addition, commercial and mixed- use areas, a designated Major Transit System Area, and both the East Bowmanville and South Bowmanville Industrial Parks are located within a 3 km radius of the property boundary (see enclosed map).	Residential receptors of the communities surrounding the SMC property have been included in the air quality modelling. The land use of “rural setting” is based off a definition for the MECP meteorological dataset for use in the air dispersion modelling, not based off of the Municipality of Clarington land-use.
6d	The generation of PM2.5 by SMC and the DYEC has been an on-going concern of Council. While previous presentations by SMC to Council have indicated that the contribution of PM2.5 to the community by the Site is low, the Emission Summary and Dispersion Modelling Report (BCX Environmental Consulting, March 2020) identifies PM2.5 as a primary emission from the facility. As stated, the Municipality requests that ambient air monitoring for the Site be consistent with that of the DYEC, including PM2.5.	<p>The current PM10 monitoring at SMC's Bowmanville facility is intended to monitor particulate matter concentrations and is approved and validated by the MECP. PM10 includes the fraction of PM2.5 therefore changes in PM2.5 will be reflected in PM10 monitoring.</p> <p>The emissions from the cement kiln are monitored by Continuous Emissions Monitoring (CEMs) to demonstrate that complete combustion in the kiln is occurring and that emissions will be maintained at levels that do not cause adverse impacts.</p> <p>Community PM2.5 levels are impacted by regional issues and are not primary point source related. Community PM2.5 is currently monitored by the Region of Durham and therefore additional PM2.5 monitoring is not required by SMC.</p>

ID	Comment	Response
6e	<p>The Air Quality Impact Study and Cumulative Effects Assessment (BCX Environmental Consulting, January 2020) uses the current sulphur dioxide Ambient Air Quality Criteria value of 690 ug/m3. Air standards for sulphur dioxide were updated in 2018. While a phase in period is currently underway, the new standards will take effect is less than three years. To align with the conservative approach that has been taken with the analysis completed by SMC, to address community concerns, and recognizing the new standard will come into effect in sequence with or very soon after the potential start-up of expanded operations, the Municipality requests that the most current standards be used.</p>	<p>SMC is preparing to advance the addition of a Wet Scrubber to their plant to further reduce air quality contaminants, including sulphur dioxide. This addition is being undertaken independent of the ALCF application.</p>
6f	<p>The following discrepancies in data amongst the supporting documents have been identified:</p> <ul style="list-style-type: none"> <li>■ Differing clinker production rates of 1.8 million tonnes per year [<i>Carbon Dioxide Emission Intensity Report</i> (Golder Associates, January 2020) and the <i>Air Quality Study and Cumulative Effects Assessment</i> (BCX Environmental Consulting, January 2020)] and 2.4 million tonnes per year [Alternative Low Carbon Fuels Handling Procedures and Testing Manual (St. Marys Cement, March 2020)].</li> <li>■ Differing maximum production rates of 5500 tonnes per day [<i>Air Quality Study and Cumulative Effects Assessment</i> (BCX Environmental Consulting, January 2020)] and 5800 tonnes per day [<i>Carbon Dioxide Emission Intensity Report</i> (Golder Associates, January 2020)].</li> </ul>	<p>The production rates are both correct as they represent a range. 5500 is the typical rate, while 5800 is the design capacity at a maximum and is not sustainable for continuous use.</p> <p>Both clinker production rates are also correct, 2.4 million tonnes per year is what SMC has approval for under their ECA, while 1.8 million tonnes per year was based off of SMC's best production year to date at their Bowmanville Cement Plant.</p> <p>Conditions on the ECA will require SMC to update the ESDM Report based on actual production at the site to demonstrate ongoing compliance with O. Reg. 419/05.</p>

