



The Regional Municipality of Durham

Works Committee Revised Agenda

Wednesday, June 5, 2024, 9:30 a.m.

Regional Council Chambers

Regional Headquarters Building

605 Rossland Road East, Whitby

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

Note: This meeting will be held in a hybrid meeting format with electronic and in-person participation. Committee meetings may be [viewed via live streaming](#).

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2. Declarations of Pecuniary Interest	
3. Adoption of Minutes	
3.1 Works Committee meeting - May 8, 2024	4
4. Statutory Public Meetings	
There are no statutory public meetings	
5. Presentations	
There are no presentations	
6. Delegations	
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Re: Durham York Energy Centre (DYEC) 2023 Q3 and Q4 AMESA Reports	
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Re: Durham York Energy Centre (DYEC) 2023 Soil Monitoring Report	
7. Waste	
7.1 Correspondence	
a. Correspondence received from the Municipality of Clarington, dated May 28, 2024	45
Re: Proposal to Increase Durham York Energy Centre	

Throughput to 160,000 Tonnes Per Year

Recommendation: Receive for Information

- b. Correspondence received from the Municipality of Clarington, dated May 28, 2024 49
Re: AMESA Monitoring and Reporting

Recommendation: Receive for Information

7.2 Reports

There are no Waste Reports to be considered

8. Works

8.1 Correspondence

8.2 Reports

- a. Report #2024-W-17 51
Approval of Unbudgeted Funding for the Repurchase of a prior Regional Owned Property located at 135 Albert Street, Sunderland in the Township of Brock
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- d. Report #2024-W-20 69
Approval of Unbudgeted Capital Project Financing for the Relocation of Feeder mains, Water mains and Local Sanitary Sewers at Highway 401 on Wilson Road South in the City of Oshawa
- e. Report #2024-W-21 77
Sole Source of Engineering Services for the Detailed Design for the widening of Lake Ridge Road (Regional Road 23) through the intersection with Rossland Road (Regional Road 28), in the Town of Ajax and the Town of Whitby

9. Advisory Committee Resolutions

9.1 Energy from Waste - Waste Management Advisory Committee

- a. Request for a Council Information Report 90

10. Confidential Matters

There are no confidential matters to be considered

11. Other Business

12. Date of Next Meeting

Wednesday, September 4, 2024 at 9:30 AM

13. Adjournment

Notice regarding collection, use and disclosure of personal information:

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The Regional Municipality of Durham

MINUTES

WORKS COMMITTEE

Wednesday, May 8, 2024

A regular meeting of the Works Committee was held on Wednesday, May 8, 2024 in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was offered for this meeting.

1. Roll Call

Present: Councillor Marimpietri, Vice-Chair
Councillor Cook*
Councillor Crawford
Councillor Mulcahy
Councillor Yamada*
Regional Chair Henry
***denotes Councillors participating electronically**

Absent: Councillor Barton, Chair
Councillor Nicholson

Also

Present: Councillor Pickles*
Councillor Schummer*
Councillor Woo*
*** all visiting Councillors participated electronically**

Staff

Present: E. Baxter-Trahair, Chief Administrative Officer
B. Bridgeman*, Commissioner of Planning & Economic Development
S. Ciani, Committee Clerk, Corporate Services – Legislative Services
S. Dessureault, Committee Clerk, Corporate Services – Legislative Services
C. Dunkley, Director, Corporate Infrastructure and Strategic Business Services, Works Department
K. Dykman*, Supervisor, Waste Services
A. Evans, Director, Waste Management Services
B. Holmes*, General Manager, Transit
M. Hubble, Director, Environmental Services
J. Hunt, Regional Solicitor/Director of Legal Services, Corporate Services – Legal Services
R. Inacio, Systems Support Specialist, Corporate Services – IT
R. Jagannathan, Commissioner of Works
L. Saha, Manager, Waste Services
N. Taylor*, Commissioner of Finance

P. Veiga, Manager, Waste Management Operations
D. Waechter, Acting Director, Transportation and Field Services
V. Walker, Committee Clerk, Corporate Services – Legislative Services
N. Williams, Project Manager, Waste Services
*** denotes staff participating electronically**

In the absence of Chair Barton, Vice-Chair Marimpietri assumed the Chair.

2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

3. Adoption of Minutes

Moved by Regional Chair Henry, Seconded by Councillor Mulcahy,
(36) That the minutes of the regular Works Committee meeting held on
Wednesday, April 3, 2024, be adopted.
CARRIED

Moved by Councillor Crawford, Seconded by Councillor Mulcahy,
(37) That the minutes of the Closed Works Committee meeting held on
Wednesday, April 3, 2024, be adopted.
CARRIED

4. Statutory Public Meetings

There were no statutory public meetings.

5. Presentations

- 5.1 Matthew Adams, Ph. D., Director of the Centre for Urban Environments and Associate Professor, University of Toronto, Geography, Geomatics and Environment Department, re: Durham York Energy Centre - Analysis of Ambient Air and Emissions Monitoring to Identify Local Airshed Impacts (2024-WR-5) [Item 7.2 A)]
-

Matthew Adams, Ph. D., Associate Professor, University of Toronto, Geography, Geomatics and Environment Department provided a PowerPoint presentation regarding Report #2024-WR-5: Durham York Energy Centre - Analysis of Ambient Air and Emissions Monitoring to Identify Local Airshed Impacts.

Highlights from the presentation included:

- Introduction
- Objective
- Approach
- Pollutants Examined

- Analysis Approaches
- Discrete Monitoring
 - Hypothesis
 - Results
 - Dioxins and Furans Interpretation
- Dioxins and Furans Comparisons
- Discrete Monitoring Polycyclic Aromatic Hydrocarbons (PAH) Interpretation
- Discrete Monitoring PAH Interpretation (BaP) [Benzo(a)pyrene]
- Discrete Monitoring Total Suspended Particulate (TSP) Interpretation
- Metals General Comparison
- Ambient Air Monitoring Analysis with Continuous Emissions Monitoring (NO_x & SO₂) [Nitrous Oxides & Sulphur Dioxide]
 - NO_x & SO₂ Results
 - NO_x General Comparison
- Ambient Monitoring (PM_{2.5}) [Particulate Matter]
 - PM_{2.5} Results
- National Pollutant Release Inventory (NPRI) Emissions (Durham and York)
- Conclusion

M. Adams concluded through his analysis, that none of the pollutants analyzed indicated any notable contribution from the Durham York Energy Centre (DYEC) to ambient air pollution concentrations.

M. Adams responded to questions from the Committee regarding the discrete monitoring results and whether St. Mary's Cement's emissions were considered during the analysis; how surrounding construction, movement of soil, and transportation would contribute to overall emissions and the quality of ambient air; and how and by whom he was retained to complete the analysis of the ambient air and emissions monitoring to identify local airshed impacts.

6. Delegations

6.1 Linda Gasser, Whitby Resident, re: the Durham York Energy Centre (DYEC) Throughput Increase Proposed by Durham and York Regions

Linda Gasser, Whitby resident, appeared before the Committee, and with the aid of a PowerPoint presentation, expressed concerns regarding the Durham York Energy Centre's (DYEC) throughput increase proposed by the Regional Municipality of Durham and the Regional Municipality of York.

Highlights from the delegation included:

- Agenda Item 7.1 a) Minister of the Environment's (MECP) April 22nd Letter to Durham and York Staff re: Proposed Throughput Increase to 160,000 Tonnes per Year (TPY)
 - Should require a staff report to determine if it is in the best interest of Durham to pursue increase
- Require Update of 2019 Financial Assumptions in Report #2019-COW-3, Page 13/41
- Request to Council to Increase in 2019. Last Public Consultation December 2019. You Owe Durham Residents an Update.

Moved by Councillor Mulcahy, Seconded by Councillor Crawford,
(38) That the rules of procedure be suspended in order to extend L. Gasser's delegation by 2-minutes to finish her delegation.

CARRIED ON A 2/3rds VOTE

- COW/Council Should Review Impacts of Increase Including Additional Air Pollution Loading and Increased Greenhouse Gases (GHGs)
- Recommend an Update Report to COW/Council on Costs and Potential Impacts of Capacity Increase

L. Gasser requested that Regional Council direct staff to post the Environmental Compliance Assessment (ECA) application(s) to the ERO and that staff commit to posting all ECA study data to the DYEC project website promptly.

6.2 Linda Gasser, Whitby Resident, re: Durham York Energy Centre – Analysis of Ambient Air and Emissions Monitoring to Identify Local Airshed Impacts (2024-WR-5) [Item 7.2 A]

Linda Gasser, Whitby resident, appeared before the Committee, and with the aid of a PowerPoint presentation, expressed concerns regarding Report #2024-WR-5: Durham York Energy Centre – Analysis of Ambient Air and Emissions Monitoring to Identify Local Airshed Impacts.

Highlights from the delegation included:

- 2024-WR-5 incl. Dr. Adams' July 17, 2023 "Analysis"
 - Who commissioned the July 2023 analysis?
 - How much did it cost and who paid?
- Short Notice: Requires Detailed Review of Hypotheses, Methodology, & Data
- DYEC Monitoring – Note the Limitations
 - If moving forward with capacity increase will Durham improve/upgrade monitoring?
- Ambient Air Monitoring

- Most Pollutants are Stack Tested Less Than 0.5% of Operating Time through Pre-Arranged Stack Tests Conducted under Optimal Operating Conditions, or are not Monitored at all
- Ministry of the Environment: Outdated Air Standards

Moved by Councillor Mulcahy, Seconded by Regional Chair Henry,

(39) That the rules of procedure be suspended in order to extend L. Gasser's delegation by 2-minutes to finish her delegation.

CARRIED ON A 2/3rds VOTE

- 2024-WR-5, Attach.1, pg. 20: "Overall, it is Concluded that the DYEC's Air Emissions Monitoring Plan Effectively Controls Emissions so that it does not Significantly Contribute to Air Pollution in the Local Air Shed"
 - Monitoring plans do not control emissions

L. Gasser requested that Report #2024-WR-5: Durham York Energy Centre – Analysis of Ambient Air and Emissions Monitoring to Identify Local Airshed Impacts, Professor Adam's report, and L. Gasser and W. Bracken's delegations, be referred back to staff for a review of the concerns raised with respect to the hypotheses, study methodology and conclusions noted within the report.

6.3 Wendy Bracken, Clarington Resident, re: the Proposal to Increase Throughput at the Durham York Energy Centre (DYEC)

Wendy Bracken, Clarington resident, appeared before the Committee, and with the aid of a PowerPoint presentation, expressed concerns regarding the proposal to increase throughput at the Durham York Energy Centre (DYEC).

Highlights from the delegation included:

- 2022 Region Responses did not Resolve Key Issues. Reminder of Key Issues Raised Back Then
- The "Eyebrow Raising" AQIA Conclusion
 - Table 1: Data Sources for 140,000 TPA and 160,000 TPA Scenarios
- Excerpts From Host Community Agreement: Time to Act is Now for BACT, Better Monitoring & Reporting
- DYEC Monitoring not Keeping up with Other Jurisdictions
- European Directive now Mandates that Emissions to Air from Waste Incineration Shall also be Monitored During Other Than Normal Operation Conditions (OTNOC)

Moved by Councillor Mulcahy, Seconded by Councillor Crawford,

(40) That the rules of procedure be suspended in order to extend W. Bracken's delegation by 2-minutes to finish her delegation.

CARRIED ON A 2/3rds VOTE

- High Time to Include Biomonitoring (Chicken Eggs, Flora) as Done in other Countries

6.4 Wendy Bracken, Clarington Resident, re: AMESA Monitoring/Reporting at the Durham York Energy (DYEC)

Wendy Bracken, Clarington resident, appeared before the Committee, and with the aid of a PowerPoint presentation, expressed concerns regarding AMESA monitoring and reporting of Dioxins and Furans at the Durham York Energy Centre (DYEC).

Highlights from the delegation included:

- Stack Test Results Cannot Accurately Represent Annual Emissions
- Much Higher Emissions Risk During Other Than Normal Conditions (OTNOC) – Startups, Shutdowns, Malfunctions
- Hidden Emissions: A Story from the Netherlands (Case Study)
- ToxicoWatch Study of Paris Incinerator: French Government Warns Millions not to eat Backyard Chicken Eggs
- More Issues at the DYEC with Dioxins/Furans

Moved by Councillor Crawford, Seconded by Councillor Mulcahy,
(41) That the rules of procedure be suspended in order to extend W. Bracken's delegation by 2-minutes to finish her delegation.
CARRIED ON A 2/3rds VOTE

- Many Hours and Months of Dioxin/Furan AMESA Data Invalidated/Omitted/Missing from 2020 to 2023
- Screenshot May 2, 2024: 2023 Q2 is Last Report Posted on the DYEC website
- The Public has a Right to This Data – The Region Needs to be Transparent

W. Bracken requested that regional staff release the 2015-2019 AMESA data; that there be an independent scientific review of AMESA protocol and AMESA reporting; and that AMESA reports be posted in a timely manner.

6.5 Wendy Bracken, Clarington Resident, re: Durham York Energy Centre – Analysis of Ambient Air and Emissions Monitoring to Identify Local Airshed Impacts (2024-WR-5) [Item 7.2 A]

Wendy Bracken, Whitby resident, appeared before the Committee, and with the aid of a PowerPoint presentation, expressed concerns regarding Report #2024-WR-5: Durham York Energy Centre – Analysis of Ambient Air and Emissions Monitoring to Identify Local Airshed Impacts.

