

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement,
de la Protection de la nature et des
Parcs



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357-2024-265

April 22, 2024

Dear Sir/Madam,

I am writing to you in response to your request for a comprehensive environmental assessment for the Regional Municipalities of York and Durham's (Regions) proposed increase in treatment capacity at the Durham York Energy Centre (DYEC) from 140,000 to 160,000 tonnes per year (the Project).

Following the publication of the Notice of Completion of the Environmental Screening Process, the Ministry of the Environment, Conservation and Parks (ministry) received seven elevation requests asking that the Regions be required to prepare an environmental assessment for the Project.

Please be aware that changes were made to the environmental assessment program as of February 22, 2024. To implement Ontario's move to a project list approach, Part II of the *Environmental Assessment Act* (EAA) and O. Reg. 101/07 (Waste Projects) were revoked and Part II.3 of the EAA, and O. Reg. 50/24 (Part II.3 Projects – Designations and Exemptions) and O. Reg. 53/24 (General and Transitional Matters) came into force. In addition, the *Guide to Environmental Assessment Requirements for Waste Management Projects* (the Guide) was amended and the screening process was renamed the Environmental Screening Process for Waste Management Projects. The new regulations designate the Project as a Part II.3 Project and also transition the project under the new provisions without further assessment requirements.

Based on all of the information before me, I have decided to deny the requests for elevation for the reasons set out below. In making my decision, I have carefully considered the factors set out in the screening process, including the concerns raised in the elevation requests I received, the Regions' response to the requests, the Regions' Environmental Screening Process documentation, and the consultation record.

Reasons

Part B of the Guide establishes the process through which projects of this type can be carried out, and includes identifying, describing and assessing potential environmental effects of a project, including completing relevant studies, undertaking consultation with interested persons and Indigenous communities, and developing impact management measures. The results of the screening process and conclusions reached are documented in an Environmental Screening Report. Based on the Environmental

Screening Report for the Project, the Regions have carried out the process in accordance with the screening process.

The concerns raised in support of the elevation requests received included the potential for negative impacts to air quality and public health, ecological impacts, water impacts, proximity of the DYEC to specified areas, and concerns about the adequacy of reports and responses provided by the Regions. Based on all of the information before me, I am satisfied that the concerns raised in the requests have been addressed by the Regions through the previous environmental assessment processes and through commitments made in its Environmental Screening Report.

The Environmental Screening Report demonstrates that the anticipated emissions associated with the Project would be within regulated provincial limits. I am therefore satisfied that the anticipated emissions from the Project are not likely to adversely impact air quality, groundwater or surface water. The Regions have committed to completing an updated Human Health and Ecological Risk Assessment for any future expansions of the DYEC to assess any potential impacts to human and ecological health.

Additionally, further technical review of air emissions will occur through the application process for an amendment to the DYEC Environmental Compliance Approval (ECA) for Air. The ECA regulates air emissions from the facility and includes conditions of approval that are protective of human health and the natural environment.

I am also satisfied that meaningful opportunities for public, government agency, and Indigenous engagement and consultation were provided by the Regions during the process.

Based on the above, I am of the opinion that there is no public benefit from requiring the Project to proceed through a comprehensive environmental assessment.

With this decision having been made, the Regions can now proceed with the Project, subject to any other permits or approvals required. The Regions must ensure that the Project is implemented in the manner set out in the Environmental Screening Report, and inclusive of all mitigating measures and commitments, and environmental and other provisions therein.

I would like to thank you for bringing your concerns to the ministry's attention.

Sincerely,



Andrea Khanjin
Minister of the Environment, Conservation and Parks

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c: Kathleen O'Neill, Director, Environmental Assessment Branch, MECP,
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