ID	Comment	Response
7	<p><b>Consultation and Complaints Management</b></p> <p>An extensive consultation program was carried out by SMC as part of preparing the ALCF permit application. Timing of the release of the final supporting documents for the proposal, which coincided with the onset of the COVID-19 pandemic, effected our ability to complete our review and submit comments to the MECP and SMC prior to the Environmental Registry deadline and influenced in part the hiring of air quality technical expertise. As previously mentioned, we anticipate submitting additional comments to the MECP.</p> <p>As SMC continues through the permitting process, we would like to see on-going active engagement and education of the community about ALCF including, potential benefits of ALCF use, potential environmental and nuisance impacts mitigation, monitoring and measuring that will occur, and how questions and concerns can be communicated and addressed. Continuation and regular updating of the project website, along with on- going engagement of the St. Marys Cement Community Relations Committee are ideal forms for this to occur.</p> <p>Further, the Municipality requests that a complaints management and resolution protocol be documented and made publicly available. This has been a requirement of many significant undertakings in the community and helps to clearly and openly communicate to the public a company's commitment to open dialogue with the community and to hearing and addressing concerns.</p> <p>More specifically with respect to nuisance odour complaints management, the Municipality encourages SMC become involved in the odours management stakeholders group being led by the Region of Durham in collaboration with other waste management and large industrial operators in the South Courtice / South Bowmanville area of Clarington, including Covanta, Miller Waste Systems, Ontario Power Generation and Waste Management (of Canada). While the purpose of using ALCFs at the site is not waste disposal, the quantities of waste that will be managed are comparable and possibly</p>	<p>SMC is committed to ongoing engagement with the Bowmanville community. SMC meets with a Community Relations Committee on a quarterly basis where they discuss ongoing projects and activities that are taking place at the Bowmanville Cement Plant and discuss any concerns and questions from the members. SMC will occasionally bring in experts to address additional concerns at the request of the committee and has provided site tours as requested. Additionally, SMC will continue to post project updates on their website, remains committed to responding to questions from members of the community as they arise and to ongoing open communication with the Municipality of Clarington and the Region of Durham.</p> <p>Odour has not been an issue at the site in the past. Odour is not anticipated to become a concern as part of the use of ALCFs as all delivery and storage of ALCFs will take place in enclosed buildings and containers and the LCF material itself is not a significant source of odours.</p> <p>As part of the ECA a complaints procedure will be put in place for SMC to address complaints received associated with the use of ALCFs.</p>

ID	Comment	Response
	greater than other nearby facilities. We anticipate public perception of nuisance impacts, including odour, may arise in the community as a result of the project.	

Please contact Sean Capstick by phone at 905-567-6100 x1145 or by email at [sean\\_capstick@golder.com](mailto:sean_capstick@golder.com) if you have any additional questions or comments. You may also wish to contact Ruben Plaza, Corporate Environmental Manager North America, at St Marys Cement at 905-623-3341 or by email at [Ruben.Plaza@vcimentos.com](mailto:Ruben.Plaza@vcimentos.com).

Yours sincerely,

**Golder Associates Ltd.**



Sarah Schmied, BSc, BEd  
Project Manager  
SS/SC/wlm



Sean Capstick, PEng  
Principal

CC: Ruben Plaza, St Marys Cement

[https://golderassociates.sharepoint.com/sites/104011/project files/07-deliverables/01\\_consultation/01\\_consultrecord-includesnewcomments/response to amy burke-dec2020/smc-bowmanville-alc-f-response-to-aburke-18dec2020.docx](https://golderassociates.sharepoint.com/sites/104011/project%20files/07-deliverables/01_consultation/01_consultrecord-includesnewcomments/response%20to%20amy%20burke-dec2020/smc-bowmanville-alc-f-response-to-aburke-18dec2020.docx)

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**To:** Mayor and members of Council

**From:** Ryan Windle, Director of Planning and Development Services

**Date:** April 12, 2021

**File No.:** PLN 33.3.10

**Re: Item 14.2, Unfinished Business on Council Agenda for April 12 with regard to Report 2021-WR-5 DYEC Operations, Long-term Sampling System Update for Dioxins & Furans**

On April 6, 2021, at the Planning and Development Committee there were four delegations by Durham residents and a presentation by Durham Region Staff regarding the above noted Regional Report. One of the delegations did not specifically address the Region's Report, speaking instead in opposition to any expansion of the Region's Energy from Waste facility and proposed Pre-Sort and Anaerobic Digester planned by the Region to be sited next to the Durham York Energy Centre.

Council requested that Staff prepare a draft letter (Attachment 1) to Durham Region to address the request outlined in the delegates communications and PowerPoint presentations. The letter is to "demand" the requested actions identified by the delegates be taken in Resolution PD106-21.

In the final paragraph of the draft letter Staff have included a request that the minutes and resolutions from EFW-WMAC go to Regional Council. This request was previously made by Clarington Council and the Region denied the request; as noted in March 29 GGC agenda - <https://pub-clarington.escribemeetings.com/filestream.ashx?DocumentId=22189>.

If the requests in the draft letter to the Region are denied again, Council may then wish to trigger the remedies set out in the Host Community Agreement to address disputes between the Region and Clarington.

