



# The Regional Municipality of Durham

## COUNCIL INFORMATION PACKAGE

### October 14, 2016

#### **Information Reports**

There are no Information Reports

#### **Early Release Reports**

There are no Early Release Reports

#### **Staff Correspondence**

1. Memorandum from [Dr. R. Kyle](#) – Health Information Update – October 7, 2016
2. Memorandum from [M. Gaskell](#) – Website Redevelopment Project
3. Memorandum from [M. Gaskell](#) – Release of Documents from the December 22, 2015 and the January 27, 2016 Committee of the Whole Meetings

#### **Durham Municipalities Correspondence**

There is no Durham Municipalities Correspondence

#### **Other Municipalities Correspondence/Resolutions (For Information)**

1. [Township of Madawaska Valley](#) – Resolution to support the Private Members Bills, and request your support of their resolution.

#### **Miscellaneous Correspondence (For Information)**

1. [Ontario Municipal Board](#) e-mailing re: The Ministry of Municipal Affairs and the Ministry of the Attorney General are undertaking a review of the scope and effectiveness of the Ontario Municipal Board (OMB) to improve its role within the land use planning system.
2. [Ministry of Natural Resources and Forestry](#) e-mail re: Introduction of legislation to Amend the Aggregate Resources Act.

3. [Lake Simcoe Region Conservation Authority's](#) inviting Regional Council to their Annual Conservation Awards Ceremony, being held on Thursday, November 3, 2016, from 6:00 p.m. to 8:30 p.m. at Madesen's Greenhouse in Newmarket.

**Advisory Committee Minutes (For Information)**

There are no Advisory Committee Minutes to review

**Action Items from Council (For Information Only)**

[Action Items](#) from Committee of the Whole and Regional Council meetings

Members of Council – Please advise the Regional Clerk at [clerks@durham.ca](mailto:clerks@durham.ca) by 9:00 AM on the Monday one week prior to the next regular Committee of the Whole meeting, if you wish to add an item from this CIP to the Committee of the Whole agenda.



# Interoffice Memorandum

**Date:** October 14, 2016

**To:** Committee of the Whole

**From:** Dr. Robert Kyle

**Subject:** Health Information Update – October 7, 2016

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Health  
Department

Please find attached the latest links to health information from the Health Department and other key sources that you may find of interest. Links may need to be copied and pasted directly in your web browser to open, including the link below.

You may also wish to browse the online Health Department Reference Manual available at [Health Department Reference Manual](#), which is continually updated.

In addition, we have attached the following documents which are not available online:

- Enterovirus D68 and Acute Flaccid Paralysis (Sept 16)
- “Heads Up”: Concussion Workshop (Sept 22)
- Reminder: MERS Co-V and 2016 Hajj (Sept 23)

Boards of health are required to “superintend, provide or ensure the provision of the health programs and services required by the [Health Protection and Promotion] Act and the regulations to the persons who reside in the health unit served by the board” (section 4, clause a, HPPA). Accordingly, the Health Information Update is a component of the Health Department’s ‘Accountability Framework’, which also includes program and other reports, Health Plans, Quality Enhancement Plans, Durham Health Check-Ups, Performance Reports, business plans and budgets, provincial monitoring, compliance audits and assessments, EMS certification and accreditation.

Respectfully submitted,

original signed by

R.J. Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM  
Commissioner & Medical Officer of Health

## **UPDATES FOR COMMITTEE OF THE WHOLE**

### **October 7, 2016**

#### **Health Department Media Releases/Advisories/Publications**

<https://goo.gl/ZW5kHb>

- Parents are reminded to ensure children's car seats are used correctly National Child Passenger Safety Week (Sept 16)

<https://goo.gl/ucwVxr>

- Local families invited to join an upcoming live Facebook discussion on infant and child mental health (Sept 30)

<https://goo.gl/9okJiK>

- Health Department encourages women 50-plus to get mammograms (Oct 5)

<https://goo.gl/LhUZMS>

- Support your mental health this World Mental Health Day (Oct 7)

#### **FAX Abouts (attached)**

- Enterovirus D68 and Acute Flaccid Paralysis (Sept 16)
- "Heads Up": Concussion Workshop (Sept 22)
- Reminder: MERS Co-V and 2016 Hajj (Sept 23)

#### **GOVERNMENT OF CANADA**

##### **Employment and Social Development Canada**

<https://goo.gl/05Sj4i>

- Government of Canada launches call for proposals to support the social inclusion of Canadians with disabilities (Sept 22)

<https://goo.gl/IQtJ9W>

- Towards a Poverty Reduction Strategy (Oct 4)

<https://goo.gl/YWRxCa>

- Consulting with Canadians to introduce more flexible and inclusive support for parents and family caregivers (Oct 6)

##### **Environment and Climate Change Canada**

<https://goo.gl/9QU9qZ>

- Canada shows leadership on carbon pricing at UN Climate Week (Sept 21)

<https://goo.gl/iQpgV4>

- Government of Canada Announces Pan-Canadian Pricing on Carbon Pollution (Oct 3)

<https://goo.gl/I7drnS>

- Minister of Environment and Climate Change marks Canada's Ratification of the Paris Agreement (Oct 5)

<https://goo.gl/9vhxxM>

- The Government of Canada responds to Canadians' call for sustainable development vision for Canada (Oct 6)

### **Health Canada**

<https://goo.gl/1xht80>

- New Research shows sustained drop in smoking rate, but opioid misuse continues among youth (Sept 14)

<https://goo.gl/RTxkfs>

- Statement from Health Canada on the Testing of Marijuana (Sept 21)

<https://goo.gl/4bS3jP>

- Statement for Health Minister Jane Philpott On Recent Media Coverage Regarding the Safety of Marijuana Dispensaries (Sept 23)

<https://goo.gl/beVBhf>

- Government of Canada Announces Next Steps in Tobacco Control (Sept 27)

<https://goo.gl/0xCB4T>

- Government of Canada plans to introduce regulations to support the Assisted Human Reproduction Act (Sept 30)

<https://goo.gl/FiCF3J>

- Health Canada Launches New Inspections Database for Pesticide Companies (Sept 30)

<https://goo.gl/hfRgei>

- Health Canada authorizes use of naloxone nasal spray (Oct 3)

### **Innovation, Science and Economic Development Canada**

<https://goo.gl/Y88DTX>

- Canada can drive economic growth through innovation (Sept 15)

<https://goo.gl/aZDKwn>

- Government of Canada welcomes survey on university researchers and faculty members (Sept 15)

<https://goo.gl/oyWnRd>

- Statement by the Honourable Navdeep Bains (Sept 16)

<https://goo.gl/gSBDlh>

- Canadians living with visual impairments and print disabilities will have greater access to copyrighted print materials (Sept 30)

## **Public Health Agency of Canada**

<https://goo.gl/e4oxPZ>

- Government of Canada helps advance G7 global health commitments (Sept 13)

<https://goo.gl/c6DSIJ>

- Raising Awareness for Cancer (Sept 15)

## **Transport Canada**

<https://goo.gl/nMuK2r>

- Minister Garneau establishes task force to improve safety for cyclists and pedestrians on Canada's roadways (Sept 29)

## **GOVERNMENT OF ONTARIO**

### **Office of the Premier**

<http://goo.gl/obgQvL>

- Throne Speech Announces Electricity Cost Relief, New Child Care Spaces (Sept 12)

<https://goo.gl/yQ42b3>

- Ontario Making College and University More Affordable (Sept 13)

<https://goo.gl/4rinOK>

- Ontario Introducing Measures to Reduce Electricity Costs (Sept 15)

<https://goo.gl/KpxoWV>

- Ontario Working to Reduce Electricity Costs for Consumers (Sept 16)

<https://goo.gl/74BmYv>

- Ontario Releases Ministers' Mandate Letters (Sept 23)

<https://goo.gl/Fphpv9>

- Ontario Increases Funding for Community Health Organizations (Sept 26)

<https://goo.gl/kYEX1A>

- Ontario Making Hospital Parking More Affordable (Oct 3)

### **Ontario Ministry of Citizenship and Immigration**

<https://goo.gl/P3ljFP>

- Ontario Supporting Newcomer Success (Oct 4)

### **Ontario Ministry of Community and Social Services**

<https://goo.gl/bHXSQE>

- Ontario Increasing Social Assistance Rates (Sept 29)

### **Ontario Ministry of Community Safety and Correctional Services**

<https://goo.gl/Wxsc9V>

- Province Partnering with Communities to Build Safer Ontario (Sept 20)

<https://goo.gl/NenrdV>

- Ontario Testing Emergency Response Capabilities (Sept 30)

### **Ontario Ministry of Economic Development and Growth**

<https://goo.gl/qNbBu5>

- Ontario's Strategic Investments Creating Jobs and Growing the Economy (Sept 21)

<https://goo.gl/y7Mncc>

- Ontario Reintroduces Proposed Changes to Cut Red Tape (Sept 27)

### **Ontario Ministry of Education**

<https://goo.gl/TvoUXg>

- Ontario Providing More Math Supports for Students and Families (Sept 21)

<https://goo.gl/CQ2Wcn>

- Ontario Re-Introduces Protecting Students Act (Oct 5)

### **Ontario Ministry of Energy**

<http://goo.gl/cmLpQ9>

- Ontario Reducing Electricity Costs for Families and Businesses (Sept 13)

<https://goo.gl/RSrVlr>

- Ontario Suspends Large Renewable Energy Procurement (Sept 27)

### **Ontario Ministry of Health and Long-Term Care**

<https://goo.gl/KaaMDS>

- Ontario Making Shingles Vaccines for Seniors (Sept 15)

<https://goo.gl/zQhYSv>

- Ontario Launching Consultations to Improve Dementia Care (Sept 21)

<https://goo.gl/JWISqB>

- Ontario Reintroduces Legislation to Further Improve Patient Access and Experience (Oct 6)

### **Ontario Ministry of Housing**

<https://goo.gl/btK8hs>

- Ontario Reintroduces Affordable Housing Bill (Sept 14)

<https://goo.gl/f0Zp9y>

- Ontario Partnering with Municipalities to End Homelessness (Oct 4)

### **Ontario Ministry of Labour**

<https://goo.gl/1SwK2W>

- Ontario Increasing Minimum Wage on October 1 (Sept 29)

### **Ontario Ministry of Municipal Affairs**

<https://goo.gl/olsE7M>

- Ontario Proposing Changes to Ontario Municipal Board to Improve Efficiency and Accessibility (Oct 5)

### **Ontario Ministry of Tourism, Culture and Sport**

<https://goo.gl/oibhMD>

- Ontario Athletes Shine at Paralympic Games in Rio (Sept 19)

<https://goo.gl/vJg9GN>

- Ontario Taking Action to Reduce Concussions in Youth Sport (Oct 3)

### **Ontario Ministry of Transportation**

<https://goo.gl/jtylVH>

- Tougher Penalties for Drug-Impaired Drivers Coming October 2 (Sept 28)

### **Treasury Board Secretariat**

<https://goo.gl/KcXJPQ>

- Last Year's Ontario Deficit \$3.5 Billion Lower Than Projected (Oct 3)

<https://goo.gl/PdG0gZ>

- Ontario Releases 2015-16 Public Accounts (Oct 6)

## **OTHER ORGANIZATIONS**

### **Canadian Cancer Society**

<https://goo.gl/NdXFa6>

- Research finds youth smoking rates dropping but remain unacceptably high (Sept 14)

### **Canadian Institute for Health Information**

<https://goo.gl/E4Rgje>

- 50-year study finds Canadian women falling behind on potential years of life lost (Sept 29)

### **Canadian Medical Association**

<https://goo.gl/YM2PFZ>

- New report decries “patchwork” approach to seniors care in Canada (Sept 26)

### **Canadian Nuclear Safety Commission**

<https://goo.gl/Ssla5x>

- CNSC actions the 2016 audit report on nuclear power plant site inspections (Oct 4)

### **Conference Board of Canada**

<https://goo.gl/OUCyw8>

- Most Canadian organizations have substance misuse policies in place, but few measure their effectiveness (Sept 26)