Highlights from the delegation included:

- Executive Summary, Page 5
- Report: Research or Established Science
- Executive Summary Concluding Statement is Nonsensical and Unsupportable
- Definition of Impact Misleads, Highly Inappropriate: Methodology Fundamentally Flawed
- Report Contains Errors
 - More Errors

Moved by Councillor Mulcahy, Seconded by Regional Chair Henry,
(42) That the rules of procedure be suspended in order to extend W. Bracken's delegation by 2-minutes to finish her delegation.
CARRIED ON A 2/3rds VOTE

- Flawed Methodology
- Regional Comparisons Misleading
- Unsupportable Statement. Misleading Statement (Attachment #2, Page 5)

W. Bracken requested that Report #2024-WR-5: Durham York Energy Centre – Analysis of Ambient Air and Emissions Monitoring to Identify Local Airshed Impacts be referred back to staff for further information and investigation.

7. Waste

7.1 Correspondence

- A) Correspondence received from the Ministry of the Environment, Conservation and Parks (MECP), dated April 22, 2024, re: Durham York Energy Centre (DYEC) Elevation Requests
-

Moved by Councillor Mulcahy, Seconded by Regional Chair Henry,
(43) That the correspondence received from the Ministry of the Environment, Conservation and Parks (MECP), dated April 22, 2024, regarding the Durham York Energy Centre (DYEC) Elevation Requests be received for information.

CARRIED

7.2 Reports

- A) Durham York Energy Centre – Analysis of Ambient Air and Emissions Monitoring to Identify Local Airshed Impacts (2024-WR-5)
-

Report #2024-WR-5 from R. Jagannathan, Commissioner of Works, was received.

Staff responded to a question from the Committee regarding whether staff can look into the company called Synergy Conversion that offers an environmentally friendly and cost saving alternative to traditional waste management.

In response to a question from the Committee regarding whether staff could provide additional, updated information with respect to the concerns noted on Page 7 of L. Gasser's PowerPoint delegation [Refer to Item 6.2 A)], R. Jagannathan advised that staff could provide a Council information report that would address the additional information requested through the noted delegation.

R. Jagannathan advised the next steps are to submit an Environmental Compliance Application (ECA).

Moved by Councillor Mulcahy, Seconded by Councillor Crawford,
(44) That we recommend to Council:

That Report #2024-WR-5 of the Commissioner of Works be received for information.

CARRIED

B) Sole Source Agreement with Circular Materials for Collection, Haulage, Processing and Marketing of Blue Box Recyclables Collected at the Regional Municipality of Durham Waste Management Facilities (2024-WR-6)

Report #2024-WR-6 from R. Jagannathan, Commissioner of Works, was received.

Moved by Councillor Mulcahy, Seconded by Regional Chair Henry,
(45) That we recommend to Council:

- A) That staff award a sole source agreement to Circular Materials for the collection and management of blue box recyclables at Regional Municipality of Durham Waste Management Facilities from July 1, 2024, to December 31, 2025, with three optional one-year extension periods. The estimated revenue to the Regional Municipality of Durham for 2024 is \$212,820 (or \$425,280 annually), totalling \$1.9 million over the contract term, including optional extensions; and
- B) That the Commissioner of Finance be authorized to execute the necessary documents related to this sole source agreement.

CARRIED

8. Works

8.1 Correspondence

- A) Correspondence received from the City of Pickering, dated April 29, 2024, re: Request for Traffic Signals at Brock Road and Palmer's Sawmill Road in the City of Pickering
-

Moved by Regional Chair Henry, Seconded by Councillor Mulcahy,
(46) That the correspondence received from the City of Pickering, dated April 29, 2024, regarding the request for traffic signals at Brock Road and Palmer's Sawmill Road in the City of Pickering be referred to staff for a response.

CARRIED

- B) Certificate of Proclamation, dated May 1, 2024, re: National Public Works Week (May 19-25, 2024)
-

Moved by Regional Chair Henry, Seconded by Councillor Mulcahy,
(47) That the Certificate of Proclamation, dated May 1, 2024, regarding National Public Works Week (May 19-25, 2024) be received for information.

CARRIED

8.2 Reports

- A) Tender Award and Additional Financing for Regional Municipality of Durham Contract #D2023-55 for the Blackstock Well #7 Upgrades in the Township of Scugog (Blackstock) (2024-W-15)
-

Report #2024-W-15 from R. Jagannathan, Commissioner of Works, was received.

Moved by Regional Chair Henry, Seconded by Councillor Crawford,
(48) That we recommend to Council:

- A) That the lowest compliant bid of W.A. Stephenson Mechanical Contractors Limited, in the amount of \$1,591,150, be awarded for Regional Municipality of Durham Contract #D2023-55 for the Blackstock Well #7 Upgrades in the Township of Scugog (Blackstock) for a total project cost of \$3,350,000;
- B) That the previously approved project budget of \$2,750,000 for Regional Municipality of Durham Contract #D2023-55 be increased by \$600,000 to a revised total project budget of \$3,350,000; and
- C) That the additional financing of \$600,000 be provided from the following sources:

Previously Approved Financing

Water Supply Capital Budget

Blackstock Well #7 Upgrades, Project ID# D1838	
Water Asset Management Reserve Fund	\$100,000
User Revenue	<u>2,650,000</u>

Total Previously Approved Financing 2,750,000

Additional Financing

Item #123: Watermain on Bickle Drive and Roselawn Avenue, Oshawa (Sun Valley) (Project ID# O2305)	
User Revenue	<u>600,000</u>

Total Additional Financing 600,000

Total Revised Project Financing **\$3,350,000**
CARRIED

- B) Update on the New Provincial Housing-Enabling Water Systems Fund, Approval to Negotiate Sole Source Agreements, and Approval of Unbudgeted Capital Work and Related Financing for the Structural Rehabilitation, Equipment Replacement, and System Redundancy Improvements that Supports Regional System Expansion at the Oshawa Water Supply Plant, City of Oshawa (2024-W-16)

Report #2024-W-16 from R. Jagannathan, Commissioner of Works, was received.

Moved by Councillor Mulcahy, Seconded by Councillor Crawford,
(49) That we recommend to Council:

- A) That Regional Council receive for information the details regarding the new Provincial Housing-Enabling Water Systems Fund;
- B) That staff be authorized to negotiate and award the following sole source agreements:
 - i) With Jacobs Consultancy Canada Inc. for the engineering services related to the rehabilitation of filters 1 to 4, replacement of Low Lift Pumping Station pump # 1 and all shut off and check valves in the station, replacement of the valve chamber, replacement of the Motor Control Centre (MCC), and installation of a standby blower at the Oshawa Water Supply Plant, at a cost not to exceed \$2,650,000*; and
 - ii) With B.J. Tworzyanski Ltd. for the engineering services related to Generator Control System upgrades at the Oshawa Water Supply Plant, at a cost not to exceed \$200,000*;
- C) That financing of \$2,850,000 for the engineering services at the Oshawa Water Supply Plant for the rehabilitation of filters 1 to 4, replacement of Low

Lift Pumping Station pump # 1 and all shut-off and check valves in the station, replacement of the valve chamber, replacement of the Motor Control Centre (MCC), installation of a standby blower, and the upgrades to the Generator Control System at the Oshawa Water Supply Plant, in the City of Oshawa, be provided as follows:

Previously Approved Financing

Water Supply Capital Budget – Oshawa Water Supply Plant Valve Chamber Upgrades Project ID#: D1923

User Revenue \$400,000

Water Supply Capital Budget – Oshawa Water Supply Plant Filter 1 to 4 and associated works Project ID# D2424

Asset Management Reserve Fund 1,000,000

Water Supply Capital Budget – installation of second blower Project ID# D2425

User Revenue 200,000

Total Approved Financing \$1,600,000

Additional Financing

2024 Water Supply Capital Budget:

Item # 123 Watermain on Bickle Drive and Roselawn Avenue, Oshawa, Project ID #: O2305

User Revenue \$1,100,000

2024 Water Supply Capital Budget:

Item # 87: Replacement of Watermain on Mary Street from Rossland Road to Robert Street, Oshawa Project ID#: O2202

User Revenue \$150,000

Total Additional Financing \$1,250,000

Total Revised Project Financing \$2,850,000

- D) That the Commissioner of Finance be authorized to execute any necessary related agreements.

(*) before applicable taxes
CARRIED

9. Advisory Committee Resolutions

There were no advisory committee resolutions to be considered.

10. Confidential Matters

There were no confidential matters to be considered.

11. Other Business

There was no other business to be considered.

12. Date of Next Meeting

The next regularly scheduled Works Committee meeting will be held on Wednesday, June 5, 2024 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

13. Adjournment

Moved by Councillor Mulcahy, Seconded by Councillor Crawford,
(50) That the meeting be adjourned.

CARRIED

The meeting adjourned at 11:09 AM

Respectfully submitted,

T-D. Marimpietri, Vice-Chair

S. Ciani, Committee Clerk

Delegation to Works Committee
June 5, 2024

W. Bracken

DYEC 2023 Q3 and Q4 AMESA Reports

Long-term Sampling Results of Dioxins and Furans

AMESA Issues Need to Be Addressed Now

- An UPDATE report is essential before ECA application to BURN MORE GARBAGE

DYEC 2023 Q3 Results Show AMESA Results Can Vary Widely and how Dioxins/Furans Emissions Can Vary Widely

https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/AirEmissions/2023/20240223_RPT_DYEC_LTSS_2023_Q3_FNL_%20ACC.pdf

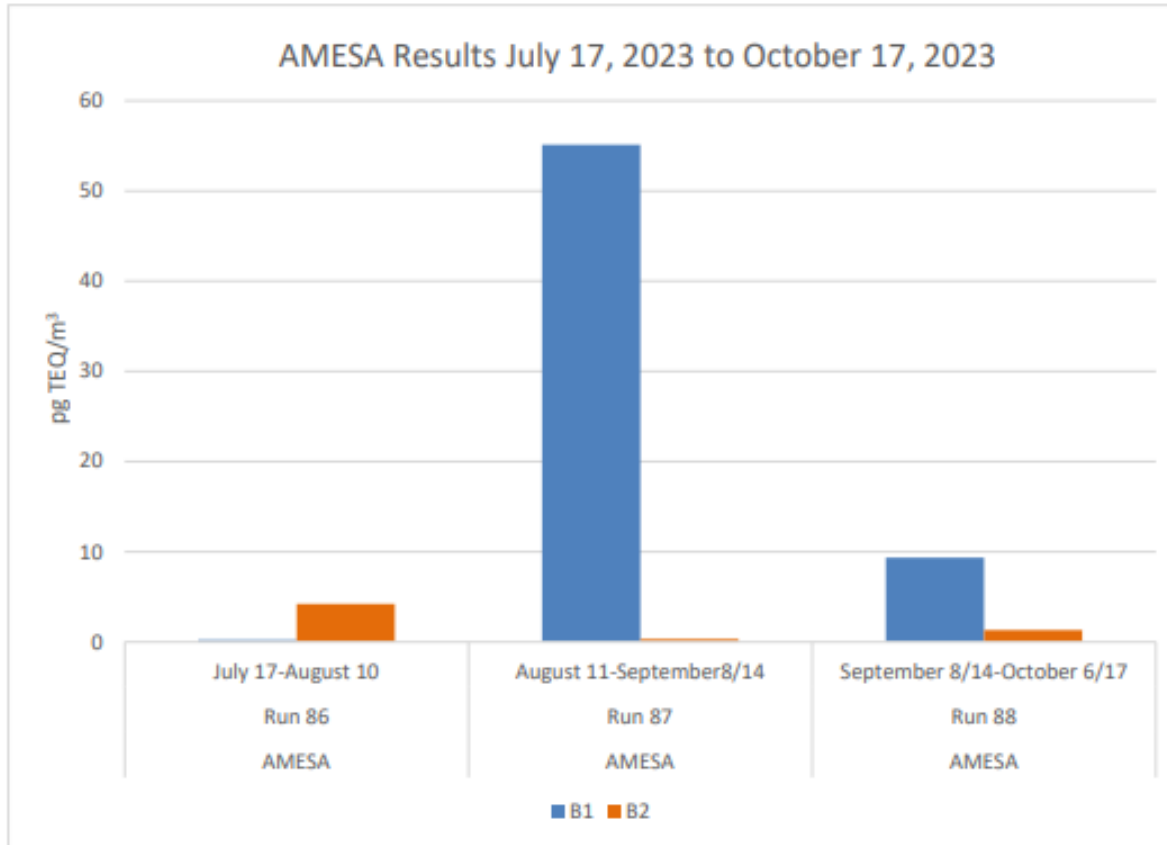


Figure 1: AMESA Results July 17 to October 17, 2023

Explanation Doesn't Make Sense

Elevation occurred in Run 87, Run 88 no issues

“However, given the anomalous value, the AMESA checklist was undertaken as a due diligence exercise to investigate the result received for boiler unit #1, Run 87, due to the elevated sample result. The investigation found no unusual operational events which may have led to the elevated sample result. However, it is noteworthy that subsequent to the sample being completed, for Boiler #1, Run 88, the AMESA unit experienced a failure and required a number of components to be repaired or replaced. This suggests that the AMESA system may have been experiencing operational issues during this period.”