As background to the draft letter Staff are providing two additional attachments to this memo. Attachment 2 provides relevant sections of the Host Community Agreement between the Region and Clarington. Attachment 3 is an excerpt from [PSD-064-16](#) as it outlines the monitoring by the Region and Ministry of Environment, which has since been renamed.

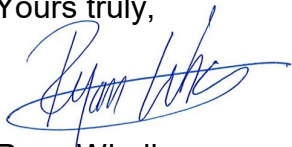
Ministry of Environment, Conservation and Parks. The report was requested to determine whether and how an independent air quality expert could be retained by Clarington; Council did not retain a consultant at that time. The reason for including the Report excerpt, being Section 1.2 and 1.3 is to provide background on the air emissions monitoring that happens at the Durham York Energy Centre.

**Suggested Recommendation:**

Clarington Council endorse the Letter to the Region by Resolution.

The resolution would then become an attachment to the letter.

Yours truly,



Ryan Windle  
Director, Planning and Development Services Department

cc. June Gallagher, Municipal Clerk  
Andy Allison, CAO

Attachment 1 – Draft Letter to the Region

Attachment 2 - Excerpts from the HCA

Attachment 3 – Section 1.2 and 1.3, Excerpt of PSD-064-16



April XX, 2021

Regional Chair John Henry and Councillors  
The Regional Municipality of Durham Headquarters  
605 Rossland Road East  
Whitby, Ontario L1N 6A3

Dear Chair Henry and Regional Councillors

**Re: Report 2021-WR-5 DYEC Operations, Long-term Sampling System Update  
for Dioxins & Furans**

On Tuesday, April 6, 2021, Clarington's Planning and Development Committee heard three delegations by Durham residents with regard to the above noted item. In addition, Regional Staff, Commissioner Siopis and Mr. Anello, provided a presentation addressing the same issue. While Clarington Council appreciated hearing the delegations and having Regional Staff address the comments of the delegates, this was a discussion that should have been occurring at the Regional Council table. In the delegates letter to Chair and Regional Councillors regarding this matter, dated March 17, 2021, and their subsequent delegation to Regional Council on March 24, a request was made for Regional staff to be directed "to respond in writing to the concerns raised." Report 2021-WR-5 was received for information by Regional Council on March 24, 2021.

The partnership outlined in the Host Community Agreement (HCA) for the Durham York Energy Centre (DYEC) was between the Region of Durham and Clarington and included obligations for both parties. Amongst the obligations, and in particular Section 3 are the operational requirements for emissions control and ongoing monitoring.

Regional Council is well aware of the importance of air quality and the emissions to all of Durham's residents. Clarington relies on the competency and professionalism of Durham Staff, their consultants, the peer review consultants, and the operator, as well as the assurance of the Ministry of Environment, Conservation and Parks oversight regarding the performance requirements set out in the Environmental Compliance Approval (ECA). The ECA requirements were built off of the Ontario Guideline A7 requirements for the control, monitoring and performance testing of incineration systems, European Union standards outlined in the HCA and the approved Environmental Assessment for the Energy from Waste Facility.

The long-term partnership outlined in the HCA is for the operational lifespan of the DYEC. It has taken some five years for the calibration between the stack tests and AMESA cartridge to render reliable monthly data regarding dioxins and furans. As such, Clarington is formally requesting that the AMESA data, which we understand is housed at the DYEC, be made available to the public. This would include, at no cost to the requestor, release of:

- all AMESA data from installation to present and include underlying reports (if requested); and
- in future AMESA results as they become available (typically on a 28-day basis).

Further, currently the minutes and resolutions of the EFW-WMAC Committee go to the Works Committee. Therefore, it is difficult for Regional Council members to be aware, especially when requests and resolutions from the EFW-WMAC committee are only received for information, if and when there maybe ongoing monitoring issues at DYEC. Clarington Council is requesting that the minutes and resolutions of EFW-WMAC go to Regional Council along with the actions taken by Works Committee. In this way, much like the ongoing peer review of the emissions monitoring at the DYEC there can be ongoing knowledge and monitoring by Regional Council members.

The above noted letter was endorsed by Resolution number XX-21.