### **Financial Accountability Office of Ontario**



<https://goo.gl/ycaKdU>

- Financial Accountability Officer of Ontario (FAO) Welcomes Improved Access to Information (Oct 6)

### **Institute for Clinical Evaluative Sciences**

<https://goo.gl/kJu721>

- Traffic crash during pregnancy increase cerebral palsy risk to unborn child (Sept 20)

<https://goo.gl/VFDvwa>

- Standard pertussis vaccine effective for a few years but immunity wanes substantially over time (Sept 26)

### **Office of the Auditor General of Canada**

<https://goo.gl/Qlh0U9>

- The Commissioner of the Environment and Sustainable Development releases her 2016 Fall Reports (Oct 4)

### **Office of the Information and Privacy Commissioner/Ontario**

<https://goo.gl/OjOKCj>

- Information and Privacy Commissioner finds no wrongdoing in TO2015 recordkeeping (Sept 29)

### **Office of the Privacy Commissioner of Canada**

<https://goo.gl/IPfl4s>

- Time to modernize tools to protect personal information, Privacy Commissioner urges in his annual report (Sept 27)

### **Ontario Power Generation**

<https://goo.gl/o3iNvl>

- Refurbished Darlington will take equivalent of two million cars off the road (Oct 5)

### **Pan American Health Organization**

<https://goo.gl/Fb4BKR>

- Region of the Americas is declared free of measles (Sept 27)

### **Public Health Ontario**

<https://goo.gl/GNKXMO>

- PHO Connections (Sept 2016)

### **UNICEF Canada**

<https://goo.gl/wKueLE>

- Investing in early childhood development essential to helping more children and communities thrive, new Lancet Series find (Oct 6)



# FAX about ...



## Enterovirus D68 and Acute Flaccid Paralysis (AFP)

In early fall of 2014, there was an increase of enterovirus D68 (EV-D68) infections in North America, with some patients presenting with severe respiratory symptoms. Rare cases of acute flaccid paralysis (AFP) were also reported that may have been related to EV-D68 infection. At that time, enhanced laboratory testing and surveillance was initiated to further understand the potential for severe outcomes.

The total number of patients with respiratory specimens tested for EV-068 at the Public Health Ontario (PHO) Laboratory in 2014 was 907, and of these, 153 (16.9%) tested positive for the virus. Of cases where AFP was documented and entered into iPHIS in 2014, 2 had EV-068 identified in respiratory specimens, both in children less than 15 years of age. No requests for EV-068 testing were received by the PHO Laboratory in 2015.

Over the past month, other provinces have informed Ontario of a few EV-068 positive laboratory findings in children, including a small number with neurologic manifestations. Currently there is emerging evidence in Ontario of pediatric EV-068 cases; thus, the continued circulation and identification of EV-068 cases occurring in Ontario is high.

As the 2016-2017 respiratory season approaches, we wanted to share with you actions that will be taken in Ontario to monitor the transmission and potential severity of infection associated with EV-068:

- At this time, the case definition for AFP remains unchanged with the age criterion for reporting AFP remaining less than 15 years;
- PHO has strengthened linkages with select Ontario hospitals and has requested to be notified when EV-068 is detected;
- Health care providers ordering enterovirus/EV-D68 testing are asked to complete a [Clinical Summary Form](http://www.publichealthontario.ca/en/eRepository/PHO_EVD68_Patient_Clinical_Summary_Form.pdf) ([http://www.publichealthontario.ca/en/eRepository/PHO\\_EVD68\\_Patient\\_Clinical\\_Summary\\_Form.pdf](http://www.publichealthontario.ca/en/eRepository/PHO_EVD68_Patient_Clinical_Summary_Form.pdf)) along with the [General Test Requisition Form](http://www.publichealthontario.ca/en/eRepository/General_test_fillable_requisition.pdf) ([http://www.publichealthontario.ca/en/eRepository/General\\_test\\_fillable\\_requisition.pdf](http://www.publichealthontario.ca/en/eRepository/General_test_fillable_requisition.pdf));
- PHO will be updating their [EV-D68 webpage](#), which includes general information on the virus and how to contact the laboratories when submitting specimens for testing. The link is: [http://www.publichealthontario.ca/en/BrowseByTopic/Pages/Topic.aspx?k=Enterovirus+D68%20InformationByTopic:%22Enterovirus D68%22](http://www.publichealthontario.ca/en/BrowseByTopic/Pages/Topic.aspx?k=Enterovirus+D68%20InformationByTopic:%22Enterovirus%20D68%22)

Please notify the Health Department should a patient with EV-D68 present with AFP or unusual or severe clinical manifestations requiring hospitalization.

Phone: 905-668-7711 Ext. 2996 or 1-800-841-2729

Fax: 905-666-6215

**Durham Region Health Department: 905-668-7711, 1-800-841-2729**

September 16, 2016

If you prefer to receive this information in an electronic format please submit your request to [healthresources@durham.ca](mailto:healthresources@durham.ca)

If you require this information in an accessible format, contact 1-877-777-9613.



DURHAM  
REGION  
HEALTH  
DEPARTMENT  
DurhamMD.ca

# FAX about ...



## **“Heads Up”: Concussion Workshop**

Concussions are on the rise and often occur in youth that are engaged in sports such as hockey, football, lacrosse, rugby and soccer. In Durham Region, the rate of concussion-related emergency room visits has been increasing since 2010 (IntelliHEALTH ONTARIO, 2016).

The following workshop is of special interest to physicians and other health professionals who have a key role in concussion prevention and management and in the implementation of Ontario Policy/Program Memorandum 158 – School Board Policies on Concussion:

**“Heads Up 2016-Concussion 101: What Health Care Providers Need to Know”**

**Friday November 18, 2016**

**7:30 am to 12:00 pm**

**Deer Creek Golf & Banquet Facility, Ajax**

This continuing education event has been designated as a University of Toronto Accredited event and awarded with the following credits:

The College of Family Physicians of Canada – 3.5 Mainpro-M1 credits

Royal College of Physicians & Surgeons of Canada – 3.5 Section 1 credits

(See attached invitation and registration form)

**Durham Region Health Department: 905-668-7711, 1-800-841-2729**

September 22, 2016

If you prefer to receive this information in an electronic format please submit your request to [healthresources@durham.ca](mailto:healthresources@durham.ca)

If you require this information in an accessible format, contact 1-877-777-9613.



# FAX about ...



## Reminder: MERS-CoV and 2016 Hajj

The **2016 Hajj** spiritual pilgrimage ended on **September 14, 2016** in the **Kingdom of Saudi Arabia**. The large numbers of people that attended this year's Hajj may **increase** the risk of transmission of certain infectious diseases, such as influenza, meningococcal disease and Middle East Respiratory Syndrome Coronavirus (MERS-CoV).

### Health Care Provider Assessment

Health care providers should assess patients who have acute respiratory infection to determine if they meet any of the criteria of the MERS-CoV Person Under Investigation (PUI) in addition to considering/testing for other common respiratory pathogens.

Health care providers considering the need to test a patient for MERS-CoV should contact Public Health Ontario Laboratory's (PHOL) Customer Service Centre at 416-235-6556 / 1-877-604-4567 for advice and support.

Please visit the Ministry of Health and Long-Term Care website for case definitions, screening, occupational health and safety, infection prevention and control, assessment, laboratory testing, reporting, treatment and other information.

<http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/guidance.aspx>

**Once the health care provider has made the decision to test their symptomatic patient for MERS Co-V, please report this PUI to the Durham Region Health Department (DRHD). Health care providers are also required to report the following: confirmed, presumptive confirmed and probable cases to DRHD, Environmental Health Division, at 1-888-777-9613.**

Other Resources:

<http://www.publichealthontario.ca/en/BrowseByTopic/InfectiousDiseases/Pages/Novel-Coronavirus-nCov.aspx>

<https://travel.gc.ca/travelling/health-safety/travel-health-notice/166>

**DRHD: 905-668-7711, 1-800-841-2729**

**September 23, 2016**

If you prefer to receive this information in an electronic format, please submit your request to [healthresources@durham.ca](mailto:healthresources@durham.ca)

If you require this information in an accessible format, contact 1-888-777-9613



# Interoffice Memorandum

**Date:** October 14, 2016

**To:** Regional Chair Roger Anderson and Members of Durham Regional Council

**From:** Matthew Gaskell, Commissioner of Corporate Services

**Subject:** Website Redevelopment Project

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Corporate  
Services  
Department

The best organizations in the world feel that constant improvement is essential to their business model. Part of this corporate strategy is mirroring communications tools to reflect the company's innovation. You may wonder how they do it. The answer is simple: they listen to their community members.

The Corporate Services Department – Information Technology Division is currently overseeing the redesign and redevelopment of the Region's website (durham.ca).

We feel that public engagement is essential to this project—it will help to shape the look and feel of our online presence, while setting priorities around web content for our organization's largest communications tool.

It is this feedback that will ultimately strengthen how we communicate with one another, as all input will be used during upcoming focus groups. Therefore, as part of this process, we are asking for public feedback via an online survey.

This web-related survey is available at [youropinioncounts.durham.ca](http://youropinioncounts.durham.ca).

**Please encourage your constituents to take part in the survey.**

We also look forward to your participation at our current (and future) stages. All members of council will be invited to participate in future focus groups to help ensure we create a communications tool that will reflect the specific needs of our communities.

By working together, we can shape our online image and foster two-way communication with the residents of Durham Region.

Original signed by \_\_\_\_\_

Matthew L. Gaskell  
Commissioner of Corporate Services



# Interoffice Memorandum

**Date:** October 14, 2016

**To:** The Regional Chair and Members of Regional Council

**From:** M.L. Gaskell, Commissioner of Corporate Services

**Subject:** **Release of Documents from the December 22, 2015  
and the January 27, 2016 Committee of the Whole  
Meetings**

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Corporate  
Services –  
Legislative  
Services

Pursuant to the closed meeting investigation and the undertaken given at the Committee of the Whole meeting of September 7, 2016. Please find enclosed the following documents that were provided at the Committee of the Whole meetings of December 22, 2015 and January 27, 2016. These documents have had confidential information redacted from them:

- Memorandum dated December 18, 2015 re: Durham York Energy Centre – Acceptance Test Report
- Memorandum dated December 11, 2015 re: Durham York Energy Centre (DYEC) – Acceptance Test Report
- Confidential Report from the Commissioner of Works with Respect to Litigation/Potential Litigation, Including Matters before Administrative Tribunals, Advice that is Subject to Solicitor-Client Privilege, and a Matter in Respect of which Council May Hold a Closed Meeting Under Another Act, Regarding the Durham York Energy Centre (DYEC) Construction - Proposed Resolution Update Report (2016-COW-2)
- Presentation re: Acceptance Test and Settlement Agreement

Thank you.

*Matthew L. Gaskell*

Matthew L. Gaskell  
Commissioner of Corporate Services

Attach.

If this information is required in an accessible format, please contact the Regional Municipality of Durham at 1-800-372-1102 ext. 3560.



December 18, 2015

Erin Mahoney, M.Eng., Commissioner of Environmental Services  
The Regional Municipality of York  
17250 Yonge Street  
Newmarket, ON L3Y 6Z1

AND

Clifford Curtis, P.Eng., M.Sc., MBA, Commissioner of Works  
The Regional Municipality of Durham  
605 Rossland Road East  
Whitby, ON L1N 6A3

Dear Erin and Cliff,

**RE: Durham York Energy Centre – Acceptance Test Report**

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In accordance with the Council approved Co-owners' Agreement, the decision to approve Covanta's Acceptance Test results rests with the Management Committee which comprises senior staff from the Regional Municipalities of Durham and York (Owners). The Technical Committee which advises the Management Committee includes representatives from the Finance, Legal, and Works Departments. The mandate of the Technical Committee is to review each component of the Acceptance Test report and provide the appropriate recommendations which are based on the performance achieved and also to ensure the conduct of the testing was consistent with the Energy from Waste (EFW) Project Agreement and Acceptance Test Protocol.

