

**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

Andrew Evans, P.Eng.
Director, Waste Management Services
Regional Municipality of Durham
605 Rossland Road East
Whitby ON L1N 6A3
Email: andrew.evans@durham.ca

Kyle Catney
General Manager, Operations & Services
Regional Municipality of York
17250 Yonge Street
Newmarket ON L3Y 6Z1
Email: kyle.catney@york.ca

Dear Andrew Evans and Kyle Catney,

I am writing you regarding the elevation requests submitted for the Regional Municipalities of York and Durham's (Regions) proposed change to the Durham York Energy Centre. The Regions are proposing to increase the amount of waste that can be treated at the site from 140,000 to 160,000 tonnes per year (the Project). I received seven elevation requests asking that the Regions be required to prepare a comprehensive environmental assessment for the Project.

Please be advised 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 were revoked and Part II.3 of the EAA, and O. Reg. 50/24 and O. Reg. 53/24 came into force. In addition, the *Guide to Environmental Assessment Requirements for Waste Management Projects* was amended and the screening process was renamed the Environmental Screening Process for Waste Management Projects. Section 23 of O. Reg. 50/24 designates your Project as a Part II.3 Project and O. Reg. 53/24 transitions your 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. I am satisfied that an environmental assessment for the Project would not be beneficial. My decision was made after careful consideration of the factors set out in the screening process, including the concerns raised in the elevation requests and Regions' responses, the Project documentation and consultation undertaken with Indigenous communities, the public and government agencies.

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Andrew Evans and Kyle Catney

The reasons for my decision may be found in the attached letter to the requesters. In the interest of transparency, I encourage you to make my letter to you available to the public on the Project website.

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

Lastly, please note that failure to comply with the EAA or the provisions of the screening process or failure to implement the Project in the manner described in the Project documents are contraventions of the EAA and may result in prosecution under section 38 of the EAA.

I am confident that Regions recognizes the importance and value of the EAA and will ensure that its requirements and those of the screening process are satisfied.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrea Khanjin", is enclosed within a faint, irregular blue outline.

Andrea Khanjin
Minister of the Environment, Conservation and Parks

c: Kathleen O'Neill, Director, Environmental Assessment Branch, MECP,
Kathleen.oneill@ontario.ca