Yours truly

Mayor and Members of Council  
Municipality of Clarington



- 3.1 Durham shall ensure that the EFW Facility incorporates and utilizes modern, state of the art, emission control technologies that meet or exceed the Ontario A7 air emission guidelines and European Union standards as identified below:
- 3.2 Durham shall ensure that the EFW Facility utilizes maximum achievable control technology (MACT) for emissions control and monitoring systems. Durham and the operator shall seek to achieve normal operating levels significantly better than the emission limits identified in Section 3.1.
- 3.3 Durham shall ensure that, where technically possible, the EFW Facility utilizes 24/7 monitoring systems for such parameters as are deemed appropriate by the Ministry of the Environment. The results of such monitoring systems shall be made accessible to the public on a website or programmable display board designed for such purpose. In addition, Durham shall ensure that the operator monitors the ambient air in the immediate vicinity of the EFW Facility for a three year term commencing upon the commencement of operations.
- 10.8 In addition to all public information, the Operator shall on or before March 31<sup>st</sup> in each calendar year provide the Clerk of Clarington with a report related to the emissions output from the EFW Facility for the previous calendar year.

**15. Further Assurances**

The parties hereby covenant and agree, after a request in writing by one party to the other parties, to forthwith execute and provide all further documents, instruments and assurances as may be necessary or required in order to carry out (and give effect to) the true intent of this Agreement, and to effect the registration against and release from title to the lands subject to this Agreement of such notices or other instruments in accordance with the provision of this Agreement.

## 1.2 DYEC Facility Air Emissions Monitoring Program

Separate from the DYEC Ambient Air Quality Monitoring Plan, the Air Emissions Monitoring Plan has been prepared to satisfy Conditions 12 and 13 of the EA Notice of Approval and Conditions 7(1), 7(2) and 7(3) of the ECA. Air emissions monitoring started when the first discharges were emitted from the facility. The monitoring program includes:

- a) Continuous emissions monitoring systems (CEMS);

Continuous emissions monitoring (CEM) began with the commencement of boiler operations (each boiler has its own monitoring equipment). A list of CEMS monitoring parameters is provided as part of Attachment 1. Live CEM data is posted to the DYEC website and the external facility display board.

- b) Stack testing (also known as source testing);

In addition to CEM, air emissions from the facility are tested twice per year by a stack (source) test. The parameter categories tested during the stack (source) test are also listed in Attachment 1. The stack tests are carried out by a qualified air specialist team under the scrutiny of an independent (third party) consultant. The labs that analyze the samples collected are selected by Durham Region and results are submitted to the MOECC.

- c) Long term sampling for dioxins and furans;

Long-term sampling for dioxins and furans is performed by the AMESA sampler. Through continuous monitoring, the sampling is intended to determine long-term variations of dioxin and furan emissions levels over time. The system is evaluated as part of the stack testing program. When Boiler #2 failed the stack test in May 2016, the Region retained experts to ensure that the AMESA sampler was performing as anticipated.

## 1.3 DYEC Facility Air Pollution Control Equipment

Each boiler has its own dedicated Air Pollution Control system consisting of:

- Selective non-catalytic reduction system for control of nitrogen oxides (NO<sub>x</sub>);
- Patented Very Low NO<sub>x</sub>™ system for additional NO<sub>x</sub> control;
- Evaporative cooling tower with dry lime reactor for acid gas control;
- Activated carbon injection system for mercury and dioxin control;
- Minimum temperature of 1,000°C for VOC and dioxin and furan control; and
- Fabric filter baghouse system for particulate matter control.

CEM devices monitor stack emissions on a continuous basis to ensure compliance. The DYEC is required to meet the air emissions standards set out in Ontario Regulation 419/05 Air Pollution – Local Air Quality (O.Reg. 419/05) and the MOECC Guideline A-7 Combustion and Air Pollution Control Requirements for New Municipal Waste Incinerators (A7 Guideline). One exception to this is the stack emission limit for dioxins and furans at the DYEC, which is more stringent than the A7 Guideline limit (60 pg/Rm<sup>3</sup> for the DYEC compared to the A7 Guideline value of 80 pg/Rm<sup>3</sup>).

If this information is required in an alternate format, please contact the Accessibility Co-ordinator at 905-623-3379 ext. 2131

## The Corporation of the Municipality of Clarington

### By-law 2021-045

Being a by-law to adopt the estimates of all sums required during the year, to strike rates and levy taxes for municipal purposes for the year 2021 and to provide for the collection thereof.