One of the mandatory requirements necessary for Covanta to move forward towards commercial operation is to pass the Acceptance Test. The details of the test and how it should be carried out is outlined in the Acceptance Test Protocol developed by both HDR (the Owners' Technical Consultant) and Covanta. Both parties along with the Owners agreed to the scope of work and methodology of the Acceptance Test Protocol. An acceptance test is the industry recognized mechanism used to verify that the Facility as designed and built by the contractor can meet the performance obligations and is ready to proceed toward facility substantial completion.

On February 09, 2015, Covanta commenced acceptance of the Owners' waste. Between February and September, Covanta made several modifications to the plant operations which allowed them to move ahead with Acceptance Testing on September 27, 2015

The Acceptance Test was structured recognizing that all testing parameters were valued equally and that successful completion of the Acceptance Test was subject to the Ministry of the Environment and Climate Change (MOECC) accepting the results of the air emissions, noise, odour, ash quality and general test requirements. The principles of the Acceptance Test were as follows:

- 1) The entire test had to be performed under normal operating conditions

- 3) The successful completion of the source (stack) test was a mandatory condition

The Acceptance Test commenced on September 27<sup>th</sup> and was completed on November 3<sup>rd</sup>. HDR was present during the entire test to verify compliance with the Acceptance Test Protocol. Furthermore HDR personnel were responsible for development of the Acceptance Testing Technical report, which was the basis on which the Technical Committee made its recommendation. The entire HDR Report is attached to this memo.

The source (stack test) was performed by Covanta during the first week of the Acceptance Test, which passed and demonstrated environmental compliance with one of the Environmental Compliance Approval (ECA) requirements. The Dioxin and Furan portion of the first source test results returned from the lab indicated a potential exceedance of the allowable limit. Covanta evaluated these results and contended that the presence of interference (poor sample preparation) made these results invalid. The MOECC has stated that these first Dioxins and Furans results was not considered representative and subsequent testing was carried out through two more sampling events for Dioxins and Furans. The results obtained from the second and third rounds of testing indicated that Dioxin and Furans levels were below (and as such met) the regulatory limits. While the interference was still present, additional lab procedures removed the majority of the interference. This section of the Acceptance Testing Report along with the Odour, Noise, and Ash results were sent to the MOECC for their review and the MOECC has stated that the DYEC operations demonstrated compliance.

The remaining portion of the Acceptance Test was carried out by Covanta and they demonstrated that all the operational categories were met with the exception of the Residue Quantity Test for both 5 and 30 day periods (the 30 day period having been extended by seven days). Covanta excluded both ash stabilizers (pozzolan and cement, as well as water) in their estimate of Residue Quantity in order to meet the test guarantees. The technical committee fundamentally



disagrees with Covanta's approach of excluding ash stabilizers from their calculation of Total Residue Quantity and therefore concludes that these two tests were failed by Covanta.

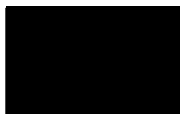
During the duration of the test, Covanta modified several operating parameters. During the second and third source test for Dioxins and Furans, Covanta increased the amount of activated carbon in the Air Pollution Control system. This is something the Regions were aware of and the MOECC has indicated verbally that it is in order.

An additional issue which should be reported to the Management Committee but is outside the Acceptance Testing Protocol and the defined subject matter of this memorandum is the testing for Dioxins and Furans using the Long Term Sampling system (AMESA) cartridges. The lab results for the cartridges were provided to the MOECC and are available to the public. The AMESA cartridge report shows different levels in several orders of magnitude between the source test and AMESA levels for Dioxins and Furans. The AMESA report is currently being evaluated by an independent outside expert. Staff compared results from the two different sampling methodologies and cannot draw any conclusion why there is no correlation between two sampling techniques and why results are extremely different in their magnitudes. The MOECC has directed a harmonized strategy will be in place prior to the next regulatory source test that will be used to evaluate the reliability of this monitoring system.

In Conclusion:

- 1) Based on the results of Acceptance Testing Report and its evaluation by HDR, Covanta met all of the Acceptance Test Criteria with the exception of the Residue Quantity;
- 2) The Owners cannot issue the Acceptance Test Certificate until full compliance is demonstrated by Covanta;
- 3) The Management Committee meeting to discuss the results of the test should be scheduled given that all the MOECC evaluations indicate the DYEC demonstrated compliance; and,
- 4) The next steps on how to move to Commercial Operation should be determined by the Management Committee with input from the Owners' legal advisers, staff and consultants.

Sincerely,



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Mirka Januszkiewicz, P.Eng.  
Director, Waste Management Services

Works Department  
The Regional Municipality of Durham  
905.668.7711 ext. 3464  
Mirka.Januszkiewicz@durham.ca

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Laura McDowell, P.Eng  
Director, Environmental Promotion and  
Protection  
Environmental Services Department  
The Regional Municipality of York  
905.830.4444 ext. 75015  
Luis.Carvalho@york.ca

- c. M. Rabeau, Director, Capital Planning and Delivery, Region of York
- L. McDowell, Director, Environmental Promotion and Protection, Region of York
- R. Gordon, Manager, Waste Operations and Optimization, Region of York
- S. Dittman, Project Engineer, Region of York
- G. Anello, Manager, Waste Planning and Technical Services, Region of Durham
- C. Bartlett, Manager, Waste Operations, Region of Durham
- G. Borchuk, Project Manager, Waste Management Services, Region of Durham

Encl.



## **Privileged and Confidential**

# **Memorandum**

**TO:** L. McDowell, Director, Environmental Promotion and Protection,  
The Regional Municipality of York  
and  
M. Januskiewicz, Director, Waste Management Services, The  
Regional Municipality of Durham

**FROM:** Luis Carvalho, Senior Project Manager, Capital Planning and Delivery,  
The Regional Municipality of York  
and  
Giuseppe Anello, Manager, Waste Planning and Technical Services,  
The Regional Municipality of Durham

**DATE:** December 11, 2015

**RE:** Durham York Energy Centre (DYEC) – Acceptance Test Report

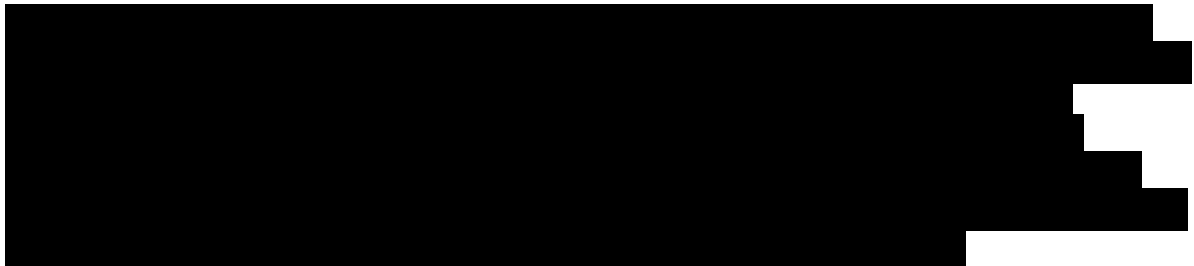
The Owners' technical assessment was completed with input from HDR and Durham/York staff representatives from Waste Management, Capital Delivery, Finance and Legal. The following assessment is consistent with the results of HDR's technical assessment of the Operational and Environmental Compliance components as summarized in HDR's enclosed report (Attachment #1).

The Acceptance Test Report was received by the Owners on November 26, 2015. It was determined that the report contained the necessary contents and associated data as required by the Project Agreement and related Acceptance Test Procedure, including those set out in Appendix 10 Article 1.13. HDR and the Owners have provided an assessment of the facility's performance relative to the environmental and operational performance guarantees, which is summarized in the attached Table (Attachment #2).

Covanta's report maintains that the Acceptance Test met all the compliance and contractual guarantees and therefore the Acceptance Test Certificate should be awarded. The Owners, however, believe that we cannot complete the assessment of the Environmental Compliance Test results permitting the issuance of the Acceptance Test Certificate (assuming all other conditions are met) until the Ministry of the Environment and Climate Change (MOECC) has determined the status of compliance.

As noted in the Table (Attachment #2), all the Operational categories of the Acceptance Test met their contractual guarantees with the exception of the Residue Quantity for both the 5 and 30-day test periods.

The Acceptance Test Report, as prepared by Covanta, indicates that they modified the test procedures to exclude the Fly Ash treatment materials of cement, pozzolan, and water from the calculation of Residue Quantity. HDR and the Owners do not accept this modification. According to the approved Acceptance Test Protocol, which was prepared by Covanta in consultation with the Owners, cement, pozzolan, and water are included in the calculation of Residue Quantity. There are also references to the use of cement and pozzolan to stabilize Fly Ash in the Request for Proposal (RFP), Covanta's proposal, the Project Agreement, and the Environmental Compliance Approval (ECA) application.



In light of the failure to meet all of the Performance Guarantees and in order to move forward towards Service Commencement, the Owners will need to ascertain the following:

1. What options are available to the Owners in the event of a failed Acceptance Test? What is the process following a failure of the Acceptance Test?
2. What are the financial and operational impacts of the failure to meet the Residue Quantity guarantee?
  - a. It must be noted that the Residue Disposal Cost and Residue Haulage Diesel Fuel Cost is identified within the Project Agreement and forms part of the Total Annual Operating Fee. These costs form part of Covanta's operational responsibility and the Owners' costs for residue disposal and residue haulage diesel do not fluctuate based on residue quantity, and change on an annual basis based only on set annual Statistics Canada benchmarks. As a result, staff do not anticipate any additional cost for residue disposal during the operating term of the contract.
  - b. The Performance Liquidated Damages also includes a formula to calculate damages owing to the Owners if Covanta fails to annually meet the Residue Quantity guarantee during commercial operations.
  - c. Cement and pozzolan are used to stabilize fly ash by encapsulating contaminants, rendering the material non-hazardous.
  - d. Are there any associated Operations and Maintenance or Life-cycle costs.

The Environmental Compliance Tests dealt with all emission and operating parameters in accordance with the requirements established by the ECA. The MOECC has received the test documentation that deals with the Source Test, Odour Test, Noise Test, and Residue Quality Test (bottom ash combustibility and fly ash TCLP). As illustrated in the attached Table (Attachment #2), it is Covanta's contention that they have met all the environmental compliance requirements. HDR and the Owners observed the conduct of these tests and reviewed the results as they related to the Project Agreement. The MOECC has not yet determined the compliance status for each of the following tests:

- a. Source Test
- b. Continuous Emissions Monitors
- c. Odour Test
- d. Noise Test
- e. Bottom Ash Combustibility
- f. Fly Ash TCLP

As of the date of this memo, the Owners have not yet received a determination of compliance from the MOECC, and therefore, cannot make a recommendation on the Environmental Compliance Test. Once the MOECC determination has been received, the Owners Technical team will forward a supplemental memo.

### Conclusion

The Owners' technical assessment cannot be completed until the MOECC has addressed the state of compliance with the ECA components of the Acceptance Test.



The options available to the Owners in the event of a failed Acceptance Test and the next steps towards Service Commencement must be investigated and an appropriate strategy accepted.

The Owners should discuss and develop a strategy to resolve outstanding issues prior to Service Commencement.

Recommendation

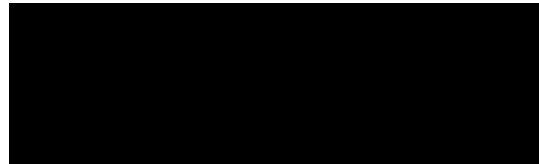
The Technical Committee cannot at this time recommend the issuance of the Acceptance Test Certificate in light of the Facility failure to meet all of the Performance Guarantees.

Management Committee direct that a strategy be developed in consultation with Covanta, such that this project can move to Service Commencement.

