



Staff Report

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Report To:	Council	
Date of Meeting:	November 1, 2021	Report Number: PDS-056-21
Submitted By:	Ryan Windle, Director of Planning and Development Services	
Reviewed By:	Andrew C. Allison, CAO	By-law Number:
File Number:	PLN 33.19	Resolution#:
Report Subject:	Request for a Full Environmental Assessment for the Mixed Waste Transfer/Pre-Sort and Anaerobic Digestion Organics Processing Facility	

Recommendations:

1. That Report PDS-056-21 and any related correspondence be received for information;
2. That Council provide direction on whether to pursue Option 1 **OR** Option 2 as outlined in PDS-056-21;
3. That the necessary funding be allocated from the Tax Rate Stabilization Fund, not to exceed \$_____; and
4. That all interested parties be notified of Council's decision.

Report Overview

This report outlines the options and potential cost to provide the necessary information to the Minister of Environment, Conservation and Parks with regard to Council's request for a full Environmental Assessment for the Mixed Waste Transfer/Pre-Sort and Anaerobic Digester Organics Processing Facility proposed by Durham Region within the Energy Park in South Courtice.

1. Background

- 1.1 [PSD-013-20](#) provided background on why the recommended "South Clarington" site in Clarington's Energy Park was not the best site and a number of comments to be addressed by the Region on the Mixed Waste Transfer / Pre-Sort and Anaerobic Digestion Organics Processing Facility Siting Report (GHD, March 6, 2020). The comments were provided to the Region and the Ministry of Environment, Conservation and Parks (MECP).

2. Request for an Environmental Assessment

- 2.1 Council approved Resolution #GG-244-20 on July 6-7, 2020:

That Clarington Council advise our Member of Provincial Government, Lindsey Park, of Council's declaration of being an unwilling host to the planned recycling plant and anaerobic digestion proposal on Megawatt Drive;

*That Council ask the Provincial Government, and our MPP, to place a 'hold' on the proposed site until a full and proper Environmental Assessment (EA) can be conducted;
and*

That the Minister of Environment, Conservation and Parks be requested to pass an order prohibiting the Region of Durham from proceeding with the planned recycling plant and anaerobic digestion facility until the EA is completed to the satisfaction of Clarington Council.

- 2.2 Staff followed up with MECP as outlined in Attachment 1 to the October 18, 2021 memo, the entire memo is **Attachment A**.
- 2.3 On September 27, 2021 General Government Committee approved Resolution #GG-457-21:

Clarington provide all necessary information to the MECP in order that they can give due consideration to ordering an Environmental Assessment for the anaerobic digester.

- 2.4 There has been ongoing communication with the MECP to gain understanding as to what is required by the Ministry to prepare a case for presentation to Cabinet to obtain an order for a full Environmental Assessment (EA) under the *Environmental Assessment Act*. Staff have been informed that the Municipality would have to provide clear reasoning as to why an EA is justified. An EA is not required for the proposed Mixed Waste Transfer/Pre-Sort and Anaerobic Digestion Organics Processing Facility under the existing *Environmental Assessment Act* regulations (**Attachment B**). The MECP has also indicated that Clarington should include what cannot be addressed by the Environmental Compliance Approval (ECA) process that the Region is required to undertake, and how Durham Region has not addressed Clarington's concerns to date.

3. Comments

- 3.1 An EA is about assessing undertakings and part of this particular assessment could include a site analysis of many potential sites. They also determine what mitigation can be implemented to address adverse effects of a proposed project at the specific location. Clarington Council does not support the Regionally approved location of the Pre-Sort/AD therefore requesting an EA of the project at the Energy Park location may be counterproductive.
- 3.2 Having considered this dilemma, Staff are proposing two options for Council's consideration:
- Option 1 – Formally request the project be subject to a full EA under the *Environmental Assessment Act* at an alternate site; and
 - Option 2 – Request the Province intervene based on the Provincially Significant Employment Zone (PSEZ) designation.