Page 8

The AMESA results are presented in Figure 2 to show how the Q3 calculated values compare to the most current source testing results. The source test compliance limit for dioxins and furans is 60 pgTEQ/m³. The chart below shows the AMESA Q3, 2023 results as compared to the 2023 September source test results. Results from the September source test also indicated the dioxins and furans result is below the regulatory compliance limit.

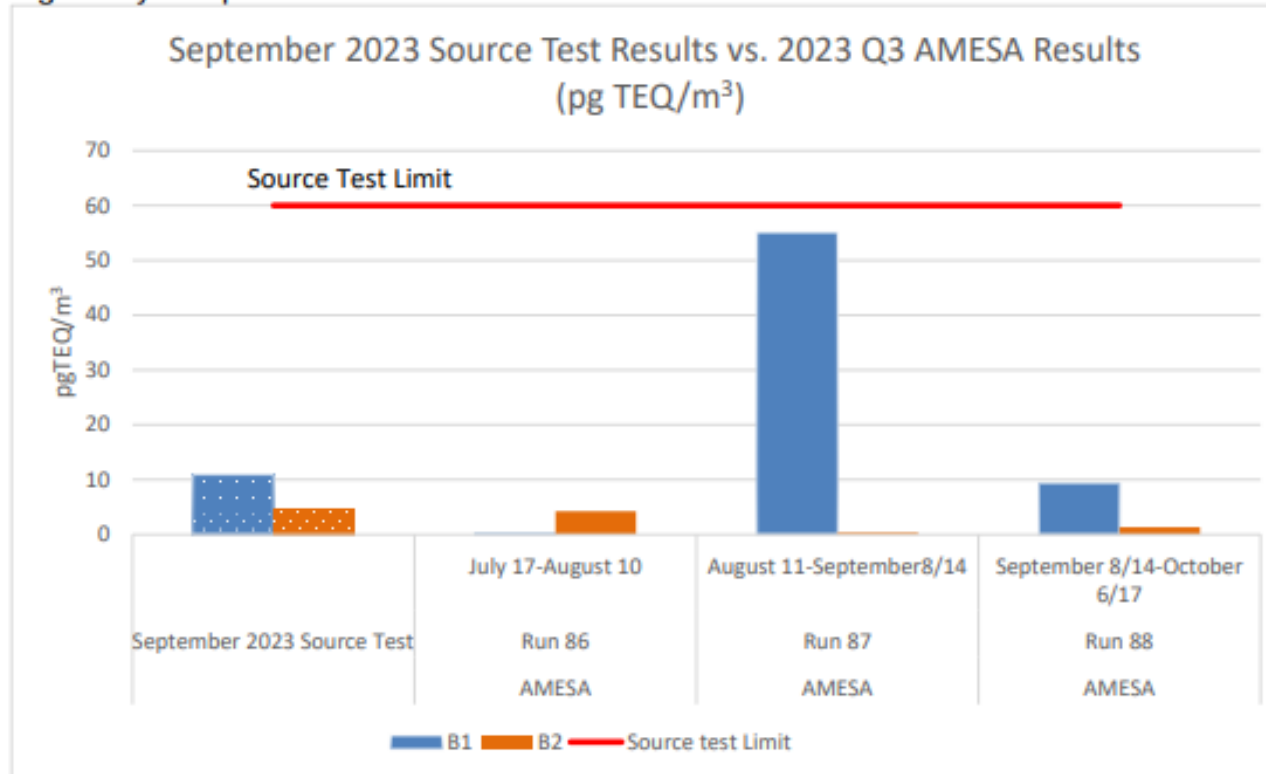


Figure 2: September 2023 Source Test Results vs. 2023 Q3 AMESA Results (pg TEQ/m³)

Q3 Ambient Air Results, page 8

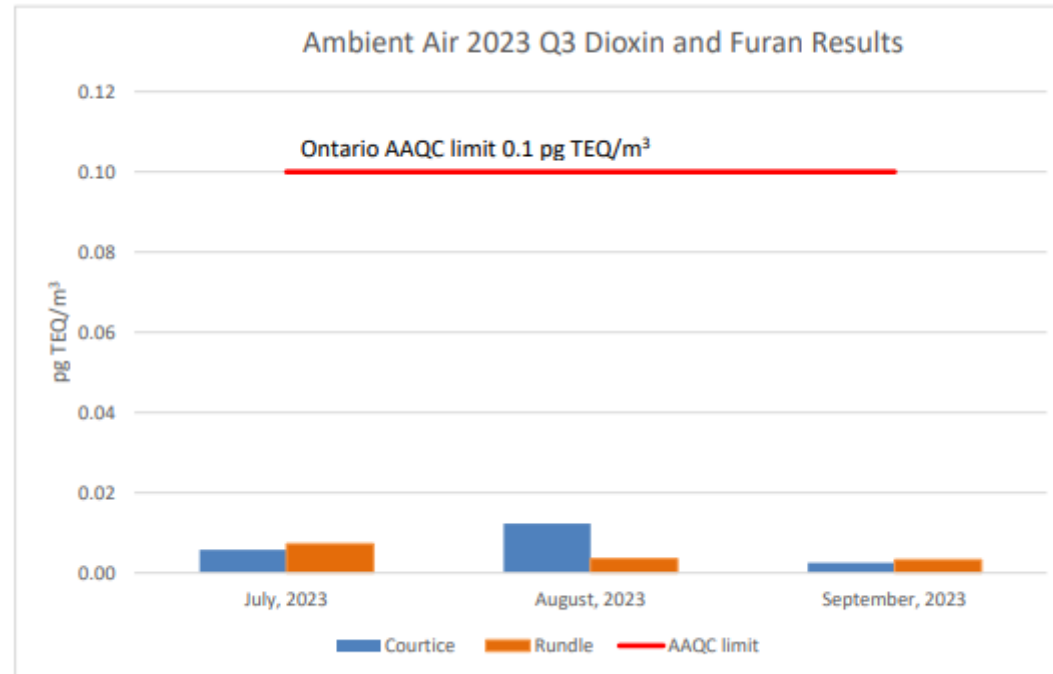


Figure 3: Ambient Air 2023 Q3 Dioxin and Furan Results

DYEC 2023 Q4 AMESA Report page 4

No data for Boiler 1 From Nov. 3 on

Table 1: AMESA Cartridge Replacement Schedule

Unit #	Run #	Start Date	End Date	Duration (days)
1	89	6-Oct-23	3-Nov-23	21
2	89	17-Oct-23	3-Nov-23	11
1	90*			
2	90	27-Nov-23	15-Dec-23	16
1	91*			
2	91	18-Dec-23	23-Jan-24	26

Note 1:The cartridge duration times may differ even though the start and end dates are the same for both boiler units.

*** Note 2:** There is no result for boiler unit #1 for Runs #90 and 91 due to malfunction of AMESA unit #1.

Q4 Page 7

7.1 Investigation

During the fourth quarter (Q4) of 2023, the AMESA Investigation Checklist did not yield any formal triggers, as outlined in the AMESA workplan. However, AMESA system errors were noted on November 27, 2023 on Boiler #1 . Ultimately on-site manufacturer support was required with several system components being serviced and or replaced to restore function.

MORE and ONGOING Issues at the DYEC With Dioxins/Furans:
Long-Term (monthly) sampling of Dioxins/Furans reporting is very incomplete, and it is neither traceable nor transparent.



The public advocated for this monitoring and pays for it yet,

- **Regions have withheld the monthly AMESA data for years 2015 to 2019**
- **For 2020 onward** some data provided, however, **many months of data have been invalidated or unavailable** and underlying lab reports, documents have not been provided
- **Monthly results that have exceeded 64 pg TEQ/RM³** (the stack test ECA limit is 60) **have been invalidated according to protocol established by Covanta and the Regions**
- Reasons cited include operational issues known to have potential to produce high dioxin/furan emissions

Many Hours and Months of Dioxin/Furan AMESA Data Invalidated/Omitted/Missing From 2020 to 2023

<https://www.durhamyorkwaste.ca/en/environmental-monitoring/air-emissions.aspx#Reports>

2020 Q4	October	B1: INVALIDATED	AMESA malfunctions
2021 Q1	Feb 10 – Feb 26	B1: No result	Repair of defective AMESA pump
2021 Q3	Aug 18- Sept 23	B1: INVALIDATED	Failed economizer tube (outage revealed accumulated ash reducing gas flow)
2021 Q4	Oct 13 – Nov 10	B1: INVALIDATED	“Several incidents” identified including plugged economizer hopper with potential to lead to creation of dioxins/furans
2022 Q2	Apr 26 – May 25	B1: Not Shown	Sample compromised at lab
2022 Q3	June 24 – July 25	B2: INVALIDATED	“burner reliability issue”
2022 Q3	July 25 – Aug 26	B1: INVALIDATED	Plugged economizer
2023 Q4	Nov. 4 to end Q4	B1: No results	Malfunction of AMESA Unit 1
Posting notification of 2023 Q3, Q4: May 8, 2024		Page 25 of 90	

Much Higher Emissions Risk During Other Than Normal Conditions (OTNOC) - Startups, Shutdowns, Malfunctions

Weber et al. *Environ Sci Eur* (2018) 30:42
<https://doi.org/10.1186/s12302-018-0166-9>

 Environmental Sciences Europe

REVIEW

Open Access

Reviewing the relevance of dioxin and PCB sources for food from animal origin and the need for their inventory, control and management



Roland Weber^{1*} , Christine Herold¹, Henner Hollert², Josef Kamphues³, Markus Blepp⁴ and Karlheinz Ballschmiter⁵

The total PCDD/F emissions from incinerators are sometimes underestimated by short-term measurements normally conducted during stable operation. However, during the start-up and unstable combustion periods, even state-of-the-art incinerators emit PCDD/Fs in stack gases at concentrations that are up to 1000 times higher than under normal operation [205–207]. Therefore, incinerators and other continuous sources with variation in PCDD/F release into air are better assessed and controlled by long-term sampling [206].

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6224007/pdf/12302_2018_Article_166.pdf

https://www.toxicowatch.org/_files/ugd/8b2c54_f4aa1e85442f4ef18d12fa56e0fb5dbf.pdf

TOXICO
WATCH

Hidden emissions waste incinerator
IVRY-PARIS XIII

AMESA semi-continuous measurements
2020 - 2021

A study on AMESA data of
34 937 hours
measurements

COLLECTIF
3R
RÉAGISSANT PRÉVENTIF

Page 27 of 90

From page 10, Toxicowatch Report

1.2 French regulatory framework and IVRY-PARIS XIII Incinerator

In the French national regulation, the limit value for dioxins (PCDD/F) in France of 0.1 ng TEQ/Nm³ has been in force since 2002.⁵

Article 10 of this regulation lays down the maximum duration of stops, breakdowns, or technical failures of semi-continuous measurement devices. During a year, the cumulative downtime of a semi-continuous measurement device shall not exceed 15% of the plant's operating time.

The Environmental Authorization of the current IVRY-PARIS XIII Incinerator states that "*permanent measurement of dioxins and furans*" is mandatory as part of self-monitoring to calculate the concentration of dioxins and furans throughout max. 1 month, as well as monthly emissions.⁶

In the document Environmental Authorization of the future IVRY-PARIS XIII incinerator, the limit values of dioxins (PCDD/F) are as follows:⁷⁸ (Chapter 3.2.6.5)

- 0,05 ng TEQ/Nm³ for measurements with a duration between 6 and 8 hours
- 0,08 ng TEQ/Nm³ for semi-continuous measurements
- 0.000231 g TEQ/day for the total average daily average