Sincerely,



Gioseph Anello, M.Eng., P.Eng., PMP  
Manager, Waste Planning and  
Technical Services  
Works Department  
The Regional Municipality of Durham  
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Gioseph.Anello@durham.ca



Luis Carvalho, M.Sc., P.Eng., PMP  
Senior Project Manager  
Capital Planning & Delivery Branch  
Environmental Services Department  
The Regional Municipality of York  
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Luis.Carvalho@york.ca

Encl.

# CONFIDENTIAL

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



## The Regional Municipality of Durham Report

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To: The Committee of the Whole  
From: Commissioner of Works  
Report: #2016-COW-2  
Date: January 27, 2016

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### **Subject:**

Confidential Report from the Commissioner of Works with Respect to Litigation/Potential Litigation, Including Matters before Administrative Tribunals, Advice that is Subject to Solicitor-Client Privilege, and a Matter in Respect of which Council May Hold a Closed Meeting Under Another Act, Regarding the Durham York Energy Centre (DYEC) Construction - Proposed Resolution Update Report

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### **Recommendations:**

That the Committee of the Whole recommends to Regional Council:

- A) That the Residue Quantity guarantee in the Project Agreement be revised from 30 per cent to 35 per cent at the High Heat Value (HHV) of 13 Megajoules per kilogram (MJ/kg) and the appropriate definition(s) be amended to reflect the environmental benefit of the inclusion of cement, pozzolan, and water as a stabilizing agent for fly ash;
  - B) That approval of the Settlement Proposal as presented below and included as Attachment #1 be accepted;
  - C) That the Regional Chair and Clerk be authorized to execute all documents necessary to carry out the Settlement Proposal including Minutes of Settlement and any amending agreements to the Project Agreement; and
  - D) That should Council approval of Recommendations A) to C) of this Report #2016-COW-2 not be received, that staff be authorized to utilize binding arbitration in order to resolve the outstanding issues with Covanta.
-

## Report:

### 1. Purpose

- 1.1 This report updates Regional Council on the discussions with Covanta since the decision of the Management Committee to fail Covanta on the Acceptance Test. These discussions were conducted in accordance with Article 28 (Dispute resolution) of the Project Agreement. These discussions resulted in Covanta making a 'without prejudice' final proposal to address the issue of acceptance and several other construction related disputes. This proposal, if accepted, will move this project to Commercial Operations and will avoid the necessity for a protracted and costly arbitration.

### 2. Background

- 2.1 As previously reported, Management Committee was not in a position to approve the Acceptance Test based on the results of the Residue Quantity test. Covanta demonstrated environmental compliance and achievement of the performance guarantees with the exception of Residue Quantity. In accordance with the provisions of the Project Agreement, Covanta was advised that the requirements of the Residue Quantity test had not been met, and that the Regional Municipalities of Durham and York (Owners) required a second Acceptance Test.
- 2.2 The Project Agreement dispute resolution process was activated by Covanta over the Owner's decision. Covanta contends that the additives of cement, pozzolan, and water are not included in the definition of Residue Quantity under the Project Agreement. Based on Covanta's definition of Residue Quantity, they would have passed the Residue Quantity Test and the Acceptance Test.
- 2.3 The Owners participated in several meetings with Covanta as part of the negotiation process, up to and including meeting with Covanta's CEO and Senior Management. Those discussions addressed a number of issues with potential financial impacts on the Owners.
- 2.4 In response to the negotiations, Covanta has submitted a 'without prejudice' confidential settlement proposal to resolve the aforementioned issues.

### 3. Confidentiality

- 3.1 By virtue of the direction of Regional Council of November 25, 2015, staff were to report back to Regional Council before a decision was made on the Acceptance Test for the Durham York Energy Centre (DYEC). [REDACTED]



[Redacted]

3.2

[Redacted]

A) [Redacted]

B) [Redacted]

C) [Redacted]

3.3

[Redacted]

**4. Arbitration Process**

4.1 If the dispute regarding the method of calculating the Residue Quantity is not resolved, then the parties have agreed that this matter would proceed by way of an arbitration. It is expected that the issue before the arbitrator would be the definition of Residue Quantity. Further background on the Residue Quantity issue is provided below. An arbitrator would be asked to determine which definition of Residue Quantity is correct. In other words, does the Residue Quantity include cement, pozzolan, and water. The arbitrator would also likely be asked to make any appropriate rulings based on that determination. This would include whether or not a second Acceptance Test is required.

4.2

[Redacted]

[Redacted]

4.3

[Redacted]

4.4 Regional staff have sought clarification from the Ministry of the Environment and Climate Change (MOECC) in the event of a second Acceptance Test at the DYEC. Staff met with the MOECC and were verbally informed that the MOECC would not be in a position to participate in a repeat test process and the evaluation of these test results.

4.5

[Redacted]

[Redacted]

[Redacted]

4.7

[Redacted]

4.8

[Redacted]



4.9



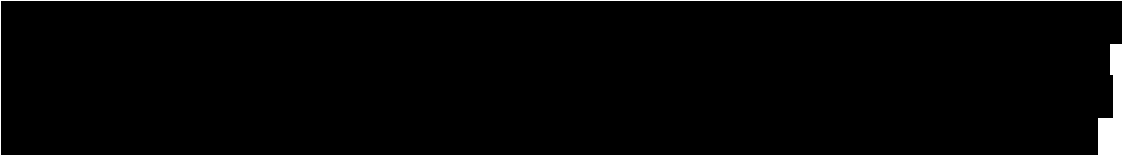
**5. Settlement Proposal**

5.1 A copy of the full Privileged and Confidential Settlement Proposal is attached (Attachment #1). A summary of the proposal is outlined in the table below:

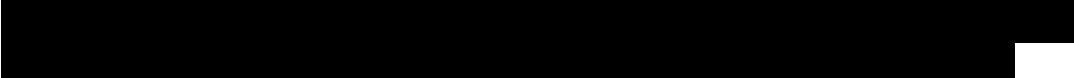
Issue	Description	Value to Owners
Residue Quantity	The Residue Quantity guarantee in the Project Agreement be revised from 30 per cent to 35 per cent at the High Heat Value (HHV) of 13 Megajoules per kilogram (MJ/kg) and the appropriate definition(s) be amended to reflect the environmental benefit of the inclusion of cement, pozzolan, and water as a stabilizing agent for fly ash.	
Bypass Waste	Covanta will reduce its claim for By-pass Waste from the date of its receipt of first waste until January 27, 2016, to \$1.1 million, which amount shall be paid to Covanta by the Owners (Covanta has billed \$1.8 million to November 30, 2015, excluding HST)	
West Crane Laydown Area	The Owners and Covanta will agree that the west crane laydown area will not be considered part of Covanta's scope of work and will not be on the punch-list. The Owners will retain \$2.5 million of the \$3 million withheld with respect to this issue, and Covanta will be paid \$0.5 million for foundation work performed after the dispute arose.	
Force Majeure Claims	Covanta will release its claim for \$441,262 in electricity purchased from June 5, 2015 to August 21, 2015 as a result of the delays caused by Hydro One and IESO (a) in assessing and determining that Covanta need not operate with frequency droop control and (b) failure of	

	<p>IESO to allow interim connection to the grid during this period of assessment and determination (the “Force Majeure related to Droop Control”).</p> <p>Covanta will abandon its claim for relief from the obligation to pay Liquidated Damages during the period of Force Majeure relating to Droop Control and will promptly pay the \$770,000 after the receipt of the Acceptance Test Certificate.</p>	
Liquidated Damages	<p>Covanta will pay all schedule Liquidated Damages for the period up to and including December 22, 2015. Liquidated Damages relating to schedule will cease to accrue after December 22, 2015.</p>	
Pre-Filter	<p>Covanta will re-issue Change Request No. 12 for Water and Steam Quality Changes as a zero dollar Change Request.</p>	

5.2 

5.3 

5.4 

5.5 

**6. Residue Quantity**

6.1 As reported to Regional Council on December 23, 2015, Covanta did not meet the Residue Quantity Guarantee and therefore failed the 30-days Acceptance Test. The proposed residue quantity guarantee outlined in the Request for Proposal (RFP) was established as 30 per cent and was not tied to a HHV. This estimate was theoretical and did not anticipate conditioning of the fly ash on-site to make it non-hazardous and the weight of associated reagents.

6.2 Staff's detailed evaluation of the Acceptance Test results for Bottom Ash demonstrated excellent combustion with less than one per cent combustibles remaining in the ash (regulations require less than 10 per cent). The Bottom Ash accounts for approximately two-thirds of the Residue Quantity. The conditioned Fly Ash contains reagents (cement and pozzolan) which significantly increase its contribution to the Residue Quantity. At the same time, there is a correlation between the amount of stabilizing agent and reduced leachability of toxics into the environment.

6.3 The addition of the reagents (cement and pozzolan) creates an encapsulated Fly Ash which has been demonstrated to be non-hazardous and decreases its environmental impact. The addition of the reagents to the Fly Ash was not considered at the time of the RFP and the establishment of the Residue Quantity Guarantees. The financial implications of the increased Residue Quantity have already been addressed in the annual operating costs, and do not fluctuate with variations in residue quantities.

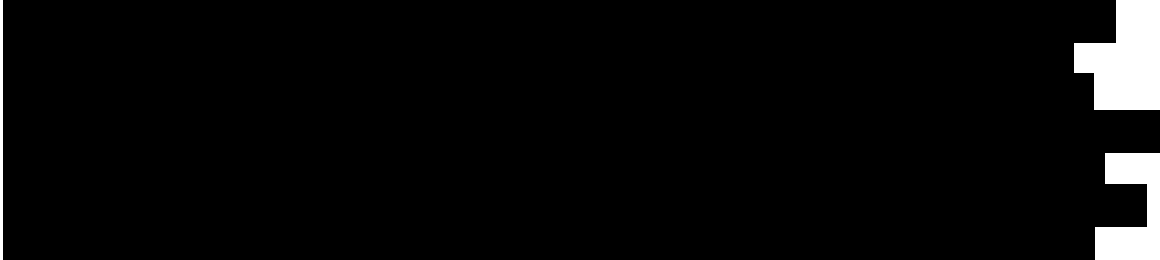
6.4 

6.5 Given this amendment, the Management Committee would be in a position to issue the Acceptance Test Certificate.

6.6 There is no financial impact for this change as Covanta is solely responsible for all costs associated with disposal of residual waste (both Bottom and conditioned Fly Ash).

**7. West Crane Laydown Area**

7.1 With the payment of Milestone 9, the Owners will have held back \$3.0 million from the milestone payments, to resolve the non-conformance identified for the West Crane Laydown area. This issue was brought forward to Regional Council's attention in the construction updates provided in January and June 2015.

7.2 

[Redacted]

7.3

[Redacted]

**8. Tipping Floor**

8.1 HDR, the Owners' consultant, has concluded that the tipping floor is adequately sized to receive 140,000 tonnes per year of waste while maintaining compliance with waste delivery and inspection requirements.

[Redacted]

8.2

[Redacted]

**9. Connection to the Grid**

9.1

[Redacted]

9.2

[Redacted]

9.3

[Redacted]

[REDACTED]

9.4 The proposed resolution to this issue would see Covanta withdraw its claim of a Force Majeure.

9.5 [REDACTED]

9.6 [REDACTED]

9.7 [REDACTED]

**10. Disputed Water Treatment**

10.1 The boiler water quality remains an issue in that a water pre-treatment system (\$88,450) may be required in order improve efficiency of the Reverse Osmosis (RO) treatment system.

10.2 Covanta has stated that the water provided by Clarington Municipal Water Supply has a high Silt Density Index (SDI). High SDI values lead to excessive fouling of the RO system membranes, resulting in increased membrane replacements (seven membranes) and maintenance costs totaling \$98,875.

10.3 The proposed resolution to this issue would see Covanta withdraw its claim for a Change Request in amount of \$187,325.

**11. By-pass Waste Costs**

11.1 [REDACTED]

[REDACTED]

11.2 [REDACTED]

11.3 [REDACTED]

11.4 To date, the Owners have been invoiced approximately \$1.8 million for by-pass waste from February 2015 to November 30, 2015, and anticipate further invoices for same for the period of December 2015 and January 2016.

