

Terms of Reference

Duffin Creek WPCP Advisory Committee

1. Introduction

The Duffin Creek Water Pollution Control Plant (WPCP) Advisory Committee (AC) is being formed for the purposes of consultation during implementation of the Phosphorus Reduction Action Plan (PRAP). The AC will comprise of representative agencies, municipalities, local interest groups, and conservation authorities. This document sets out the Terms of Reference for the AC.

2. Background

The Regional Municipality of York and the Regional Municipality of Durham (the Regions) undertook a Schedule C Class Environmental Assessment (Class EA) to address outfall limitations at the Duffin Creek Water Pollution Control Plant (WPCP). The Environmental Study Report (ESR) for the Outfall Class EA recommended optimizing the existing secondary treatment processes at the Duffin Creek WPCP to enhance phosphorus removal, and to upgrade the outfall diffusers. Following the posting of the ESR for the Outfall Class EA, the Regions undertook a PRAP Study from 2016 to 2019. The PRAP Study identified the specific action items for the plant to undertake in order to optimize the existing secondary treatment processes.

The Minister of the Environment, Conservation and Parks (MECP) has concurred with the Regions' recommendations from the Outfall Class EA and the PRAP Study. The Regions are now planning to proceed with implementing these recommendations.

3. Mandate

The mandate of the AC is to review and provide comments on information related to the implementation of the PRAP. This information may include plant performance reports, website materials, consultation materials and the results of water quality research. The AC is established by the Regions in accordance with these Terms of Reference. Committee members are guided by the approved Terms of Reference.

4. Responsibilities of the Advisory Committee

In fulfilling their mandate, AC members will be responsible for the following:

- Reviewing all relevant project materials in a timely manner;
- Attending and participating in all AC meetings; and
- Providing input and advice to the Regions on information presented and any other information relevant to the project in a timely manner.

5. Responsibilities of the Regions

In fulfilling their mandate, the Regions will be responsible for the following:

- Maintaining the list of AC membership;
- Scheduling the AC meetings, issuing meeting invitations and agendas to AC members, and posting a notice of the AC meetings on the project website at least two weeks prior to a meeting;
- Providing the AC with relevant project information for review at least ten days prior to each AC meeting, including at a minimum:
 - The monthly average total phosphorus (TP) and soluble reactive phosphorus (SRP) effluent concentrations and loads for the Duffin Creek WPCP;
 - An explanation for any exceedances of the monthly TP objective in the environmental compliance approval;
 - A verbal or written report on any research undertaken and results with respect to water quality and *Cladophora* algae in the nearshore of Lake Ontario at the Ajax-Pickering waterfront; and
 - Updates on the implementation of the PRAP;
- Providing a copy of the final Terms of Reference to the Director of the MECP's Environmental Assessment and Permissions Branch;
- Producing minutes for each AC meeting within two weeks of each meeting and publishing minutes on the project website. Meeting minutes will include:
 - A summary of information provided by the Regions or other committee members at the meeting;
 - A summary of concerns raised, questions asked, or comments made by the members of the AC;
 - A summary of responses at the meeting to the concerns raised, questions asked, or comments made, if any; and
 - Any follow-up or steps to be taken by the Regions or AC members as a result of the meeting.

6. Advisory Committee Membership

The AC will include representatives from organizations that have an interest in the Duffin Creek WPCP Outfall Class EA and PRAP Study. Each organization may appoint one member of the organization to sit on the AC. One alternate can be appointed to attend meetings when the designated member is not available. The number of members sitting on the AC have been defined based on the Minister's decision letter and to facilitate and encourage effective discussion during AC meetings.

Other technical advisors from the Regions and their consultant may attend meetings as required based on the materials to be discussed at each meeting. A facilitator appointed by the Regions will attend each meeting. The AC membership is summarized in Table 1.

Table 1: AC Membership

Member Name	Alternate Member Name	Organization
Mike Rabeau	Mukund Padhye	The Regional Municipality of York
John Presta	Tavis Nimmo	The Regional Municipality of Durham
Anneliese Grieve		Anneliese Grieve Strategic Environmental Planning Solutions
Joanne Dies		Pickering Ajax Citizens Together to Protect Our Water (PACTPOW)
Krista Chomicki		Toronto Region Conservation Authority (TRCA)
Michael Sawchuck		Town of Ajax
Doris Ho	Déan Jacobs	City of Pickering
Mike Molinari		Town of East Gwillimbury
Eddy Wu		City of Markham
Ilmar Simanovskis		City of Richmond Hill
Barry Laverick		Town of Whitchurch-Stouffville
Victoria White	Meaghan Harrington	City of Oshawa
Jaime Acosta	Emilie Alderman	City of Vaughan
Peter Angelo	Carolyn Ali	Township of King
Matthew Gaskell		Town of Whitby
Susan Clearwater		Durham Environmental Advisory Committee

7. Advisory Committee Term and Meetings

The AC will be in effect during project implementation and for three years after the secondary treatment optimization project has been in operation, or until AC members no longer wish to participate. AC meetings will be held approximately two to four times per year during this timeframe. AC members can send delegates or alternates to meetings.