Whereas the Council for the Municipality of Clarington deems it necessary for The Corporation of the Municipality of Clarington pursuant to Section 312 (2) of the *Municipal Act, 2001* to levy on the whole rateable property according to the last revised assessment roll for The Corporation of the Municipality of Clarington the sums set forth for various purposes in Schedule "A" hereto attached for the current year;

Whereas the property classes have been prescribed by the Minister of Finance under the Assessment Act, R.S.O. 1990 ch A.31 as amended and Regulations thereto;

Whereas an interim levy was made before the adoption of the estimates for the current year;

Whereas Section 208(2) of the Municipal Act, 2001 provides that the Council of a municipality shall in each year levy a special charge upon rateable property in a Business Improvement Area, which has been designated under Subsection 204(1);

Whereas Section 342(1)(b) of the Municipal Act, 2001 S.O. 2001, as amended states in part that a municipality may pass by-laws providing for alternative instalments and due dates to allow taxpayers to spread the payment of taxes more evenly over the year;

Whereas Section 345(2) of the Municipal Act, 2001 S.O. 2001, as amended provides that a percentage charge, not to exceed 1 ¼ percent of the amount of taxes due and unpaid, may be imposed as a penalty for the non-payment of taxes on the first day of default or such later date as the by-law specifies;

Whereas Section 345(3) of the Municipal Act, 2001, S.O. 2001 as amended, provides that interest charges not to exceed 1 ¼ percent each month of the amount of taxes due and unpaid, may be imposed for the non-payment of taxes in the manner specified in the by-law but interest may not start to accrue before the first day of default;

Whereas pursuant to the Regional Municipality of Durham By-Law Number 08-2021 for Regional General purposes, 09-2021 for Regional Transit Commission purposes and 10-2021 for Regional Solid Waste Management purposes were passed to adopt estimates of all sums required by The Regional Municipality of Durham for the purposes of the Regional Corporation and to provide a levy on Area Municipalities; and the Regional Municipality of Durham approved the transition ratios By-law Number 07-2021;

Whereas the Province of Ontario has prescribed the Education Tax Rates in Regulation 46/21 of the Education Act;

Now therefore the Council of The Municipality of Clarington enacts as follows:

1. That for the year 2021, The Municipality of Clarington shall levy upon the Residential, Multi-Residential, Commercial, Industrial, Pipeline, Farmland and Managed Forest Assessment the rates of taxation per current value assessment for general purposes as set out in the Schedule "A" attached to this By-law;
2. And that the estimated expenditures, net of revenue and applied surplus required during the year 2021 totalling approximately \$65,368,552 are set forth in Schedule "A" attached to this By-law in the manner as set hereunder:

	<b>2021</b>	<b>2020</b>	<b>2019</b>
General Purposes	65,368,552	62,747,374	59,822,692
Total for Business Improvement Area	<u>213,439</u>	<u>213,439</u>	<u>215,200</u>
<b>TOTAL</b>	65,581,991	62,960,813	60,037,892

3. And that the tax rates, established by this by-law to produce the final tax bills for 2021 shall be adjusted to account for the interim levies imposed by By-law No. 2020-087;
4. And that the tax rates established by this by-law to produce the final tax bills for 2021 shall take into account adjustments to commercial, industrial and multi-residential properties as required by Bill 140, an Act to amend the *Assessment Act*, *Municipal Act*, *Assessment Review Board Act* and *Education Act* in respect of property taxes;
5. And that in the event an instalment is not paid on its due date, there shall be imposed a penalty of 1 ¼ percent (1.25%) on the first day of the calendar month following non payment;
6. And that in the event an instalment is not paid on its due date, interest shall be imposed at the rate of 1 ¼ per cent (1.25%) on the first day of the second calendar month following the due date and on the first day of every calendar month thereafter until the taxes are paid;

7. And that if any instalment remains unpaid at the due date, all future instalments become immediately due and payable;
8. And that the Treasurer and the Manager of Taxation Services are hereby authorized to accept part payment from time to time on account of taxes due, provided that the acceptance of any part payment shall not affect the collection of any percentage charge imposed under sections (5) and (6) of this by-law;
9. And that notwithstanding the provisions of the by-law, all taxes shall be deemed to have been imposed and to be due on and from the first day of January, 2021;
10. And that on application to the Municipality, a taxpayer may pay taxes by a pre-authorized payment plan, payable on the first day of each month or by full payment on instalment due dates. In the event of the default of the payment on the pre-authorized payment plan, enrolment in the plan shall be terminated and the final tax levy shall be due and payable on the instalment dates as set out in Section 14;
11. And that all realty taxes levied under Section 33 and Section 34 (supplementary/omitted taxes) of the Assessment Act shall be due and payable at least twenty-one (21) days after notice is given by the Manager of Taxation Services;
12. And that for the payments-in-lieu of taxes due to The Corporation of the Municipality of Clarington the actual amount due to The Corporation of the Municipality of Clarington shall be based on the assessment roll and the tax rates for the year 2021;
13. And that for the railway rights of way taxes due to The Corporation of the Municipality of Clarington in accordance with the Regulations as established by the Minister of Finance, pursuant to the *Municipal Act, 2001*, S.O.2001, c.25, as amended, the actual amount due to The Corporation of the Municipality of Clarington shall be based on the assessment roll and the tax rates prescribed for the year 2021;
14. And that there shall be levied and collected upon the assessable land, buildings and businesses with the Corporation of the Municipality of Clarington, the rates identified on Schedule "A", and as follows on the commercial and industrial assessments in the Business Improvement Areas for the year 2021.