11.5 The proposed resolution to this issue would see the Owners responsibility for by-pass waste capped at \$1.1 million until Service Commencement is achieved.

11.6 [REDACTED]

**12. Liquidated Damages**

12.1 The settlement states that Covanta will pay Liquidated Damages from January 12, 2015, to December 22, 2015.

12.2 Further, Covanta has agreed that payment of Liquidated Damages will not be disputed by Covanta.

12.3 [REDACTED]



12.4 [Redacted]

**13. Conclusion**

13.1 [Redacted]

13.2 [Redacted]

13.3 In accordance with the Project Agreement, if the parties are unable to resolve these issues during negotiations then the arbitration phase will be activated and will be binding on the parties.

13.4 [Redacted]

13.5 [Redacted]

13.6 This report has been reviewed by the Corporate Services Department – Legal Services Division and the Finance Department.

**14. Attachments**

Attachment #1: Covanta's Privileged and Confidential Settlement Proposal

Respectfully submitted,

*Clifford Curtis*

---

C. R. Curtis, P.Eng., MBA  
Commissioner of Works

Recommended for Presentation to Committee

*Garry Cubitt*

---

G. H. Cubitt, MSW  
Chief Administrative Officer

# Acceptance Test and Settlement Agreement

## **Confidential and Privileged**

By virtue of Article 28.3 of the Project Agreement, the Owners are required to keep confidential and not disclose to any other person

# Acceptance Test Update

- Covanta met all environment compliance requirements but marginally failed to meet one performance requirement (Residue)
- Management Committee did not award the Acceptance Test Certificate; December 23, 2015
- Covanta did not agree with the Owners assessment and activated dispute resolution December 23, 2015
- Negotiations commenced January 8, 2015
- Settlement Submitted January 14, 2015
- Potential Next Steps

# Update on Issue Resolution

- As previously reported in Construction Updates:
  - West Crane Laydown Area
  - Tipping Floor Capacity
  - Water Treatment System
  - Grid Connection (IESO/HONI)
  - Schedule Liquidated Damages
  - Bypass waste: prior to Commercial Operations

# Residue Quantity



- Bottom Ash
- Fly Ash
- Reagents

- Conditioned Fly Ash includes reagents (cement, pozzalon and water) which encapsulates and makes it non-hazardous
- Covanta contends that the calculation of Residue Quantity does not include reagents

# Residue Quantity



# Residue Quantity

- Recommendation:
  - Residue Quantity guarantee in the Project Agreement be revised from 30 per cent to 35 per cent at the High Heat Value (HHV) of 13 Megajoules per kilogram (MJ/kg) and the appropriate definition(s) be amended to reflect the environmental benefit of the inclusion of cement, pozzolan, and water as a stabilizing agent for fly ash



# Settlement Agreement

Issue	Description	
Bypass Waste	Covanta will reduce its claim for By-pass Waste from the date of its receipt of first waste until January 27, 2016, to \$1.1 million. Covanta has billed \$1.8 million to November 30, 2015, excluding HST. Maybe additional billing(Dec/Jan)	
West Crane Laydown Area	The Owners and Covanta will agree that the west crane laydown area will not be considered part of Covanta's scope of work and will not be on the punch-list. The Owners will retain \$2.5 million of the \$3 million withheld with respect to this issue, and Covanta will be paid \$0.5 million for foundation work performed after the dispute arose.	
Force Majeure Claims	Covanta will release its claim for \$441,262 in electricity purchased from June 5, 2015 to August 21, 2015 as a result of the delays caused by Hydro One and IESO  Covanta will abandon its claim for relief from the obligation to pay Liquidated Damages during the period of Force Majeure relating to Droop Control (\$770,000)	
Liquidated Damages	Covanta will pay all schedule Liquidated Damages for the period up to and including December 22, 2015. Liquidated Damages relating to schedule will cease to accrue after December 22, 2015.	
Pre-Filter	Covanta will re-issue Change Request No. 12 for Water and Steam Quality Changes as a zero dollar Change Request.	