From page 11, Toxicowatch Report

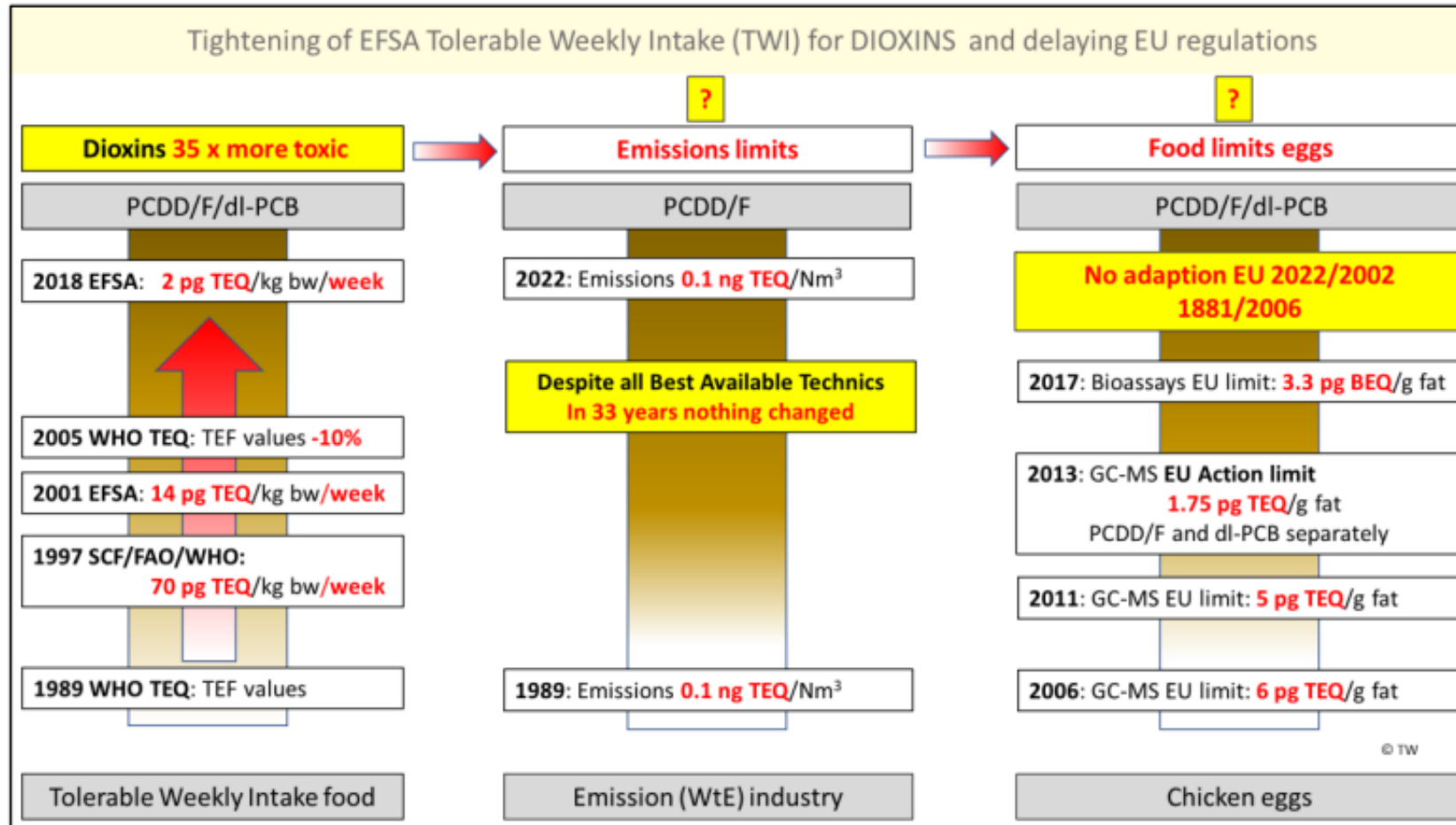


Figure 6: Tightening of EFSA Tolerable Weekly Intake (TWI) for dioxins (PCDD/F/dl-PCB) and delaying EU regulations.

Page 13

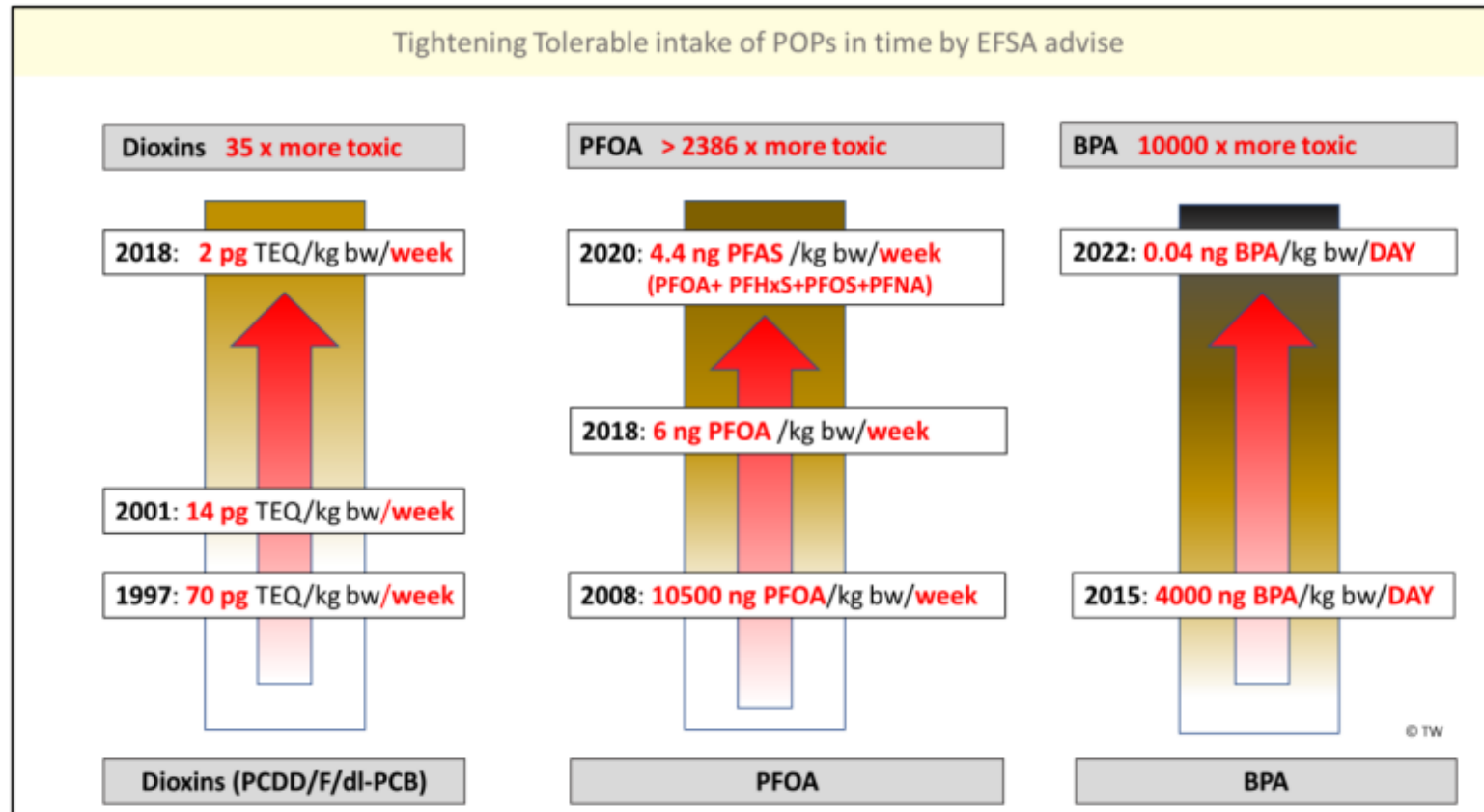


Figure 9: Tightening Tolerable intake of POPs in time by European Food and Safety Authority (EFSA).

The Public Has a Right to All Durham AMESA Data

The Region Needs to Be Transparent

- Release 2015 to 2019 AMESA data
- Independent Scientific Review of AMESA Protocol and AMESA Reporting
- Invalidating entire months of data when events occur is unacceptable
- AMESA Reports must be posted in a timely manner; current status unacceptable
- Respect Clarington and public requests to the Region to provide all the AMESA results 2015-2019, all supporting underlying documents for AMESA quarterly reports, and provide detailed rationale for their invalidation protocol

Delegation to Works Committee
June 5, 2024

W. Bracken

DYEC 2023 Soil Monitoring Report

Soil and Other Environmental Loading Not Evaluated in ESR to Increase Throughput to 160,000 tonnes/year; 2023 Soil Results demonstrate
UPDATE REPORT NEEDED PRIOR TO ECA Application

- Last update to Regional Council was in 2019
- Many things have changed, new pertinent information is available
- MORE REPORTS SHOWING CONCERNS WITH THE DYEC have come forward
- UPDATE REPORT is needed PRIOR to ECA application
- Better health and environmental monitoring is being required in other jurisdictions
- Better and more comprehensive monitoring and pollution control technology is available, and Regional Council has HCA obligation to look at before ANY increase to throughput

The DYEC Soil Testing Plan

https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/Soil/Soil_Testing_Plan.pdf



DURHAM YORK ENERGY CENTRE SOIL TESTING PLAN



July 10, 2020 Revision 4

The purpose of the soil testing plan is to:

- a) Quantify background contaminant concentrations in the area
- b) Monitor emission dispersion of EFW-related soil contaminants
- c) Ensure ongoing environmental management of the site
- d) Quantify any measurable concentrations resulting from emissions from the DYEC, including validating the predicted concentrations from the Human Health and Ecological Risk Assessment (HHERA) conducted during the 2009 Residual Waste Environmental Assessment (EA) Study, for predicted soil contaminant loading over the life of the facility

DYEC Soil Testing Plan

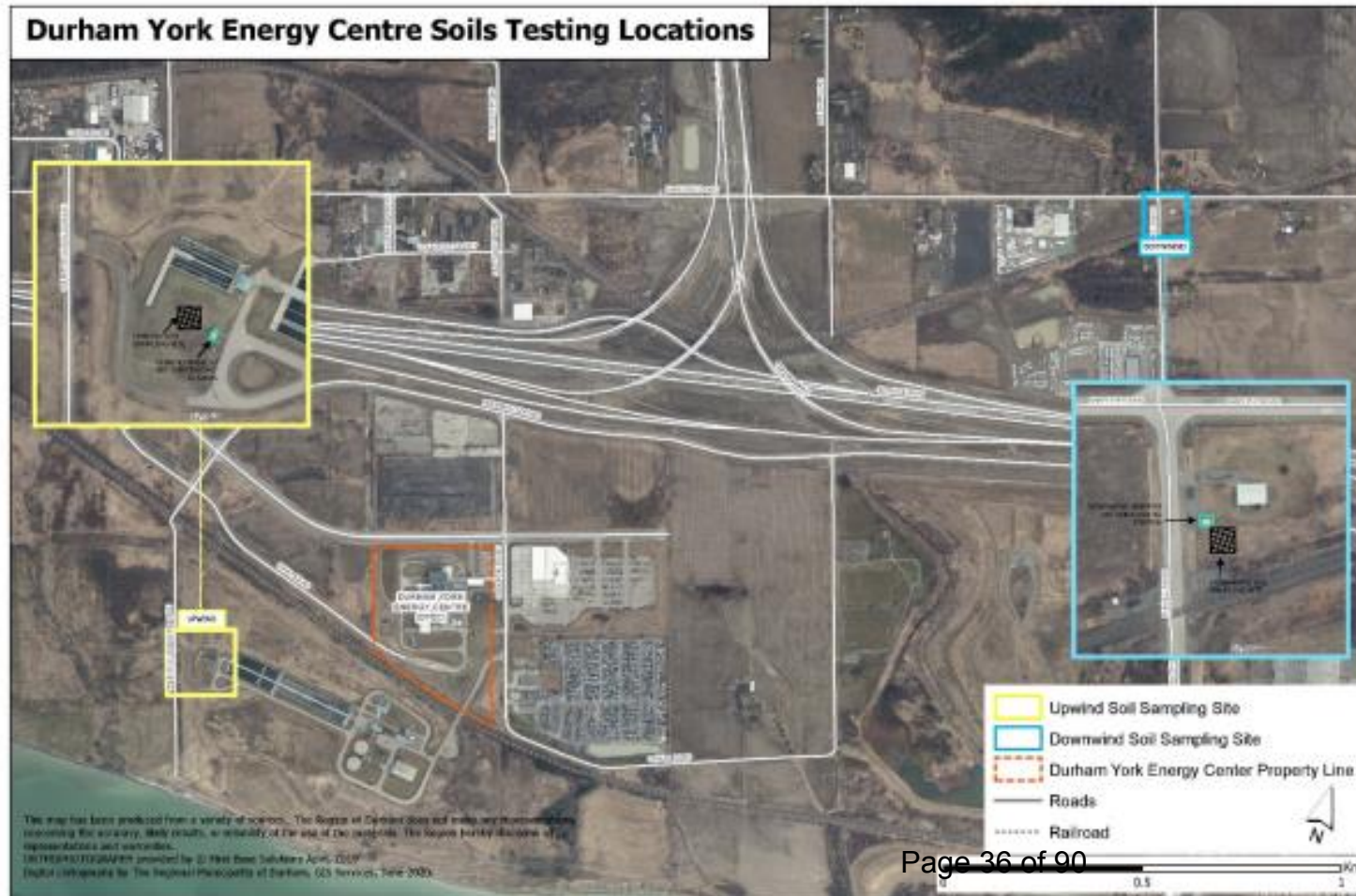
Sec. 2.2. Potential Sources of Impact

- **“Soil was one of the most important media considered in the HHERA (Human Health and Ecological Risk Assessment) due to emissions outfall from the DYEC, the exposure pathway for human and ecological receptors and the natural environment, as well as the potential for chemical bioaccumulation over the life of the facility.”**
- **“The primary source of deposition to soil are the facility emissions. The main source of emissions is the 87.6 metre tall main stack.”**

2023 Soil Testing Report: Samples Analyzed from Two Locations

https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/Soil/2023/20231115_RPT_DYEC_2023_Soils_Testing_ACC.pdf

Figure 2: Soil Testing Locations



Results from 2023 DYEC Soil Testing Report

“Per Table 4, concentrations of dioxins and furans in soil measured during the 2023 sampling event increased at both the upwind and downwind sampling locations relative to historical levels”

The DYEC 2023 Soil Testing Report shows

2023 Downwind Concentrations More than Double 2013 Pre-DYEC Levels

That's a 114% Increase in Soil Concentration (Percent Loading).