Business Improvement (Note 2)	<b>Bowmanville</b>	<b>Newcastle</b>	<b>Orono</b>
CT,ST,XT & GT	0.00401074	0.00092372	0.00134057
CU & CX	0.00401074	0.00092372	0.00134057
IT	0.00559706	0.00128907	0.00187079

(Note 1 – Due to delays resulting from implementation of Bill 140, Multi-Residential, Commercial and Industrial properties may be billed separately in 2021)

(Note 2- Rates: CT= Commercial Taxable Full, CU= Commercial Taxable – Excess land CX=Commercial Taxable Vacant Land; IT=Industrial Taxable Full; XT=Commercial Taxable Full New Construction; ST=Shopping Centres; GT=Parking Lot Taxable Full)

15. And that subject to the provisions of clause 9 of this by-law, all taxes levied under the authority of this by-law shall be payable in Canadian funds and shall be divided into two equal instalments, the first of said instalments to become due and payable on or before the 17 day of June, 2021 and the second of said instalments to become due and payable on or before the 23 day of September, 2021 and shall be paid into the office of the Treasurer of The Corporation of the Municipality of Clarington, subject to change by the Treasurer or Manager of Taxation Services, for accommodation for Bill 140, and/or any other Legislation or Regulation which may be enacted after the passage of this by-law;
16. And that the Municipality will collect and forward Regional and Education levies in accordance with the rates established by the Region of Durham and the Province of Ontario as reflected in Schedule “A”;
17. And that Schedule "A" attached hereto shall be and form a part of this By-law;
18. And that if any section or portion of this by-law or of Schedule “A” is found by a court of competent jurisdiction to be invalid, it is the intent of the Council of the Municipality of Clarington that all remaining sections and portions of this By-law and Schedule “A” continue in force and effect.

19. This By-law shall come into force and effect upon the date of the final reading thereof.

By-Law passed in open session this 12<sup>th</sup> day of April, 2021

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Adrian Foster, Mayor

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June Gallagher, Municipal Clerk