The AC meetings will be held at the Region of Durham’s Headquarters (605 Rossland Road East, Whitby, ON L1N 6A3).

8. Project Website

Notices of AC meetings and meeting minutes will be posted on the project website at www.durham.ca/outfallea.

9. General Guidelines for the Advisory Committee

1. The AC is an advisory group established to provide input and advice to the Regions on the information presented to the AC.
2. While the AC will provide input and advice to the Regions throughout the project, final decisions about AC procedures and project implementation will rest with the Regions.

3. The Regions recognize that there are diverging views with respect to this project and that the AC will not reach consensus on all discussion topics. Any disagreements with respect to the Regions' decisions will be documented in the meeting minutes. Anytime a consensus emerges during discussion, it will also be documented.
4. The Regions will attempt to incorporate the AC's input and advice as appropriate. Where the Regions choose a different course of action on an issue, the AC will be provided with an explanation of the Regions' decision.
5. The AC will be open to the public and streamed live over the internet. Representatives will sit at the designated meeting table. Non-members of the AC will sit in the designated public seating area. Copies of all meeting summaries will be posted on the project website (see link above).
6. AC meetings will be organized and conducted by a facilitator. The facilitator's role is to conduct these meetings in an objective and neutral manner that provides all participants with a fair opportunity to participate in the discussions.
7. Meeting minutes will be taken by a resource to be provided by the Regions. AC members will work through the facilitator to review minutes prior to posting.
8. Discussion Ground Rules:
 - AC members are encouraged to express the views and policies of their host organizations in a respectful manner, rather than their personal opinions. AC members must feel free to express these ideas without fear of being misquoted outside of the meetings.
 - Once an issue or problem has been dealt with, the issue is closed and should not be reintroduced at subsequent times unless new information is tabled that makes a compelling case for the issue to be re-visited. Dissatisfaction with the conclusions is not reason enough to revisit the issue.
 - All AC members must agree to be respectful of each other, including being respectful of the opinions, positions, and legitimacy of each other's roles and responsibilities. This does not mean they have to agree with each other, but simply respect each other's rights to be there and to hold different opinions. The approach should be one of critiquing ideas, not individuals in a respectful manner.
 - All participants should treat each other as equals, regardless of "rank" or position in their respective organizations.
9. Some Information Not for Distribution:

By and large, most of the information presented by the Regions will be available for public distribution. However, there may be some information that members will be asked not to distribute because it is of a confidential or draft nature at a given point in time. Members will be asked to limit the sharing of this information within their organization and to not share this information with anyone outside of their associated organization. Any comments on confidential or draft material must only be issued to the Regions.

10. Spokesperson for the AC:

AC members are encouraged to provide advice and comments to the project team. It should be noted that materials that are presented to the AC members (apart from confidential or draft material as indicated) will also be made available to the general public and media. In the event a media inquiry is made to an AC member regarding the project, AC members are strongly encouraged to refer the media to one of the Regions' Communications departments as follows:

Regional Municipality of Durham:

Joanne Paquette
1-905-668-7711 x 3732
joanne.paquette@durham.ca

Regional Municipality of York:

Cathy Downard-Palmer
1-877-464-9675 x 75502
cathy.downard-parmer@york.ca

11. AC Member Replacements or Alternates:

In view of the multi-year time lines for the AC term, AC member replacements may be required due to changing circumstances. In order to provide continuity between AC meetings, each member is asked to delegate one alternate. This alternate would attend sessions in which the appointed member was unable to attend. It is the AC member's responsibility to brief their alternate and the alternate is expected to follow the views and opinions expressed by their organization. AC member alternates are to adhere to the AC Terms of Reference as these apply to AC members and AC meetings.

12. Disclosure of Pecuniary Interest:

For the purposes of the AC, "pecuniary interest" means a situation or circumstance where a person, or someone related to the person, could derive a monetary benefit from the person's involvement in the AC or a decision or action of the AC. Related persons include those related by blood relationship (as that term is defined by s. 251 of the *Canadian Income Tax Act*), marriage, common-law partnership, or adoption. A pecuniary interest also exists where the person is a shareholder in, or a director or senior officer of, a corporation, association or business that does not offer its securities to the public, or has a controlling interest in or is a director or senior officer of a corporation, association or business that offers its securities to the public, and the corporation, association or business has a pecuniary interest. Monetary benefit is not necessarily limited to acquiring money, and can include benefits such as an increase in value of securities or other financial instruments, employment or business opportunities, or preventing or limiting a potential loss or liability.

Where an AC member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest as defined above, whether direct or indirect, in any matter and is present at an AC meeting at which the matter is the subject of consideration, the AC member, shall, prior to any consideration of the matter at the meeting, verbally disclose the interest and its general nature, excuse themselves from discussion on the matter and not attempt in any way, whether before, during or after the meeting, to influence the discussion on any question in respect of the matter.