	Background EA 2009 ¹	Preconstruction Aug 2013 ²	Commissioning Aug 2015 ²	Operating* Aug 2016 ²	Operating Aug 2017 ²	Operating Aug 2020 ²	Operating Aug 2023 ²
Soil Concentration TEQ pg/g	1.2	1.12	0.7	0.626	1.22	1.23	2.4

1. Jacques Whitford, *Appendix B*, April 2009, *Site Specific Human Health and Ecological Risk Assessment (site specific HHERA)*, Table 3.5 *Baseline Concentrations for PCDD/PCDF in Soil*, page 41 of *Appendix B* (p. 91/196 pdf), Mean concentration (C_{mean}) of 13 samples taken from various locations was 1.2 TEQ ng/kg = 1.2 TEQ pg/g; Note baseline concentration used for input in HHERA was the 95% Upper Confidence Limit of the Mean (C_{UCLM}) = 1.76 TEQ pg/g ~ 1.8 TEQ pg/g.
https://www.durhamyorkwaste.ca/en/resources/Archived%20Documents/Appendix%20C-12%20Appendices/APPENDIX%20B%20-%20Baseline%20Chemical%20Concentrations_Dec09.pdf
2. RWDI, *Durham York Energy Centre 2023 Soil Testing Report*, November 15, 2023, *Table 4 Soil Analytical Results – Dioxins and Furans*, page 19/58 of pdf
https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/Soil/2023/20231115_RPT_DYEC_2023_Soils_Testing_ACC.pdf

Measured Soil Concentrations AFTER 8 YEARS OF DYEC OPERATION are much higher than what HHERA Predicted for Soil AFTER 30 YEARS OF OPERATION

Excerpts Below are From the 2023 DYEC Soil Testing Report

https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/Soil/Soil_Testing_Plan.pdf

“The HHERA concluded that after 30 years of operation, soil concentrations would increase less than 2% over baseline concentrations for all COPC except dioxins/furans and inorganic mercury.”

“Soil concentrations of dioxins and furans were estimated to increase by 20% and 57% for the normal operation and process upset scenarios respectively.”

Unsupportable Statement in 2023 Soil Report

- *“Though 2023 soil results are noted as historical upper limits, the ambient air quality criteria was satisfied during recent air quality monitoring events, and source testing of dioxins and furans carried out in April 2023 indicated that the facility was operating well below the respective regulatory limits. Therefor the observed soil concentrations are not interpreted to be attributed to facility emissions.”*
- Report also contains a lengthy section on limitations of the report. Includes the statement *“The conclusions and recommendations contained in this Soil Testing Report are based on ... information: (1) supplied by the Clientin relation to the Site at the time the Soil Test Report was prepared and (2) information made available by governmental authorities and other authoritative sources (“**THIRD PARTY INFORMATION**”). RWDI ... does not accept responsibility for any deficiency, misstatement or inaccuracy contained in this Soil Testing Report as a result ...”*
- Ambient air done only 1/24 days for dioxins/furans (~ 4% of operational time); further, the report refers to only *“recent air quality monitoring events”* yet the soil report covers 3 years of operation
- Report refers to April 2023 source test, but dioxins/furans source tests are only 12 hours duration which represents less than 0.2% of operating time under ideal conditions; d/f emissions vary over time, especially during other than normal operating conditions

The DYEC 2023 Soil Testing Report shows 2023 Downwind Concentrations More than Double 2013 Pre-DYEC Levels That's a 114% Increase in Soil Concentration (Percent Loading).

	Background EA 2009 ¹	Preconstruction Aug 2013 ²	Commissioning Aug 2015 ²	Operating* Aug 2016 ²	Operating Aug 2017 ²	Operating Aug 2020 ²	Operating Aug 2023 ²
Soil Concentration TEQ pg/g	1.2	1.12	0.7	0.626	1.22	1.23	2.4

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https://www.durhamyorkwaste.ca/en/resources/Archived%20Documents/Appendix%20C-12%20Appendices/APPENDIX%20B%20-%20Baseline%20Chemical%20Concentrations_Dec09.pdf
2. RWDI, *Durham York Energy Centre 2023 Soil Testing Report*, November 15, 2023, Table 4 Soil Analytical Results – Dioxins and Furans, page 19/58 of pdf
https://www.durhamyorkwaste.ca/en/environmental-monitoring/resources/Documents/Soil/2023/20231115_RPT_DYEC_2023_Soils_Testing_ACC.pdf

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6224007/pdf/12302_2018_Article_166.pdf

Weber et al. *Environ Sci Eur* (2018) 30:42
<https://doi.org/10.1186/s12302-018-0166-9>

 Environmental Sciences Europe

REVIEW

Open Access



Reviewing the relevance of dioxin and PCB sources for food from animal origin and the need for their inventory, control and management

Roland Weber^{1*} , Christine Herold¹, Henner Hollert², Josef Kamphues³, Markus Blepp⁴ and Karlheinz Ballschmiter⁵

“For eggs/broiler, this can occur at a concentration of PCDD/Fs in soil below 5 ng PCDD/F-PDB-TEQ/kg dm. Egg consumers-especially young children-can easily exceed health-based guidance values.”

Abstract

Background: In the past, cases of PCDD/F and PCB contamination exceeding limits in food from animal origin (eggs, meat or milk) were mainly caused by industrially produced feed. But in the last decade, exceedances of EU limit values were discovered more frequently for PCDD/Fs or dioxin-like(dl)-PCBs from free range chicken, sheep, and beef, often in the absence of any known contamination source.

Results: The German Environment Agency initiated a project to elucidate the entry of PCBs and PCDD/Fs in food related to environmental contamination. This paper summarizes the most important findings. Food products from farm animals sensitive to dioxin/PCB exposure—suckling calves and laying hens housed outdoor—can exceed EU maximum levels at soil concentrations that have previously been considered as safe. Maximum permitted levels can already be exceeded in beef/veal when soil is contaminated around 5 ng PCB-TEQ/kg dry matter (dm). For eggs/broiler, this can occur at a concentration of PCDD/Fs in soil below 5 ng PCDD/F-PCB-TEQ/kg dm. Egg consumers—especially young children—can easily exceed health-based guidance values (TDI). The soil–chicken egg exposure pathway is probably the most sensitive route for human exposure to both dl-PCBs and PCDD/Fs from soil and needs to be considered for soil guidelines. The study also found that calves from suckler cow herds are most prone to the impacts of dl-PCB contamination due to the excretion/accumulation via milk. PCB (and PCDD/F) intake for free-range cattle stems from feed and soil. Daily dl-PCB intake for suckler cow herds must in average be less than 2 ng PCB-TEQ/day. This translates to a maximum concentration in grass of 0.2 ng PCB-TEQ/kg dm which is less than 1/6 of the current EU maximum permitted level. This review compiles sources for PCDD/Fs and PCBs relevant to environmental contamination in respect to food safety. It also includes considerations on assessment of emerging POPs.

Soil and Other Environmental Loading Not Evaluated in ESR to Increase Throughput to 160,000 tonnes/year

UPDATE REPORT NEEDED PRIOR TO ECA Application

- Last update to Regional Council was in February 2019
- MOH Opinion needed on increasing garbage burning to 160,000 tpy
- Many things have changed, new pertinent information is available
- MORE REPORTS SHOWING CONCERNS WITH THE DYEC have come forward
- UPDATE REPORT is needed PRIOR to ECA application
- Better health and environmental monitoring is being required in other jurisdictions
- Better and more comprehensive monitoring and pollution control technology is now available, and Regional Council has HCA obligation to review before ANY increase to throughput

Clarington

If this information is required in an alternate format, please contact the Accessibility Co-ordinator at 905-623-3379 ext. 2131

May 28, 2024

The Honourable Andrea Khanjin, M.P.P.
Minister of Environment, Conservation and Parks
Via Email: minister.mecp@ontario.ca

Dear Hon. Andrea Khanjin:

Re: Proposal to Increase Durham York Energy Centre Throughput to 160,000 Tonnes Per Year

File Number: PG.25.06

At a meeting held on May 27, 2024, the Council of the Municipality of Clarington approved the following Resolution #PD-035-24:

Whereas In July 2019, Durham & York Regions initiated an Environmental Screening process for a throughput capacity increase from 140,000 tonnes per year to 160,000 tonnes per year;

And whereas on April 22nd, 2024, the Minister of the Environment in her letter to the Regions wrote that “the Regions can now proceed with the project subject to any other required permits or approvals”;

And whereas in the Host Community Agreement between Durham Region and Clarington, Section 6.1: “Durham shall continue to implement and support an aggressive residual waste diversion and recycling program to achieve and/or exceed their 70% diversion recycling rate for the entire Region”;

And whereas Durham has not maximized Waste Reduction and Diversion opportunities and should do so before proceeding to expand capacity. (As at 2022 Durham’s RPRA Diversion Rate was 62% which includes credits for bottom ash);

And whereas five years have passed since the EA Screening study commencement with enhancements to waste management programs projected to occur at Durham Region to divert more organic waste and reduce garbage. 1) expanded green bin materials to be accepted beginning July 1, 2024. 2) offering

source separated organics collection to multi-residential households in Durham, possibly in 2025;

And whereas DYEC Monitoring/Surveillance is not keeping up with other jurisdictions. In the Host Community Agreement, Section 3.2, “Durham shall ensure that the EFW facility utilizes maximum achievable control technology (MACT) for emissions control and monitoring systems”;

And whereas in the Host Community Agreement, Section 3.3, “Durham shall ensure that, where technically feasible, the EFW Facility utilizes 24/7 monitoring systems for such parameters as are deemed appropriate by the Ministry of the Environment”;

And whereas in the Host Community Agreement, Section 4.3: “At the time of any expansion, Durham will give consideration to improvements to the emission control system to meet the then current MACT standards and shall apply for a new or amended Certificate of Approval if required by the Province of Ontario”;

Now therefore be it resolved that Clarington Council requests that Durham Region Council, at their May 29th, 2024, meeting take action to request Staff to produce an Update Report before proceeding with the DYEC Capacity Increase that would address and include the following:

- a. Re-evaluation of 2019 assumptions about need for the throughput increase given programs to capture additional organics from the garbage and in light of Durham’s recent focus on Waste Reduction as per 2022 Durham’s Long Term Waste Plan;
- b. An updated summary potential environmental/ecological impacts using most recent data;
- c. A written opinion from Durham’s Medical Officer of Health on potential health impacts of capacity increase as well as recommendations on improvements to DYEC Monitoring Plans;
- d. Identification of all financial costs associated with capacity increase including required ECA study costs and confirming whether or not Durham & York would be eligible to receive the provincial power subsidy for waste beyond 140,000 tonnes per year;
- e. Copies of documents and comments to/from Durham/York and their consultants and the MECP since the submission of the December 2021 Env. Screening Report;

- f. Summary showing how the concerns/comments submitted by the Municipality of Clarington & the public were addressed in the EA Screening process and how and when any unresolved issues would be addressed; and
- g. An evaluation of DYEC Monitoring Programs and emission control technologies, as well as identification of improvements required to meet commitments in EFW Business Cases and Host Community Agreement.

That if Durham proceeds to apply for the Environmental Compliance Approval (ECA) Amendment, that even if Durham and York were considered to be exempt from the requirement to post on the Environmental Registry (ERO) that Durham will request that ECA application(s) & supporting documents be posted to ERO;

That Durham commits to promptly posting all ECA applications/study documents to the DYEC project website;

That if not already done, Durham posts the attachment to Minister's April 22nd letter to them, as had been requested by the Minister, on the DYEC website immediately to inform public and update DYEC webpages;

That Regional Council appoint a Clarington Regional Councillor to the Durham Works Committee; and

That copies of this motion be sent to The Hon. Andrea Khanjin, Ontario Minister of the Environment, Conservation & Parks, Lower Tier Municipalities in Durham Region, Durham Region MPPs.

Yours truly,



John Paul Newman
Deputy Clerk

JPN/lh

- c: The Honourable Todd McCarthy, M.P.P., Durham - Todd.McCarthy@pc.ola.org
The Honourable David Piccini, M.P.P., Northumberland-Peterborough South - david.piccini@pc.ola.org
Patrice Barnes, M.P.P., Ajax - Patrice.Barnes@pc.ola.org
Laurie Scott, M.P.P., Haliburton-Kawartha Lakes-Brock - laurie.scott@pc.ola.org
Jennifer K. French, M.P.P., Oshawa - JFrench-QP@ndp.on.ca
The Honourable Peter Bethlenfalvy, M.P.P., Pickering-Uxbridge - peter.bethlenfalvy@pc.ola.org
Lorne Coe, M.P.P., Whitby - lorne.coe@pc.ola.org
Susan Cassel, City Clerk, City of Pickering - clerks@pickering.ca
Jaclyn Grossi, Municipal Clerk, Town of Ajax - clerks@ajax.ca
Alexander Harras, Regional Clerk, The Regional Municipality of Durham - clerks@durham.ca
Christopher Harris, Town Clerk, Town of Whitby - clerk@whitby.ca
R. Walton, Director of Corporate Services/Municipal Clerk, Township of Scugog – clerks@scugog.ca
Fernando Lamanna, Clerk/Deputy CAO, Township of Brock - clerks@brock.ca
Debbie Leroux, Director of Legislative Services/Clerk, Township of Uxbridge - dleroux@uxbridge.ca
Mary Medeiros, City Clerk, City of Oshawa - clerks@oshawa.ca
H. Anderson
C. MacDonald
J. O'Meara

Clarington

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May 28, 2024

The Honourable Andrea Khanjin, M.P.P.
Minister of Environment, Conservation and Parks
Via Email: minister.mecp@ontario.ca

Dear Hon. Andrea Khanjin:

Re: AMESA Monitoring and Reporting

File Number: PG.25.06

At a meeting held on May 27, 2024, the Council of the Municipality of Clarington approved the following Resolution # PD-036-24:

Whereas the Municipality of Clarington had previously requested that Durham Region provide Clarington with AMESA Long Term Sampling System for Dioxins and Furans data from 2015 – 2019, which to date has been withheld altogether;

And whereas since 2021 Durham Region has produced Quarterly AMESA Reports but has withheld the underlying data, thus making the results reported untraceable and not transparent;

And whereas multiple Quarterly AMESA reports have sampling periods where data was available but was invalidated and not reported;


Now therefore be it resolved that the Municipality of Clarington requests that Durham Region Council at their May 29th, 2024, meeting direct Staff to:

- a. Provide complete AMESA data for years 2015-2019 including underlying documents;
- b. Provide for 2020 and for Quarterly AMESA reports that Durham began providing in 2021, all supporting underlying documents together with a detailed rationale for each instance of data invalidation as well as the sample results for those periods where data was available but was not reported; and

- c. Ensure that all future Quarterly AMESA reports include the all-underlying data and provide a detailed rationale explaining any invalidated results and report all sampling results even if invalidated.