2021 MUNICIPALITY OF CLARINGTON

PROPERTY CLASS			ASSESSMENT		TAX RATES & TAX \$ RAISED							
					REGION		EDUCATION		CLARINGTON		COMBINED	
					Rate	Tax \$	Rate	Tax \$	Rate	Tax \$	Rate	Tax \$
Residential/Farm	RT		13,662,160,003		0.00596893	81,548,477	0.00153000	20,903,105	0.00401051	54,792,229	0.01150944	157,243,811
Residential/Farm-SHARED PIL	RH		1,444,600		0.00596893	8,623	0.00153000	2,210	0.00401051	5,794	0.01150944	16,627
Residential/Farm-PIL-Full	RF		2,586,200		0.00596893	15,437	0.00153000	3,957	0.00401051	10,372	0.01150944	29,766
Residential/Farm-PIL-Full-PROV TENANT	RP		11,033,200		0.00596893	65,856	0.00153000	16,881	0.00401051	44,249	0.01150944	126,986
Residential/Farm-PIL-Gen	RG		16,968,500		0.00596893	101,284	0.00000000	-	0.00401051	68,052	0.00997944	169,336
Farmland	FT		553,260,130		0.00119379	660,476	0.00038250	211,622	0.00080210	443,770	0.00237839	1,315,868
Farmland-PIL-Full-Prov Tenant	FP		4,695,600		0.00119379	5,606	0.00038250	1,796	0.00080210	3,766	0.00237839	11,168
Multi-Res	MT		144,996,200		0.01114101	1,615,404	0.00153000	221,844	0.00748562	1,085,386	0.02015663	2,922,634
New Multi-Res	NT		-		0.00656582	-	0.00153000	-	0.00441156	-	0.01250738	-
	91%		14,397,144,433									161,836,196
Commercial Occupied	CT		441,409,575		0.00865494	3,820,373	0.00880000	3,884,404	0.00581524	2,566,903	0.02327018	10,271,680
Commercial-Small Scale on Farm Business	C7		111,100		0.00865494	962	0.00220000	244	0.00581524	646	0.01667018	1,852
Commercial-SHARED PIL	CH		75,609,800		0.00865494	654,398	0.00980000	740,976	0.00581524	439,689	0.02427018	1,835,063
Commercial-PIL-Full	CF		35,647,800		0.00865494	308,530	0.00980000	349,348	0.00581524	207,301	0.02427018	865,179
Commercial-PIL-Gen	CG		6,314,100		0.00865494	54,648	0.00000000	0	0.00581524	36,718	0.01447018	91,366
Commercial-PIL-Full-PROV TENANT	CP		6,560,400		0.00865494	56,780	0.00880000	57,732	0.00581524	38,150	0.02327018	152,662
Commercial-PIL-Full-excess land-PROV TENANT	CQ		143,600		0.00865494	1,243	0.00880000	1,264	0.00581524	835	0.02327018	3,342
Commercial Excess Land	CU		3,961,721		0.00865494	34,288	0.00880000	34,863	0.00581524	23,038	0.02327018	92,189
Commercial-PIL-Full excess land	CV		0		0.00865494	0	0.00980000	0	0.00581524	0	0.02427018	0
Commercial Vacant Land	CX		38,632,900		0.00865494	334,365	0.00880000	339,970	0.00581524	224,660	0.02327018	898,995
Commercial-PIL-Gen vac land	CZ		12,189,000		0.00865494	105,495	0.00000000	0	0.00581524	70,882	0.01447018	176,377
Commercial-PIL-Gen excess land	CW		0		0.00865494	0	0.00000000	0	0.00581524	0	0.01447018	0
Parking Lot PIL:Full, Vacant Land, Taxable Tenant	GR		0		0.00865494	0	0.00880000	0	0.00581524	0	0.02327018	0
Parking Lot-Taxable Full	GT		3,718,000		0.00865494	32,179	0.00880000	32,718	0.00581524	21,621	0.02327018	86,518
Commercial Taxable: Full, New Construction	XT		258,375,451		0.00865494	2,236,224	0.00880000	2,273,704	0.00581524	1,502,515	0.02327018	6,012,443
Commercial Small Scale on Farm Bus, New Construction	X7		50,000		0.00865494	433	0.00220000	110	0.00581524	291	0.01667018	834
Commercial Excess Land, New Construction	XU		2,753,800		0.00865494	23,834	0.00880000	24,233	0.00581524	16,014	0.02327018	64,081
Office Buildings-Shared PIL	DH		27,833,200		0.00865494	240,895	0.00980000	272,765	0.00581524	161,857	0.02427018	675,517
Office Buildings-Taxable full	DT		851,300		0.00865494	7,368	0.00880000	7,491	0.00581524	4,951	0.02327018	19,810
Office Buildings- Excess Land	DU		0		0.00865494	0	0.00880000	0	0.00581524	0	0.02327018	0
Office Buildings- Full,New Construction	YT		8,113,700		0.00865494	70,224	0.00880000	71,401	0.00581524	47,183	0.02427018	188,808
Shopping Centres	ST		74,781,747		0.00865494	647,232	0.00880000	658,079	0.00581524	434,874	0.02327018	1,740,185
Shopping Centre-excess/vac	SU		331,479		0.00865494	2,869	0.00880000	2,917	0.00581524	1,928	0.02327018	7,714
Shopping Centre, New Construction	ZT		48,135,049		0.00865494	416,606	0.00880000	423,588	0.00581524	279,917	0.02327018	1,120,111
Shopping Centre, New Constr-excess/vac	ZU		1,071,900		0.00865494	9,277	0.00880000	9,433	0.00581524	6,233	0.02327018	24,943
			1,046,595,622									24,329,669
Industrial	IT		59,910,100		0.01207813	723,602	0.00880000	527,209	0.00811527	486,187	0.02899340	1,736,998