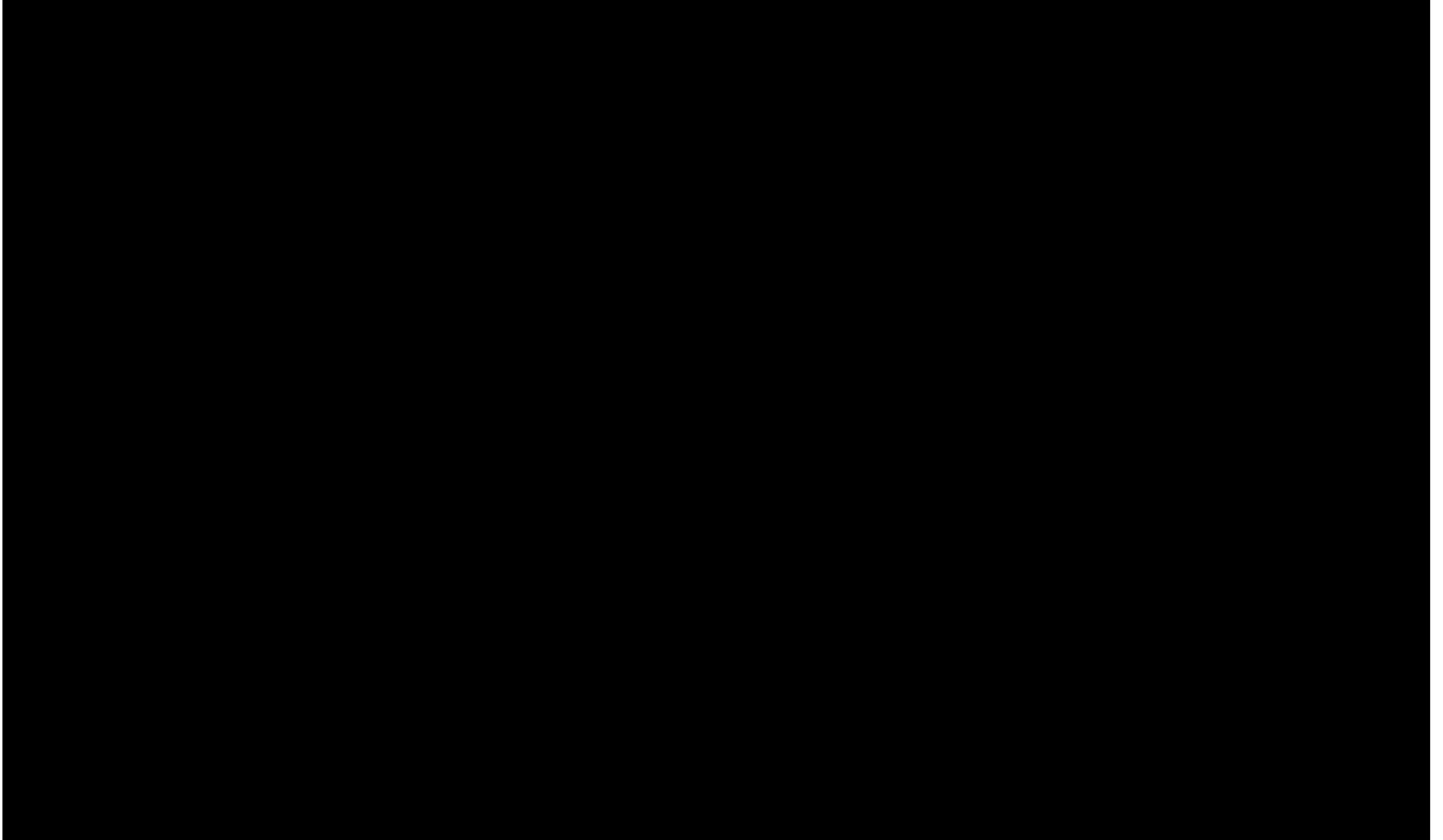
# Dispute Resolution

- 

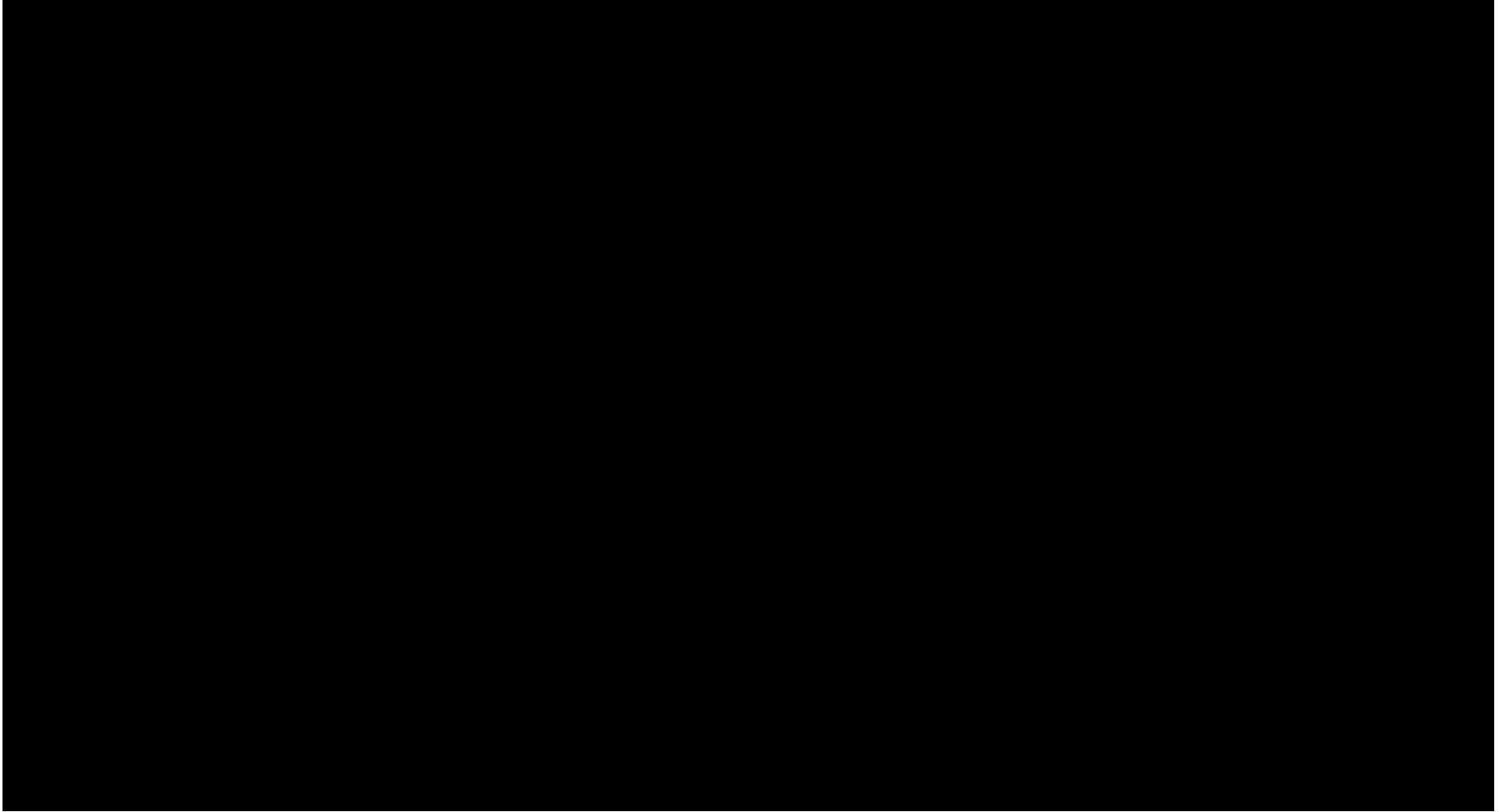
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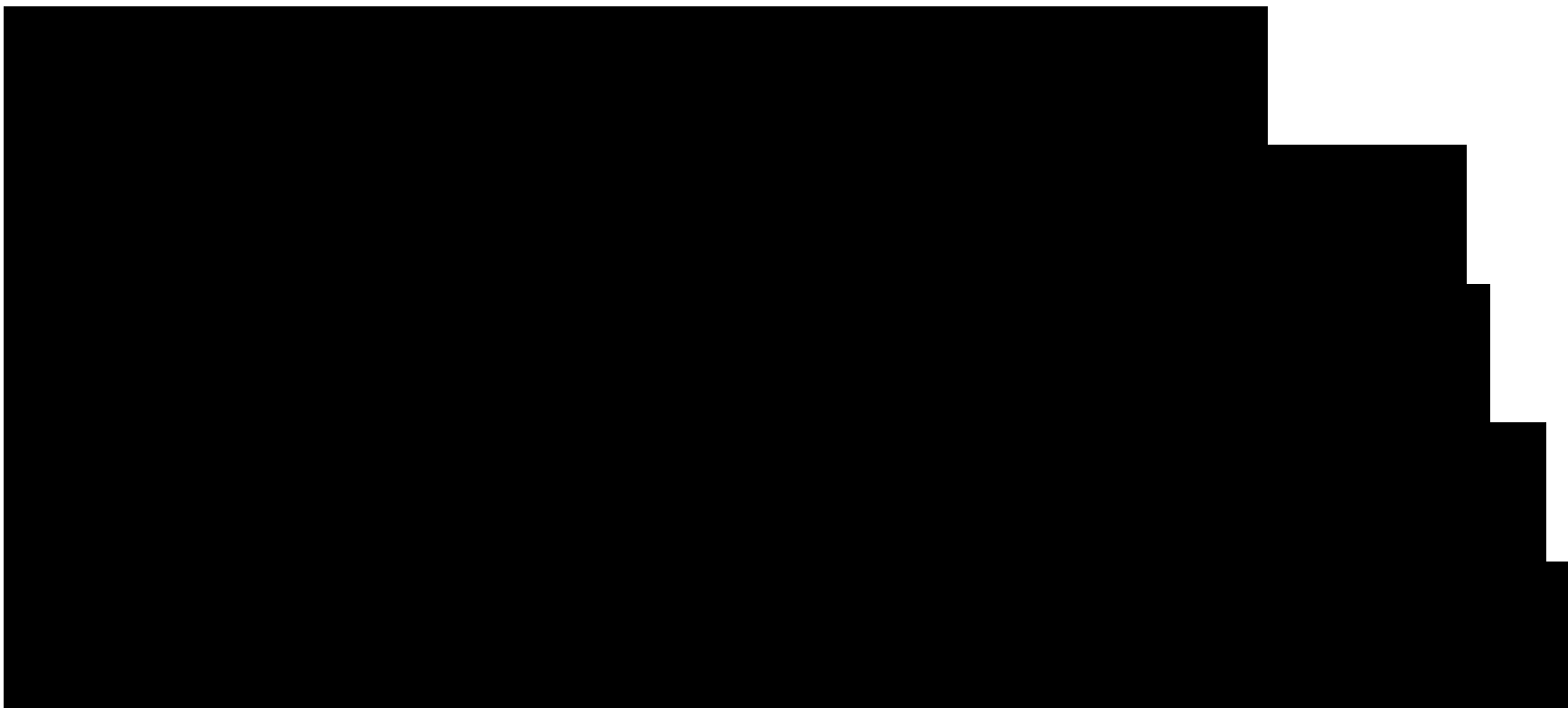
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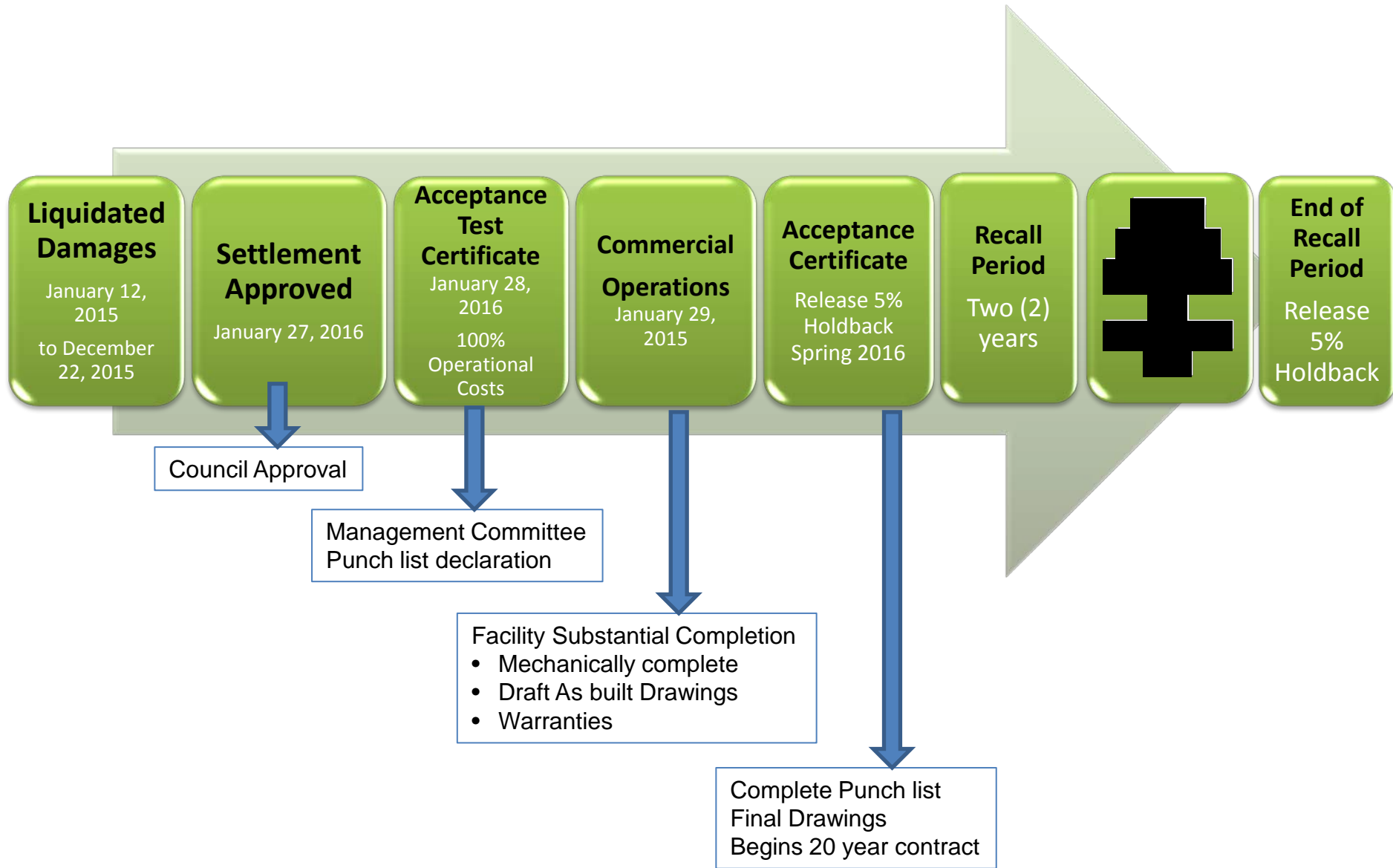
# Risks



# Next Steps

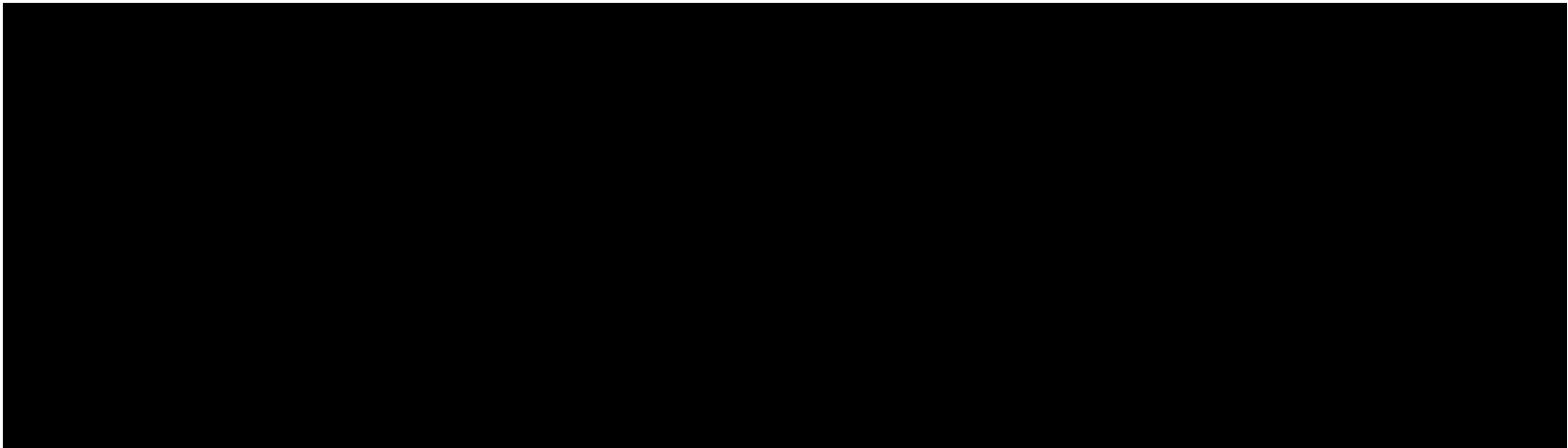






# Bypass Waste

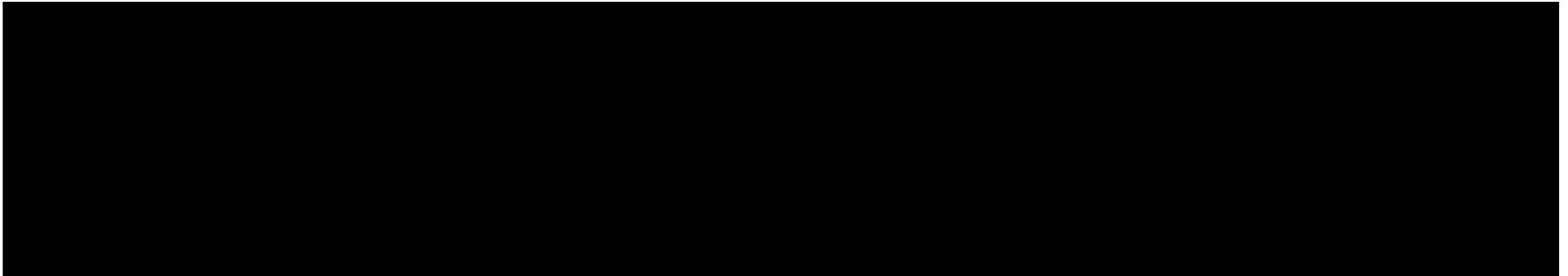
- Waste not processed at the DYEC and disposed of elsewhere (Landfill (Thorold), EFW (Niagara))



- invoiced approximately \$1.8 million for bypass waste (Feb to Nov) further invoices for Dec/Jan
- To be capped at \$1.1 million

# West Crane Laydown Area

- Refuse Pit and Cranes are over-sized items
- Crane must be able to service entire pit if the other crane is not operational
- West Crane Laydown Area is not critical for the operation of the plant at its current capacity





# Extension for West Crane Laydown Area

NEW ROLL-UP DOOR @ GRADE FOR ACCESS TO CRANE / GRAPPLE OR DUMPSTER

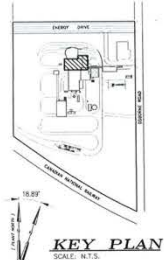
OPENING IN FLOOR TO ALLOW GRAPPLE TO BE LOWERED TO GRADE

1075 MM HIGH CONCRETE WALL OR HAND RAIL

ESTIMATED BUILDING EXTENSION:  
L = 22.63M (74.2 FT)  
W = 9.73M (32 FT)  
H = 34.44M (113 FT)

PARTIAL FLOOR PLAN @ EL. 0.00 M  
SCALE: 1/100

RESOURCE RECOVERY FACILITY COVANITA PROJECT NO.	
ISOLATING	DATE: 08/25/2012
ARCHITECTURAL	
MECH.	
ELECTRICAL	
HAZ.	
INFORMATION	
PROJECTS	08/25/2012
X REVIEWED COMMENTS X REVIEWED COMMENTS X REVIEWED COMMENTS X REVIEWED COMMENTS X NOT REVIEWED X FOR INFORMATION ONLY	
The holder acknowledges the stamp implies neither approval nor disapproval of the design or construction of the building or any part thereof, nor does it constitute an endorsement or approval of the design or construction of the building.	
COVANITA ENERGY CORP.	