That copies of this motion be sent to The Hon. Andrea Khanjin, Ontario Minister of the Environment, Conservation & Parks, Lower Tier Municipalities in Durham Region, Durham Region MPPs.

Yours truly,



John Paul Newman
Deputy Clerk

JPN/lh

- c: The Honourable Todd McCarthy, M.P.P., Durham - Todd.McCarthy@pc.ola.org
The Honourable David Piccini, M.P.P., Northumberland-Peterborough South - david.piccini@pc.ola.org
Patrice Barnes, M.P.P., Ajax - Patrice.Barnes@pc.ola.org
Laurie Scott, M.P.P., Haliburton-Kawartha Lakes-Brock - laurie.scott@pc.ola.org
Jennifer K. French, M.P.P., Oshawa - JFrench-QP@ndp.on.ca
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H. Anderson
C. MacDonald
J. O'Meara

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



The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2024-W-17
Date: June 5, 2024

Subject:

Approval of Unbudgeted Funding for the Repurchase of a prior Regional Owned Property located at 135 Albert Street, Sunderland in the Township of Brock

Recommendations:

That the Works Committee recommends to Regional Council:

- A) That the Regional Municipality of Durham repurchase the property at 135 Albert Street, Sunderland, in the Township of Brock, legally described as Part Lot 12, Concession 5, Brock, Being Part 1 on 40R-2596, Except Parts 1-9 on 40R-5123 in the Township of Brock;
- B) That the lands described above in Recommendation A be purchased by the Region for Three Hundred Seventy-Five Thousand Dollars (\$375,000.00) net of any costs incurred by the Region to facilitate the initial transfer up to a maximum of five (5%) percent of Three Hundred Seventy-Five Thousand Dollars (\$375,000.00);
- C) That financing for the property acquisition be provided from any source(s) at the discretion of the Commissioner of Finance; and
- D) That authority be granted to the Regional Clerk and Regional Chair to execute any notices, forms, or other documents as may be associated with this property acquisition.

Report:**1. Purpose**

The purpose of this report is to obtain Regional Municipality of Durham (Region) Council approval for unbudgeted funding to purchase the property located at 135 Albert Street, Sunderland legally described as Part Lot 12, Concession 5, Brock, Being Part 1 on 40R-2596, Except Parts 1-9 on 40R-5123, in the Township of Brock.

2. Background

- 2.1 The subject property at 135 Albert Street, Sunderland, consisting of 4.01 acres, is a two level, 5,832 square foot commercial/employment building originally constructed in 1978. The property operated as a police station until 2010.
- 2.2 In 2019 The Nourish and Develop Foundation approached the Region regarding the potential acquisition of the property for use as a Violence Against Women Emergency Shelter to be called Cedar Haven Women's Centre. The centre was intended to serve Brock, Scugog and Uxbridge Townships.
- 2.3 In 2020 Regional Council approved the disposition of the property as per confidential Report #2020-W-39. The lands were declared as surplus to the Region requirements and sold to The Nourish and Develop Foundation on October 30, 2020, for \$375,000.
- 2.4 The Offer to Sell Agreement, Clause 2.03 stipulates that should The Nourish and Develop Foundation (the Purchaser) be unable to obtain the necessary planning approvals to advance the proposed development, a violence against women emergency shelter or any other charitable purpose, the Purchaser must transfer the property to the Region in exchange for the full purchase price agreed to net of any costs incurred by the Region to facilitate the initial transfer up to a maximum of five (5%) percent of Three Hundred Seventy-Five Thousand Dollars (\$375,000.00).
- 2.5 The Purchaser is also responsible for all costs related to any subsequent transfer to the Region and any costs required to restore the facility and site to its condition at the time of sale.
- 2.6 The Nourish and Develop Foundation advised the Region in a letter dated May 9, 2024 (Attachment #1), that they were unable to obtain the necessary planning approvals for the full suite of uses being proposed and have requested the Region repurchase the

property as per the contractual obligations pursuant to Clause 2.03 of the executed Offer to Sell agreement.

3. Financial Implications

- 3.1 Section 14.2 of the Region's Budget Management Policy states that the approval of the Treasurer, CAO, applicable Standing Committee and Regional Council is required for capital expenditures in excess of \$50,000 prior to the purchase.
- 3.2 Financing for the acquisition of the property located at 135 Albert Street, Sunderland, in the Township of Brock for \$375,000 shall be provided from any source(s) at the discretion of the Commissioner of Finance.

4. Conclusion

- 4.1 It is recommended that the Region repurchase the property at 135 Albert Street, Sunderland, in the Township of Brock, in accordance with Clause 2.03 of the Offer to Sell Agreement for \$375,000 financed from any source(s) at the discretion of the Commissioner of Finance.
- 4.2 This report has been reviewed by the Finance Department and Legal Services – Office of the Chief Administrative Office, and the Commissioner of Finance concurs with the financial recommendation.
- 4.3 For additional information, contact: Christine Dunkley, Director, Corporate Infrastructure and Strategic Business Services, at 905-668-4113 extension 3475.

5. Attachments

Attachment #1: Letter dated May 9, 2024, from The Nourish and Develop Foundation

Attachment #2: Location Map

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, MBA, M.Eng., P.Eng., PTOE
Commissioner of Works

Recommended for Presentation to Committee

Original signed by Brian Bridgeman,
Commissioner of Planning and Economic
Development for

Elaine C. Baxter-Trahair
Chief Administrative Officer



May 9, 2024

Adnan Naeem B.A. (Hons) L.L.B.
Solicitor – Regional Municipality of Durham
605 Rossland Rd East,
P.O. Box 623, Whitby, Ontario, L1N 6A3

RE: Request to Sell 135 Albert Street, Sunderland Back to the Region

Dear Adnan,

The Nourish and Develop Foundation (TNDF) is a charitable foundation that has been addressing food insecurity and poverty in Brock Township since 2011. In 2020, we purchased 135 Albert Street, Sunderland from Durham Region, aiming to establish a women's shelter. It had been sitting vacant for some time.

Unfortunately, this location was unworkable due to complications with zoning, lack of access to sanitation and the high cost of the required studies, as well as the increased cost of building due to the COVID-19 pandemic. We instead established an emergency transitional housing program in Cannington, providing temporary shelter to women and families in need for up to six months. In 2023, this initiative housed 13 adults and 18 children.

At the time of purchase, the Region added a condition (clause 2.03) into the purchase agreement:

Should the Purchaser be unable to obtain the necessary planning approvals to advance the proposed development, being a violence against women emergency shelter or to use the Property for another charitable purpose, the Purchaser will transfer the property to the Region in exchange for the full purchase price agreed to in Clause 1.01 of this agreement net of any costs incurred by the Region to facilitate the initial transfer up to a maximum of five (5%) percent of Three Hundred Seventy-Five Thousand Dollars (\$375,000.00).





Attachment #1 to Report #2024-W-17

Despite efforts to repurpose the building at 135 Albert Street, we've found no viable use that meets these conditions as well as fitting the zoning requirements. The requirement to sell the property back at the original purchase price further limits our options, making it unwise to invest in a property we must later sell at a loss. As a charity, we must allocate our limited resources to our food bank, community programs, transitional housing, and other initiatives.

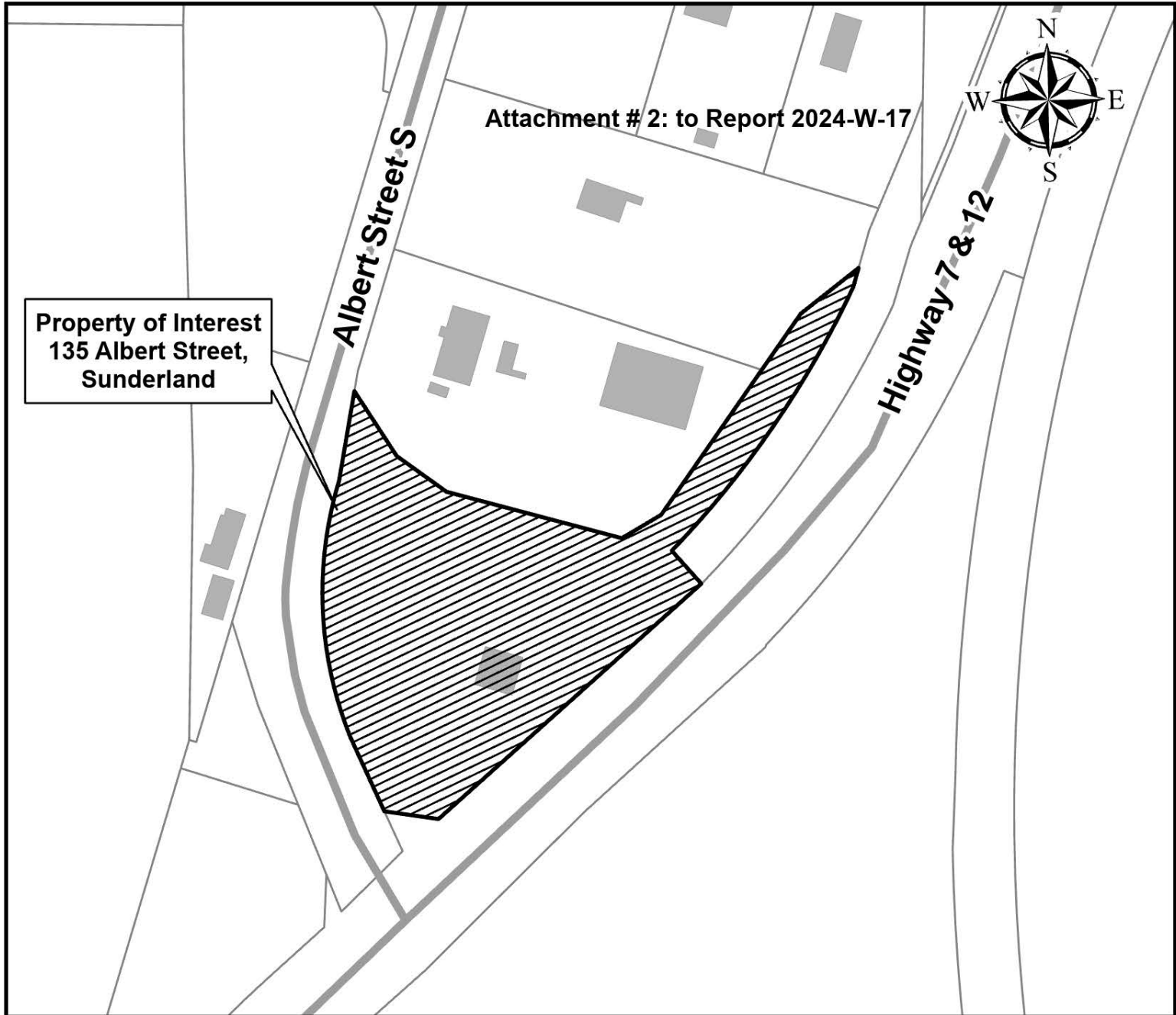
According to our purchase agreement, we're seeking to sell the property back to the Region. We request the Region to honor the buy-back agreement or allow TNDF to sell the property freely. We look forward to your guidance on the next steps.