Industrial- Full- PIL	IF		20,040,000		0.01207813	242,046	0.01250000	250,500	0.00811527	162,630	0.03269340	655,176
Industrial-SHARED PIL	IH		5,903,300		0.01207813	71,301	0.01250000	73,791	0.00811527	47,907	0.03269340	192,999
Industrial-PIL-Full-PROV TENANT	IP		0		0.01207813	0	0.00880000	0	0.00811527	0	0.02899340	0
Industrial-VACANT-SHARED PIL	IJ		0		0.01207813	0	0.01250000	0	0.00811527	0	0.03269340	0
Industrial-EXCESS-SHARED PIL	IK		1,685,200		0.01207813	20,354	0.01250000	21,065	0.00811527	13,676	0.03269340	55,095
Industrial excess land	IU		1,641,000		0.01207813	19,820	0.00880000	14,441	0.00811527	13,317	0.02899340	47,578
Industrial Vacant Land	IX		20,861,700		0.01207813	251,970	0.00880000	183,583	0.00811527	169,298	0.02899340	604,851
Industrial PIL-Gen-Vac Land	IZ		3,545,000		0.01207813	42,817	0.00000000	0	0.00811527	28,769	0.02019340	71,586
Industrial-Farmland Awaiting Development Ph1	II		0		0.00447670	0	0.00114750	0	0.00300788	0	0.00863208	0
New Construction Industrial Occupied	JT		14,315,400		0.01207813	172,903	0.00880000	125,976	0.00811527	116,173	0.02899340	415,052
New Construction Industrial Excess Land	JU		158,000		0.01207813	1,908	0.00880000	1,390	0.00811527	1,282	0.02899340	4,580
			128,059,700									
Large Industrial	LT		96,386,899		0.01207813	1,164,173	0.00880000	848,205	0.00811527	782,206	0.02899340	2,794,584
Large Industrial Shared PIL Generating station	LS		23,243,400		0.01207813	280,737	0.01250000	290,543	0.00811527	188,626	0.03269340	759,906
Large Industrial Shared PIL Water Intake system	LI		11,748,900		0.01207813	141,905	0.01250000	146,861	0.00811527	95,345	0.03269340	384,111
Large Industrial Shared PIL Non-Generating system	LN		43,362,500		0.01207813	523,738	0.01250000	542,031	0.00811527	351,898	0.03269340	1,417,667
Large Industrial-excess land-Shared PIL	LK		845,200		0.01207813	10,208	0.01250000	10,565	0.00811527	6,859	0.03269340	27,632
Large Industrial-Full-excess land	LU		6,241,513		0.01207813	75,386	0.00880000	54,925	0.00811527	50,652	0.02899340	180,963
Sub-total Industrial		309,888,112	181,828,412									
Landfill Taxable	HT	-			0.00656582	-	0.00000000	-	0.00441156	-	0.01097738	-
Landfill PIL Full	HF	-			0.00656582	-	0.00000000	-	0.00441156	-	0.01097738	-
Pipeline	PT	55,689,000			0.00733820	408,657	0.00880000	490,063	0.00493052	274,576	0.02106872	1,173,296
Managed Forest	TT	39,223,600			0.00149223	58,531	0.00038250	15,003	0.00100263	39,327	0.00287736	112,861
		94,912,600										
	9%											
TOTAL ASSESSMENT	100%	15,848,540,767			\$97,289,442		\$34,142,806		\$65,368,552		\$196,800,800	
	Exempt	586,873,941										
	TOTAL	16,435,414,708										
2019 Comparative Total Assessment	16,094,963,681	%	2.12	Tax \$ Split	49.4%		17.3%		33.2%		100%	



MUNICIPALITY OF CLARINGTON

Council

RESOLUTION # \_\_\_\_\_

Date April 12, 2021

Moved By Councillor Zwart

Seconded By: \_\_\_\_\_

**Supporting Hair Service Establishments Remaining Open During  
COVID Shutdown**

Whereas Clarington Council remains a strong supporter of our local and small businesses;

And whereas hair service establishments are important businesses in our community;

And whereas hair services establishments in Ontario are mandated to be closed during the COVID-19 Province Wide Shutdown in effect from April 8, 2021 for 28 days;

And whereas most hair salons in Clarington are small, and unable to support their businesses and families during this shutdown;

And whereas hair service establishment owners across the Province have implemented new protocols to keep clients and staff safe, adhering to current COVID-19 measures, when allowed to be open;

And whereas the Region of Durham Health unit inspects salons and spas, and posts inspection results publicly;

Now therefore be it resolved that the Municipality of Clarington:

1. Supports the reopening of the hair service establishments as soon as possible.
2. Supports removing hair service establishments from being included in any further COVID-19 Province Wide Shutdowns and be permitted to open.
3. That this motion be distributed to Premier Ford, MPP Lindsey Park, MPP David Piccini, and all Durham Region Municipalities.