REV	DATE	BY	CHK	APPR	ISSUED FOR	REVISION DESCRIPTION
3	11/27/12	SO	WHS			ADMINISTRATION AREA CONSTRUCTION
2	08/25/12	SO	WHS			PER CLARIFICATION COMMENTS
1	08/28/12	CC	WHS			ADMINISTRATION AREA PERMIT
0	08/25/12	CE	SO	WHS		REFUSE/IPPING AREA CONSTRUCTION

NOISE	PROJECT ENGINEER
The dBs in this document constitutes proprietary rights of SIGMA ENERGY SOLUTIONS. Any party receiving this document shall be in violation and agree to return the same to the originator within 10 business days.	N. RUDOLPH ENGINEER R. MARTINSEN
ADDITIONAL OFFICES PER CLIENT COMMENTS	DATE: 06/01/11
GENERAL REVISIONS	SCALE: AS NOTED
GENERAL REVISIONS	DRAWN: S. KIRBY
INTERNAL ISSUE	CHECKED: S. BISHARWAD
	APPROVED: M. SCHUMWAY
	APPROVED: J. P. BROCK

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Melville, NY, 11747

**RCM Technologies**  
The Source of Smart Solutions  
RCM Technologies Canada Corp.  
895 Brock Rd. S.  
Pickering, ON, L1W 3C1

ONLINE REGISTERED ENGINEER

**COVANITA**  
Renewable Energy Corp.

COVANITA DURHAM YORK RENEWABLE ENERGY L.P.  
445 SOUTH STREET  
WORMSTON, NEW JERSEY 07980

**DURHAM & YORK REGIONS**  
DURHAM-YORK ENERGY CENTRE  
MUNICIPALITY OF CLARINGTON, ONTARIO

REFUSE, CONTROL AND ADMINISTRATION AREA FLOOR PLAN  
EL. 0.00 M

895 Brock Rd. S.  
Pickering, ON, L1W 3C1

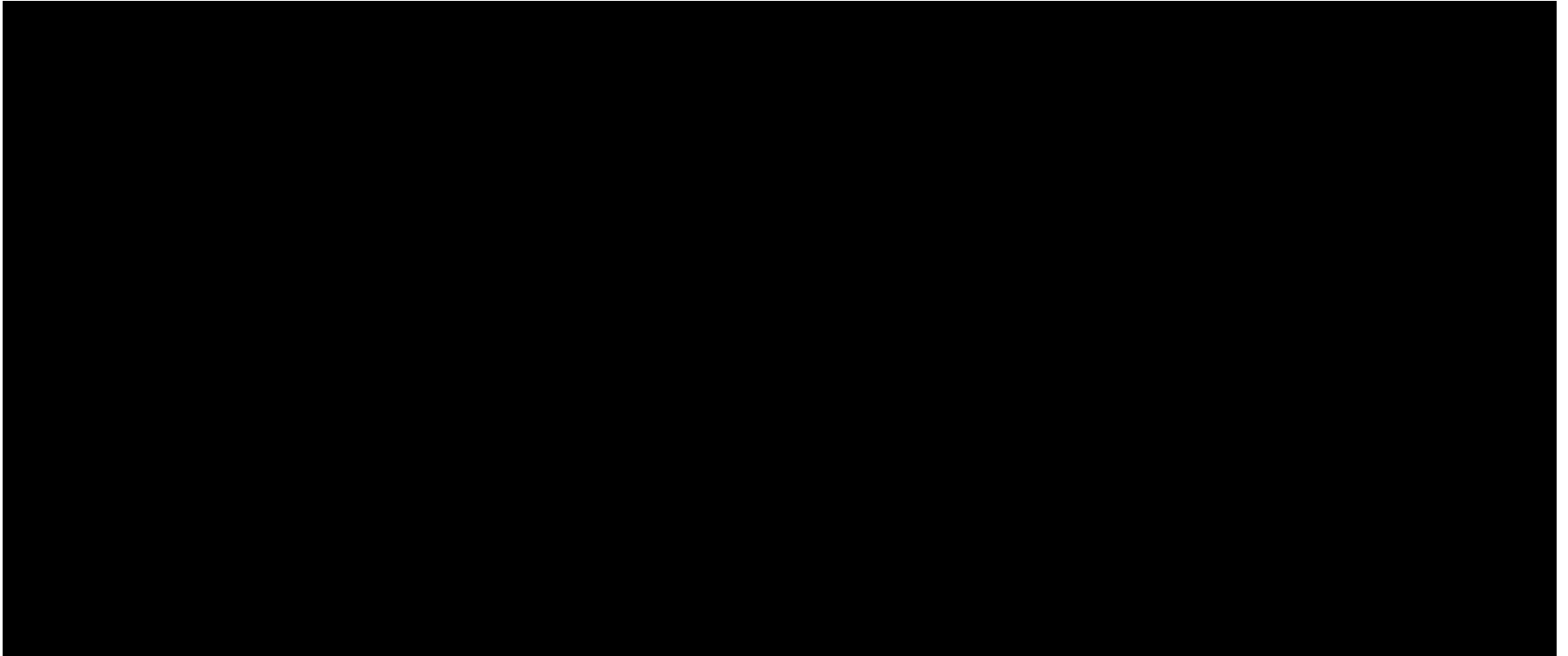
A-1300



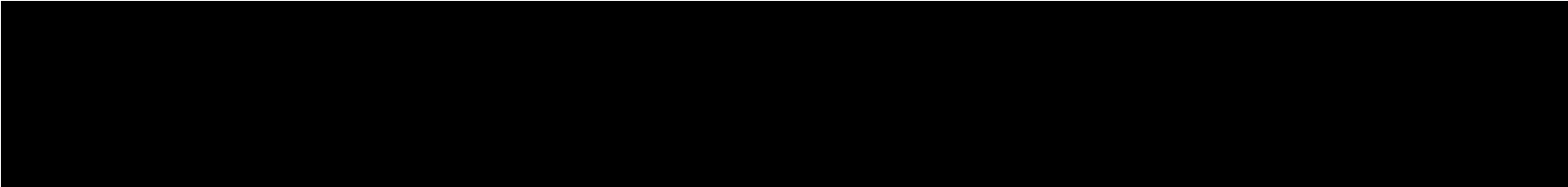


# Connection to Grid

- Change in Law and/or Force Majeure event is alleged relating to the delay in the approval from the IESO to allow Covanta to connect the DYEC to the grid



# Schedule Liquidated Damages

- Schedule Liquidated Damages (LDs) from January 12, 2015, to December 22, 2015, totalling \$3.44 million (\$2.45 million paid)
  - payment of LDs will not be disputed by Covanta.
- 

# Water Treatment

- Owners must provide water that meets the Ontario Drinking Water Quality Standards, Ontario Regulation 169/03
- Covanta must design the water treatment system that meets the requirements of the equipment manufactures (steam/turbines)
- High Silt Density Index leads to excessive fouling of the RO system membranes
- Pre-treatment filters up-stream of RO installed

**From:** Madawaska Valley <info@madawaskavalley.ca>  
**Sent:** October-07-16 8:28 AM  
**To:** gdombroski@madawaskavalley.ca  
**Subject:** FW: Resolution regarding parole system and Bill 21, Private Members Bill  
**Attachments:** Private Members Bill.pdf

Good Morning:

At the Regular Council Meeting on Monday, October 3, 2016, Council supported the following Private Members Bill, and request your support of their resolution. If you have any questions please contact,

*Gwen Dombroski,*

Executive Assistant/Communications Coordinator  
 Township of Madawaska Valley  
 Box 1000, 85 Bay Street  
 Barry's Bay, Ontario K0J 1B0  
 613-756-2747 ext. 212  
[gdombroski@madawaskavalley.ca](mailto:gdombroski@madawaskavalley.ca)

**C.S. - LEGISLATIVE SERVICES**

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<b>Take Appr. Action</b>



**THE CORPORATION OF THE TOWNSHIP OF MADAWASKA VALLEY C.S. - LEGISLATIVE SERVICES**

P.O. Box 1000  
85 Bay Street  
Barry's Bay ON K0J 1B0  
Ph 613-756-2747 Fax 613-756-0588  
[info@madawaskavalley.ca](mailto:info@madawaskavalley.ca)

Original
To: CIP
To: R. ANDERSON
To: G. CURTIS
M. GOSWELL
P. C. MARTIN
C.C. S.C.C. File
Take Appr. Action

**Moved by: Mayor Love**  
**Seconded by: Councillor Archer**  
**BE IT RESOLVED**

**15-0310-16**  
**03 October 2016**

**WHEREAS:** The safety of victims of sexual violence and/or domestic violence should be a priority for all levels of government in Canada, and

**WHEREAS:** The intent of a certificate of parole is to set out the conditions under which an inmate may be granted parole, and

**WHEREAS:** By signing a certificate of parole the inmate indicated that they agree to abide by the conditions contained therein; and

**WHEREAS:** The electronic monitoring of parolees convicted of an offence of sexual violence and/or an offence of domestic violence would facilitate compliance with the conditions of parole and provide some peace of mind for the victims of these crimes,

**THEREFORE BE IT RESOLVED**

**THAT** the Council of the Township of Madawaska Valley supports the changes to the parole system proposed in the Private Member's Bill put forward by the Honourable John Yakabuski, MPP for Renfrew Nipissing Pembroke, and submitted as Bill 21, An Act to amend the Ministry of Correctional Services Act in respect of parole,

**AND THAT** a copy of this resolution of support be sent to the Honourable Kathleen Wynne, Premier of Ontario, the Honourable David Orazietto, Minister of Community Safety & Correctional Services, Mr. Patrick Brown, Leader of the Progressive Conservative Party, Ms. Andrew Horwath, Leader of the New Democratic Party, and all Members of Provincial Parliament in the Province of Ontario; and

**THAT** a copy of this resolution of support be sent to the Association of Municipalities of Ontario (AMO), and to all Ontario municipalities for consideration.

**X-CARRIED.**

\_\_\_\_\_  
Craig Kelley, CAO/Clerk



**From:** OMBReview (MMA) <OMBReview@ontario.ca>  
**Sent:** October-05-16 1:45 PM  
**To:** OMBReview (MMA)  
**Subject:** Ontario is reviewing the Ontario Municipal Board

Original

To:

CIP

Copy B. BRIDGEMAN

To:

T. FRASER

C.C. S.C.G. File

Take Appr. Action

The Ministry of Municipal Affairs and the Ministry of the Attorney General are undertaking a review of the scope and effectiveness of the Ontario Municipal Board (OMB) to improve its role within the land use planning system.

We would like to thank those who participated in the initial consultation on key themes for the OMB Review – your input has contributed to the development of the ideas for reform and will be given careful consideration as the Review moves forward.

A consultation document intended to help facilitate discussion is available online at <http://www.mah.gov.on.ca/Page15027.aspx>. The document includes:

- overview information about the OMB and its role in the land use planning system
- possible changes to improve the scope and effectiveness of the OMB for your review and input
- questions for your consideration, and
- information on how to provide comments.

We will be accepting input and feedback on the questions outlined in the consultation document until December 19, 2016.

As part of the OMB review, the government would also like to invite you to attend a regional town hall session. The government will be holding these sessions across the province to get input from the public, municipalities, Indigenous communities and organizations, and stakeholders on possible changes being considered to improve the role of the OMB within the land use planning system.