Sincerely,

Jennifer Hayter
Board Chair & Treasurer
The Nourish and Develop Foundation

- c: J. Henry, Regional Chair
W. Schummer, Mayor – Brock Township
M. Jubb, Regional Councillor – Brock Township



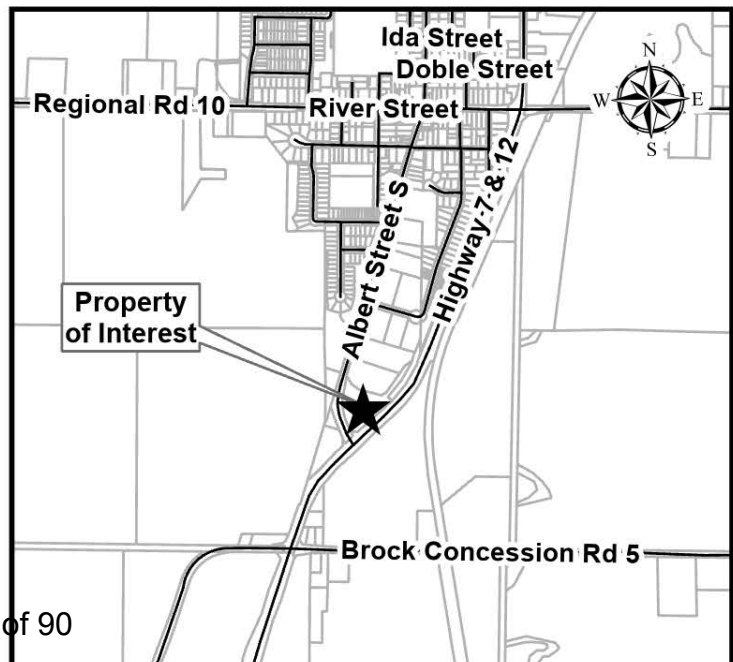


Attachment # 2: Location Map Property of Interest 135 Albert Street, Sunderland Township of Brock

- Ownership Parcels
- Ownership Pin # 720040173
- Building Footprints



GIS Data: Produced by Durham Region, 2024.
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The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2024-W-18
Date: June 5, 2024

Subject:

Declaration of Surplus Lands adjacent to Taunton Road West and east of Des Newman Boulevard in the Town of Whitby

Recommendation:

That the Works Committee recommends to Regional Council:

- A) That property located east of Des Newman Boulevard and adjacent to Taunton Road West in the Town of Whitby, legally described as Part 1 on Plan 40R-32580 in the Town of Whitby, Regional Municipality of Durham, identified as part of PIN 26548-3570 (the Lands), be declared as surplus to Regional requirements;
- B) That the Regional Municipality of Durham pass a by-law, generally in the form included as Attachment #2 to this Report, to stop up and close as a public highway (the Lands), subject to any easements that may be required by any utility;
- C) That the requirements in Section 3 of Regional Municipality of Durham By-Law #52-95 establishing the procedures, including the giving notice to the public, governing the sale of real property be waived;
- D) That Regional staff be permitted to negotiate the disposition of the lands described above in Recommendation A) with Lazy Dolphin Development Inc. at fair market value; and
- E) That the Commissioner of Works be authorized to execute all documents associated with the transaction.

Report:**1. Purpose**

- 1.1 The purpose of this report is to declare property owned by the Regional Municipality of Durham (Region) surplus to the Region's requirements and to obtain approval for staff to negotiate an agreement of purchase and sale with Lazy Dolphin Development Inc. to sell the property at fair market value.

2. Background

- 2.1 The Region acquired the property on June 23, 2006, through an amicable agreement to accommodate the widening of Taunton Road (Regional Road 4), appurtenant utilities, sidewalks and other infrastructure. The expansion and rehabilitation of Taunton Road is now complete, and staff have advised that the lands identified are surplus to Regional requirements.

3. Disposition of Property

- 3.1 Lazy Dolphin Development Inc. approached the Region in April 2020 and expressed an interest in purchasing the south shoulder of Taunton Road West Right-of-Way between Des Newman and Coronation Road (Attachment #1) in the Town of Whitby (Whitby).
- 3.2 Lazy Dolphin Development Inc. owns the property adjacent to the Region's, and acquiring the Region-owned parcel would facilitate the construction of four stacked townhouse buildings comprising ninety-six units. Without the Region's lands, the developer could only construct one of the four proposed buildings.
- 3.3 In accordance with Regional Municipality of Durham By-law #52-95, notices were sent to the local area municipality, utilities, and governmental organizations. Elexicon (utility) indicated that easements would be needed over portions of the land to accommodate hydro pole anchors. In November of 2023, Elexicon provided specific dimensions of the land requirements, and Regional staff commissioned an R-Plan to define the lands that are surplus to our requirements.
- 3.4 Land use analysis concluded that the parcel is designated as Community Areas in the Regional Official Plan and Residential in the Town of Whitby Official Plan. The Town of Whitby zoning by-law states that the property is currently zoned as High-Density Zones (HD).

3.5 The estimated fair market value of the referenced property, as determined by Region staff, is provided under separate cover. Please refer to the confidential memo attached (Attachment #3).

4. By-Law # 52-95

4.1 By-law #52-95 established the procedures governing the sale of real property. The initial step in the disposal process is a declaration that the real property is surplus to the Region's requirements.

4.2 Section 3 of the By-law requires staff to issue notices to the public and other authorities regarding the disposition of the surplus land. As Lazy Dolphin Development Inc. is interested in acquiring the lands to accommodate its future development, waiving the notice requirement is recommended.

5. Conclusion

5.1 The Regional Municipality of Durham does not require the portion of the Road allowance described in this report. It is recommended that Regional Council approve this road closure, and permit staff to enter into an agreement of Purchase and Sale to dispose of the land to the adjacent property owner.

5.2 This report has been reviewed by the Legal Services Division – Office of the CAO.

5.3 For additional information, please contact Christine Dunkley, Director of Corporate Infrastructure and Strategic Business Services at 905-668-7711, extension 3475.

6. Attachments

Attachment #1: Location Map

Attachment #2: Proposed Stop Up And Close By-law

Attachment #3 Confidential Memo (Under Separate Cover)

Respectfully submitted,

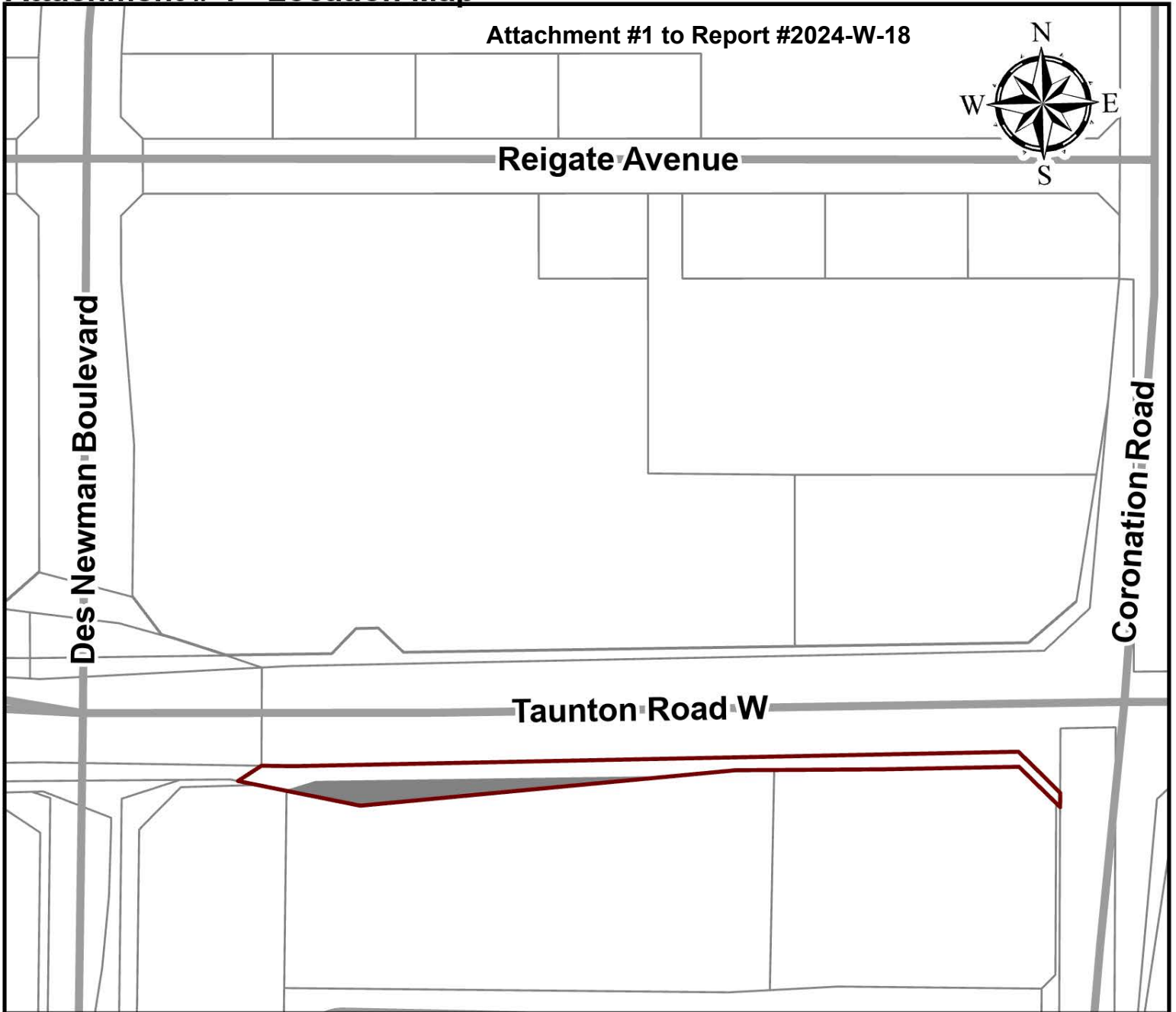
Original signed by:

Ramesh Jagannathan, MBA, M.Eng., P.Eng., PTOE
Commissioner of Works

Recommended for Presentation to Committee

**Original signed by Nancy Taylor,
Commissioner of Finance for**

Elaine C. Baxter-Trahair
Chief Administrative Officer



Location Map PIN # 265483570 Town of Whitby

-  Ownership Parcels
-  Ownership PIN # 265483570
-  Lands Surplus to Region Requirement



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By-law Number 2024-***

of The Regional Municipality of Durham

Being a by-law to stop up and close as a public highway and to convey, that portion of lands adjacent to Taunton Road West and east of Des Newman Boulevard in the Town of Whitby legally described as Part 1 on Plan 40R-32580 in the Town of Whitby, Regional Municipality of Durham, identified as Part of PIN 26548-3570 (the "Lands").

Whereas the Lands were formerly acquired to be part of the Taunton Road (Regional Road 4) right of way.

And whereas it is desirable to stop up and close the Lands and Regional staff register this by-law at the land registry office pursuant to s. 34(1) of the Municipal Act, R.S.O., 2001.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That portion of lands adjacent to Taunton Road West and east of Des Newman Boulevard in the Town of Whitby legally described as Part 1 on Plan 40R-32580 in the Town of Whitby, Regional Municipality of Durham, identified as Part of PIN 26548-3570, is hereby stopped up and closed.
2. The Lands are authorized to be conveyed to Lazy Dolphin Developments Inc. at market value.
3. The Regional Chair and Clerk are hereby authorized to execute all documents associated with this closure and conveyance which has been approved by the Regional Solicitor for the Lands provided for in Sections 1 of this by-law.

This Bylaw Read and Passed on the XX day of XXXXX, 2024.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

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



The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2024-W-19
Date: June 5, 2024

Subject:

Local Watermain Extension related to Well Interference for Contract D2021-43 Courtice Trunk Sanitary Sewer and Watermain Installation (Phase 3) and Baseline Road Reconstruction in the Municipality of Clarington

Recommendation:

That the Works Committee recommends to Regional Council:

- A) That the extension of approximately 170 metres of 300-millimetre polyvinyl chloride watermain be approved due to well interference on Marnie Drive, from Baseline Road north 110 metres to Cigas Road, and on Cigas Road, from Marnie Drive to 60 metres east, in the Municipality of Clarington.
 - B) That financing for the unbudgeted capital work in the amount of \$388,566 be provided from Well Interference – Water Development Charges from within the approved capital budget (Project ID D1303).
-

Report:

1. Purpose

- 1.1 The purpose of this report is to obtain Regional Council approval as per Section 4. f) of the Regional Municipality of Durham's (Region) Well Interference Policy for the extension of approximately 170 metres (m) of a 300 millimetre (mm) diameter polyvinyl chloride (PVC) watermain on Marnie Drive, from Baseline Road north 110 m to Cigas Road, and on Cigas Road, from Marnie Drive to 60 m east, as post construction provisions (Attachment #1).

2. Background

- 2.1 The ongoing Regional Capital Contract D2021-43 includes the following Regional infrastructure:
 - a. An 1800 mm diameter trunk sanitary sewer (Phase 3) installation on Baseline Road from Courtice Road (Regional Road 34) to Trulls Road and on Trulls Road from Baseline Road to the south of Bloor Street (Regional Road 22);
 - b. A 400 mm diameter feedermain installation on Baseline Road from Courtice Road (Regional Road 34) to Trulls Road; and
 - c. A 300 mm diameter watermain installation on Trulls Road from Baseline Road to south of Bloor Street (Regional Road 22).
- 2.2 Contract D2021-43 was awarded to Pachino Construction Co. Ltd. in March 2022 for a total contract value of approximately \$36,200,000.
- 2.3 Construction started in the Spring of 2022, and Regional infrastructure on Baseline Road was completed in the Fall of 2023. The remaining work on Trulls Road is ongoing and is anticipated to be completed by the end of 2024.
- 2.4 The trunk sanitary sewer on Baseline Road was installed by open-cut excavation and is up to 9.5 m deep near Marnie Drive.
- 2.5 Region staff have assessed and concluded that four private wells may have been impacted by the construction of the trunk sanitary sewer on Baseline Road near Marnie Drive. As such, staff followed and implemented the provisions of the Well Interference Policy during and post-construction.
- 2.6 The Well Interference Policy is an attachment to the Regional Development Charge Background Study and Development Charge By-Law #42-2023.
- 2.7 Three properties where private wells may have been impacted by construction have had frontage and connection charges waived as per the Well Interference Policy. These three Property Owners fronting Baseline Road have since connected to the Regional watermain.
- 2.8 The remaining property on which the private well may have been impacted by construction requires a local watermain extension on Marnie Drive and Cigas Road to extend a new water service to the property. The local watermain extension is in conformance with Region Design Standards and related

development servicing policies. The watermain extension would also facilitate the future servicing of other properties fronting Cigas Road.