Option 1

- 3.3 Council could request the Minister of Environment, Conservation and Parks recommend to Cabinet that the project be subject to the requirements of the *Environmental Assessment Act*, and that the EA consider at least two alternate sites; an acceptable location in Clarington and the existing Regional Material Recovery Facility site in Whitby at 4600 Garrard Road.
- 3.4 The only study available to Staff to support this request is the Region's Siting Study. To build a case as to why an alternate site is a better location, a number of additional technical studies will have to be undertaken. The Municipality would need to retain a consultant to prepare an overall justification report. The consultant would have to develop an argument and line of reasoning as to why the Regionally approved South Clarington site is not the most appropriate site. While staff have not prepared a Terms

of Reference, environmental assessment expertise would be required in the areas of Traffic and Transportation, Socio-Economic effects, Environmental (siting) effects, and the overall environmental permitting (i.e. Environmental Assessment and Environmental Compliance Approval) process.

- 3.5 The Municipality has not prepared EAs for facilities. Rather, the Municipality has peer reviewed, with the assistance of consultants, EAs prepared by agencies proposing facilities in Clarington. Recent examples include:
- Peer Review of the EFW EA in 2007 at a cost of \$300,000;
 - Peer Review of the New Nuclear New Build in 2009 at a cost of \$242,000; and
 - Peer Review of Clarington Transformer in 2014 at a cost of \$250,000.
- 3.6 Municipal staff have been involved in the preparation of Municipal Class Environmental Assessments for Roadwork projects. These are typically carried out by consultants that report to a municipal staff project manager and are in the ~\$100,000 - \$250,000 range depending on size, complexity of modeling, environmental investigations, etc. Most of the Region of Durham linear infrastructure projects (e.g. trunk sanitary sewer extensions) range from \$500,000-\$1Million. Vertical infrastructure (e.g. treatment plant, pumping station, reservoirs) can range from \$1-2+Million.
- 3.7 Due to resource constraints and specialized expertise required, Municipal Class EA's are typically completed by third party consultants. The expertise to prepare an Environmental Assessment is beyond resources and technical feasibility of municipal staff.

Option 2

- 3.8 An alternate option for Council's consideration is to direct staff to submit [PSD-013-20](#) to the Ministry with supporting documentation and a request the Province intervene to protect the Provincially Significant Employment Zone (the Energy Park is part of the "Durham South (Oshawa East and Clarington)" PSEZ) and Major Transit Station Area (the Courtice GO Station is a MTSA) from incompatible development, which does not meet the Prestige Employment Zoning of the Energy Park or targets for jobs and economic return of PSEZ and MTSA areas. Consulting assistance to set out the requirements of the provincial designations and why the Pre-Sort/AD does not meet the intent would be necessary but could be achieved for an estimated \$100,000 to \$150,000 and could potentially be sole sourced from Urban Strategies, the consultant for the Energy Park Secondary Plan.

ECA Conditions

- 3.9 To address the inquiry by the Minister about the pending ECA process, both options can clearly articulate that the ECA process is not designed to address socio-economic

impacts, in this case the anticipated loss of potential jobs over the long term and the perception that the Energy Park is becoming a “waste cluster” and thus a less desirable location for supply chain offices serving the energy, and in particular nuclear sectors.

Region’s Response

3.10 Clarington would need to demonstrate how the Municipality has tried to resolve our issues with the Region. To date, the Region has not provided reasonably satisfactory responses to the Municipality’s economic development questions. In this case staff would outline the lack of response to requests in PSD-013-20 for an economic development strategy and lack of progress on any property sales by the Region. There have been no development proposal inquiries for the Region’s properties in the Energy Park.

4. Concurrence

4.1 This Report has been reviewed by the Directors of Legislative Services, Public Works and Financial Services who concur with the comments.

5. Recommendation

5.1 That Council provide direction on whether to pursue Option 1 OR Option 2; and allocate the necessary funding to not exceeding \$_____ from the Tax Rate Stabilization Fund.

5.2 A subsequent report will be brought forward when a consulting proposal for the selected option is in hand.

Staff Contact: Faye Langmaid, Manager of Special Projects, 905-623-3379 x2407 or flangmaid@clarington.net

Attachments:

Attachment A – Planning and Development Services Director’s Memo of October 18, 2021

Attachment B – Waste Projects Subject to the Environmental Assessment Act

Interested Parties:

List of Interested Parties available from Department.