Please visit the Ministry of Municipal Affairs webpage ([ontario.ca/OMBReview](http://ontario.ca/OMBReview)) for the most up-to-date consultation schedule and details.

Further information about the OMB Review is available online at [ontario.ca/OMBReview](http://ontario.ca/OMBReview). You can also visit our posting on the Environmental Bill of Rights Environmental Registry [EBR Registry No.: 012-7196] at [ebr.gov.on.ca](http://ebr.gov.on.ca).

Should you have any further questions about the Review or the upcoming regional town hall session, please do not hesitate to contact us by sending an email to [OMBReview@ontario.ca](mailto:OMBReview@ontario.ca) or calling 1-855-776-8011.

### Objet : L'Ontario examine la Commission des affaires municipales de l'Ontario

Le ministère des Affaires municipales et le ministère du Procureur général ont entrepris l'examen de la portée et de l'efficacité de la Commission des affaires municipales de l'Ontario (CAMO) afin d'améliorer son rôle dans le système d'aménagement du territoire.

Nous aimerions remercier tous ceux et celles qui ont participé à la consultation initiale sur les principaux sujets en vue de l'examen du rôle de la CAMO. Vos observations ont contribué à élaborer les propositions de réforme et seront soigneusement prises en considération au cours de l'examen.

Un document de consultation visant à faciliter la discussion peut être consulté en ligne à <http://www.mah.gov.on.ca/Page15071.aspx>. Ce document inclut ce qui suit :

- brève description de la CAMO et de son rôle dans le système d'aménagement du territoire;
- changements éventuels à apporter pour améliorer la portée et l'efficacité de la CAMO;
- questions auxquelles vous pouvez répondre;
- renseignements sur la façon de faire connaître votre avis.

Nous accepterons les commentaires et réponses aux questions posées dans le document de consultation jusqu'au 19 décembre 2016.

Dans le cadre de l'examen du rôle de la CAMO, le gouvernement aimerait également vous inviter à prendre part à une assemblée publique régionale. Le gouvernement tiendra des assemblées un peu partout dans la province afin d'obtenir l'avis du public, des municipalités, des communautés et organismes autochtones ainsi que des intervenants sur les changements possibles que la province songe à apporter pour améliorer le rôle de la CAMO dans le système d'aménagement du territoire.

Veillez consulter la page Web du ministère des Affaires municipales ([ontario.ca/examendelacamo](http://ontario.ca/examendelacamo)) pour connaître l'horaire et obtenir les plus récents renseignements concernant la consultation.

Pour des précisions sur l'examen du rôle de la CAMO, veuillez consulter la page située à [ontario.ca/examendelacamo](http://ontario.ca/examendelacamo). Vous pouvez aussi consulter l'avis que nous avons publié dans le Registre environnemental [numéro d'avis 012-7196] à [www.ebr.gov.on.ca](http://www.ebr.gov.on.ca).

Pour toute question concernant l'examen ou les assemblées publiques régionales, n'hésitez pas à communiquer avec nous par courriel à [OMBReview@ontario.ca](mailto:OMBReview@ontario.ca) ou par téléphone au 1 855 776-8011.

Ministry of Natural  
Resources and Forestry

Ministère des Richesses  
naturelles et des Forêts

Office of the Minister

Bureau de la ministre

Room 6630, Whitney Block  
99 Wellesley Street West  
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Original

To: CIP

Copy

To: BERIDGEMAN



Ontario

C.C. S.C.C. File

Take Appr. Action

October 6, 2016

Dear Friends,

**Re: Introduction of Legislation to Amend the *Aggregate Resources Act***

I am writing to inform you of the introduction of a bill to amend the *Aggregate Resources Act* in the Ontario legislature on October 6, 2016. The proposed bill is the foundation of our plan to modernize and strengthen Ontario's framework for managing aggregate resources.

In fall 2015, the Ministry of Natural Resources and Forestry, through an Environmental Registry posting, consulted on proposed changes through a document called 'A Blueprint for Change: a proposal to modernize and strengthen the Aggregate Resources Act policy framework'.

The proposals described in the Blueprint were developed in consideration of the recommendations from the Standing Committee and input from fall 2014 discussions with stakeholders, Indigenous communities and organizations. The comments and the recommendations received were considered in the development of this proposed Bill. This information will also be considered in the development of future changes to regulations and policy.

The proposed bill is the first step in a phased process that will modernize and strengthen the way aggregate operations are managed in Ontario. Should the bill pass, Ontario would move forward with public consultations on any future proposed regulatory and policy changes under the revised act, including future proposals related to changes to fees and royalties.

The changes proposed to the legislation provide the framework for stronger oversight in the management of aggregate operations, increased and equalized fees and royalties, enhanced environmental accountability, and improved information on operations and enhanced public participation.

The bill to amend the *Aggregate Resources Act* is available on the Legislative Assembly of Ontario website ([www.ontla.on.ca](http://www.ontla.on.ca)) and has also been posted on the Environmental Registry ([www.ontario.ca/environmentalregistry](http://www.ontario.ca/environmentalregistry), posting number 012-8443) for public consultation for a period of 60 days ending on December 5, 2016. We welcome feedback on the legislative changes proposed. Alternatively, written comments can be sent to [ARAreview@ontario.ca](mailto:ARAreview@ontario.ca).

If you have any questions about the introduction of the bill, please contact Pauline Desroches, Manager, Resource Development Section, at 705-755-2140 or [Pauline.Desroches@ontario.ca](mailto:Pauline.Desroches@ontario.ca).

Thank you for your ongoing support in this initiative. I look forward to hearing your thoughts.

Best,

Kathryn McGaffey  
Minister of Natural Resources and Forestry

CIP 6.3

OCT 7 '16 AM 9:09

**From:** Katarina Zeppieri <K.Zeppieri@lsrca.on.ca>  
**Sent:** October-07-16 9:05 AM  
**Subject:** Invitation to the Lake Simcoe Region Conservation Authority's Annual Conservation Awards Ceremony, Thursday, November 3, 2016

Good morning Municipal & Regional Clerks,

Please find enclosed an invitation inviting the Mayor and Members of Council to our Annual Conservation Awards Ceremony on *Thursday November 3<sup>rd</sup>, from 6:00 p.m. - 8:30 p.m.* at Madsen's Greenhouse in Newmarket.

Thank you in advance for distributing the invitation to Council so that they may consider attending our festivities.

Our watershed municipalities are among our most valued partners, and we hope to see many Members of Council and guests at the Conservation Awards Ceremony.

Yours truly,

Katarina

~~~~~

*(sent on behalf of Chair Dawe)*

Dear Mayor and Members of Council,

We are pleased to invite you to attend our Annual Conservation Awards Ceremony on *Thursday November 3<sup>rd</sup>, from 6:00 p.m. - 8:30 p.m.* at Madsen's Greenhouse in Newmarket. Appetizer buffet and refreshments will be served.

Each year we salute and celebrate our "Watershed Heroes" with members of the community, elected officials, and environmental leaders from around the Lake Simcoe watershed.

Our watershed municipalities are among our most valued partners, and we hope you will be able to join us.

Please RSVP to Katarina Zeppieri by October 21<sup>st</sup>. Katarina may be reached by email at [k.zeppieri@LSRCA.on.ca](mailto:k.zeppieri@LSRCA.on.ca) or by phone at 905-895-1281, ext. 116.

Yours truly,

Mayor Geoffrey Dawe  
Chair

**C.S. - LEGISLATIVE SERVICES**

|                     |
|---------------------|
| Original<br>To: CIP |
| Copy<br>To:         |
|                     |
|                     |
|                     |
| C.C. S.C.C. File    |
| Take Appr. Action   |

# JOIN US

## TO CELEBRATE OUR WATERSHED HEROES

### *2016 Conservation Awards Ceremony*

**Thursday, November 3, 2016**

**6:00 pm - 8:30 pm**

**Madsen's Greenhouse**

**160 Bayview Pkwy**

**Newmarket, ON L3Y 4W2**

**Appetizer buffet & refreshments**

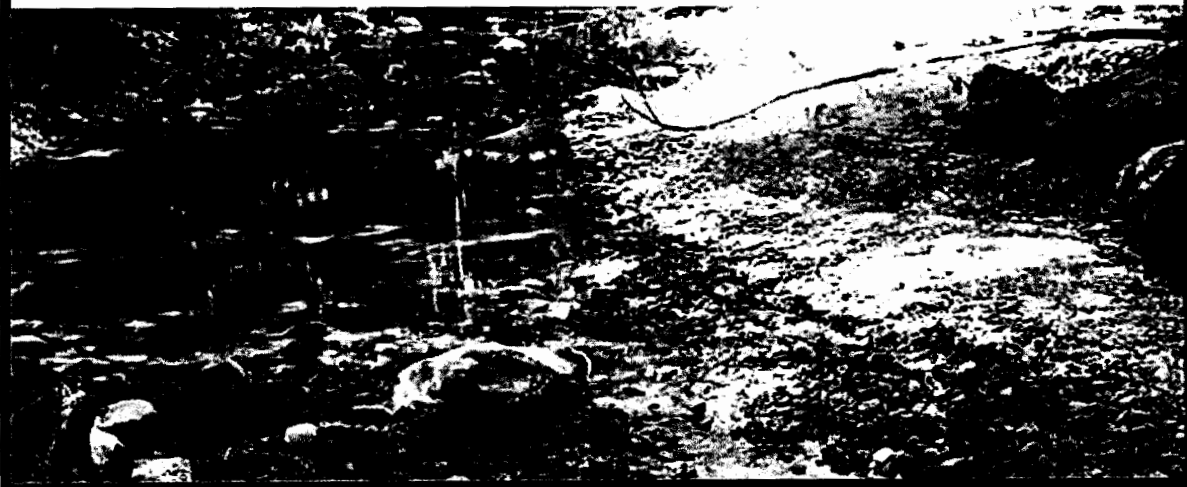
**RSVP by October 21<sup>st</sup>, 2016**

**k.zeppieri@LSRCA.on.ca**

**905-895-1281, ext. 116**



**Lake Simcoe Region  
conservation authority**



## Action Items Committee of the Whole and Regional Council

| Meeting Date                                | Request                                                                                                                                                                                                                                                                                                                                   | Assigned Department(s)                    | Anticipated Response Date |
|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|---------------------------|
| September 7, 2016<br>Committee of the Whole | Staff requested to provide a report outlining how the \$100,000 in additional child poverty funds is being allocated.                                                                                                                                                                                                                     | Social Services                           |                           |
| September 7, 2016<br>Committee of the Whole | Business Case for Projects Managed Directly by the Region – Increasing the number of projects which are managed directly by the Region, whether through employees or contracted staff – referred to the 2017 budget process.                                                                                                              | Works                                     | 2017 Budget Process       |
| September 7, 2016<br>Committee of the Whole | Staff was requested to provide a report on the correspondence from the City of Pickering with respect to the Notice of Motion adopted at their Council meeting held on June 27, 2016, re: residential tax relief to eligible low income seniors and low income disabled persons (Pulled from August 19, 2016 Council Information Package) | Finance /<br>Social Services              |                           |
| September 7, 2016<br>Committee of the Whole | Staff was requested to provide information on the possibility of an educational campaign designed to encourage people to sign up for subsidized housing at the next Committee of the Whole meeting. (Region of Durham's Program Delivery and Fiscal Plan for the 2016 Social Infrastructure Fund Program) (2016-COW-19)                   | Social Services /<br>Economic Development | October 5, 2016           |
| September 7, 2016<br>Committee of the Whole | Section 7 of Attachment #1 to Report #2016-COW-31, Draft Procedural By-law, as it relates to Appointment of Committees was referred back to staff to review the appointment process.                                                                                                                                                      | Legislative Services                      |                           |

| Meeting Date                              | Request                                                                                                                                                                                | Assigned Department(s) | Anticipated Response Date |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------|
| October 5, 2016<br>Committee of the Whole | That Correspondence (CC 65) from the Municipality of Clarington regarding the Durham York Energy Centre Stack Test Results be referred to staff for a report to Committee of the Whole | Works                  |                           |