- 2.9 The local watermain extension consists of approximately 110 m of 300 mm diameter PVC watermain on Marnie Drive, from Baseline Road north to Cigas Road, and on Cigas Road, from Marnie Drive to 60 m east. The total length of watermain extension is 170 m.
- 2.10 Region staff have obtained a quotation from Pachino Construction Co. Ltd. to perform this watermain extension work as a change order to contract D2021-43. The estimated construction cost for this work is \$388,566, excluding HST.
- 2.11 Section 4. f of the Region's Well Interference Policy stipulates that Council approval is required for well interference work that exceeds \$250,000.

3. Financial Implications

- 3.1 Section 16.1 of the Region's Budget Management Policy notes that for capital expenditures anticipated to exceed contract with available project funding, the Department Head is authorized to make commitments to contractors performing extra work under a contract where such commitments do not increase the approved contract value in excess of \$3,000,000 to a maximum value of the lesser of five per cent of the approved contract value or \$400,000.
- 3.2 Financing for the additional commitments will address the remaining Well Interference work and can be provided from the following source:

Previously approved financing Project ID D1303 'Phase 3 Courtice Trunk Sanitary Sewer and Watermain Construction and Baseline Road Reconstruction, Project ID: D1303

Well Interference – Water Development Charges	\$388,566
---	-----------

4. Relationship to Strategic Plan

- 4.1 This report aligns with the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Service Excellence Goal 5.1: Optimize resources and partnerships to deliver exceptional quality services and value.
 - b. Service Excellence Goal 5.2: Collaborate for a seamless service experience.

- c. Service Excellence Goal 5.3: Demonstrate commitment to continuous quality improvement and communicating results.

5. Conclusion

- 5.1 It is recommended that Regional Municipality of Durham Council approve the subject watermain extension work as per Section 4. f) of the Region's Well Interference Policy as post construction provisions for the extension of approximately 170 metres of 300-millimetre diameter polyvinyl chloride watermain on Marnie Drive, from Baseline Road north 110 meters to Cigas Road, and on Cigas Road, from Marnie Drive to 60 metres east.
- 5.2 This report has been reviewed by the Finance Department and the Commissioner of Finance concurs with the financial recommendations.
- 5.3 For additional information, contact: Michael Harris, Manager of Design Contracts, Environmental Services Branch, at 905-668-7711, extension 3458.

6. Attachments

Attachment #1: Location Map

Respectfully submitted,

Original signed by:

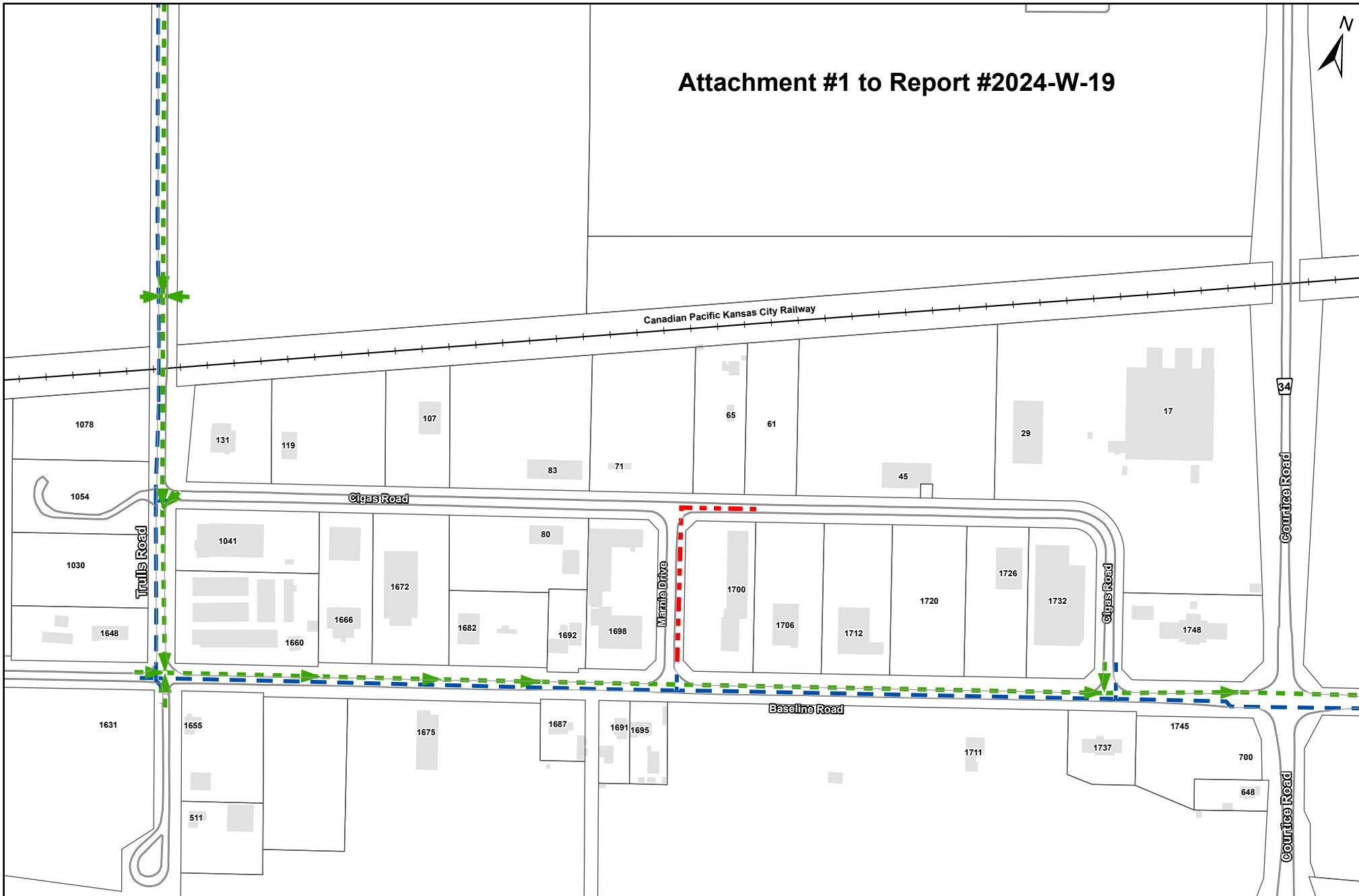
Ramesh Jagannathan, M.B.A, M.Eng., P.Eng., PTOE
Commissioner of Works

Recommended for Presentation to Committee



Original signed by Brian Bridgeman, Commissioner of Planning and Economic Development for

Elaine C. Baxter-Trahair
Chief Administrative Officer

Attachment #1 to Report #2024-W-19



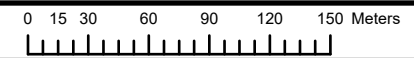
Water Network

-  Watermain - Proposed 170m Extension
-  Watermain & Feeder mains

Sanitary Sewer System

-  Trunk Sewer & Local Sewers

Attachment # 1 - Location Map



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



The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2024-W-20
Date: June 5, 2024

Subject:

Approval of Unbudgeted Capital Project Financing for the Relocation of Feeder mains, Water mains and Local Sanitary Sewers at Highway 401 on Wilson Road South in the City of Oshawa

Recommendation:

That the Works Committee recommends to Regional Council:

- A) That unbudgeted capital financing in the amount of \$8,670,000* for the relocation of Feeder mains, Water mains and Local Sanitary Sewers at Highway 401 on Wilson Road South in the City of Oshawa be approved; and
- B) That financing for the unbudgeted capital project be provided from the reallocation of funds from approved projects as follows:

Previously approved Financing:

Water Supply Capital Budget (Project ID: D2221)

User Revenue	\$550,000
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Sanitary Sewer Capital Budget (Project D2221)

User Revenue	\$50,000
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Total Previously Approved Funding	\$600,000
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Additional Financing

2024 Water Supply Capital Budget

Item #35: Allowance for unknown requirements in conjunction with Area Municipality Road Programs in various locations (Project ID: M2403)

User Revenue \$200,000

Item #40: Water works to rectify identified system deficiencies independent of road programs in various locations (Project ID: M2499)

User Revenue \$633,300

Item #45: Replacement of a watermain on Kingston Rd. (Highway No. 2) from Dixie Rd. to Bainbridge Dr., Pickering (Project ID: D1802)

User Revenue \$820,000

Item #44: Replacement of a watermain on Kingston Rd. (Highway No. 2) from Steeple Hill to Merriton Rd., Pickering (Project ID: D1848)

User Revenue \$850,000

Item #59: Replacement of the watermain on R.R. 26 (Thickson Rd.) from 84 m north of William Smith Dr. to 60 m south of William Smith Dr. and from Wentworth Ave. to the Canadian National Railway, Whitby (Project ID: W1901)

Asset Management Reserve Fund \$246,700

Item #87: Replacement of watermain on Mary St. from Rossland Rd. to Robert St., Oshawa (Project ID: O2202)

User Revenue \$200,000

Item #101: Replacement of watermain on Caleb St. from Clarke St. to Queen St., Port Perry (Project ID: S1901)

Asset Management Reserve Fund \$550,000

Item #246: Ajax Water Supply Plant – Chlorine Solution Line Replacement, Ajax (Project ID: D2019)

Asset Management Reserve Fund \$3,000,000

Item #283: Beaverton Water Supply Plant – Chlorine Solution Line Replacement, Brock (Project ID: D1930)

User Revenue \$1,800,000

Total Water Supply Funding:	\$8,300,000
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2024 Sanitary Sewerage Capital Budget

Item #24: Works to rectify identified system deficiencies independent of the road programs in various locations (Project ID: M2499)

User Revenue	\$274,377
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Item #396: Allowance for unknown requirements (Project ID: M2409)

User Revenue	\$95,623
--------------	----------

Total Sanitary Sewerage Funding	\$370,000
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Total Additional Financing	<u>\$8,670,000</u>
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Total Revised Project Financing	<u>\$9,270,000</u>
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Report:

1. Purpose

- 1.1 The purpose of this report is to obtain Regional Municipality of Durham (Region) council approval for unbudgeted project financing for the relocation of feeder mains, water mains and sanitary sewers on Wilson Road South at Highway 401 in the City of Oshawa.
- 1.2 Dollar amounts followed by an asterisk (*) include disbursements and are before applicable taxes.

2. Background

- 2.1 The Ministry of Transportation Ontario (MTO) is delivering a series of bridge replacement projects in Oshawa to prepare for the future widening of highway 401, including the replacement of the Highway 401 bridge over Wilson Road South.
- 2.2 The new, wider bridge at Wilson Road South will accommodate the future widening of Highway 401 but requires the lowering of the road profile of Wilson Road South under Highway 401. The Region is partially contributing to the bridge replacement to oversize the bridge span to accommodate the future widening of Wilson Road South to 4 lanes (2 southbound lanes and 2 northbound lanes).

- Wilson Road South at Highway 401 is currently 2 lanes (1 southbound lane and 1 northbound lane). The increased bridge span will also accommodate cycling lanes on Wilson Road South.
- 2.3 Due to the lowering of Wilson Road South, the two existing feeder mains, local water mains and two local sanitary sewers, the new bridge structure footprint, and the storm sewers must be relocated.
 - 2.4 The existing 750-millimetre (mm) concrete pressure pipe (CPP) feeder main on Wilson Road South was constructed in 1957. It services downtown Oshawa and the surrounding area.
 - 2.5 The existing 1,200 mm CPP feeder main on Wilson Road South was constructed in 1977. This critical feeder main services south and east Oshawa.
 - 2.6 The 150 mm cast iron water main on Wilson Road South was constructed in 1954 and services residential customers in the immediate local area of Oshawa.
 - 2.7 The 200 mm concrete sanitary sewers north and south of Highway 401 on Wilson Road South were constructed in 1952. These sewers service residential customers on Wilson Road South, Sterling Avenue and Ortono Avenue in Oshawa.
 - 2.8 In June 2023, Regional Council approved Works Committee Report #2023-W-24, for the sole sourcing of engineering services for the detailed design for the relocation of the Region's infrastructure. The consultant advanced the detailed design for the Region's infrastructure in parallel with MTO's bridge design, and in February 2024, provided Region staff with a design package that coordinated the scope of required Region infrastructure relocations with the bridge design.
 - 2.9 MTO has since advised that the bridge design has been expedited and is now complete, allowing them to tender the contract in June 2024. MTO has also advised that the relocation of the Region's infrastructure must be staged and completed before work on the new bridge structure can begin.
 - 2.10 MTO and Region staff have finalized the terms and conditions of an agreement for a 50/50 cost share for the relocation of regional infrastructure as part of MTO's construction contract.
 - 2.11 Funding of \$3,500,000 is included in the nine-year forecast for construction in 2025, MTO has, however, advanced the project to 2024.

3. Financial Implications

- 3.1 Section 14.2 of the Region’s Budget Management Policy requires the approval of the Treasurer and CAO, and the applicable Standing Committee and Regional Council for unbudgeted capital project expenditures in excess of \$50,000.
- 3.2 Section 17.1 of the Region’s Budget Management Policy requires the approval of the applicable Standing Committee and Regional Council for the reallocation of capital funding exceeding \$250,000.
- 3.3 Financing for the unbudgeted capital project required for the relocation of the feeder mains, water mains and sanitary sewers to accommodate reconstruction of the Wilson Road South overpass can be provided from the following source:

Previously approved Financing:

Water Supply Capital Budget (Project ID: D2221)

User Revenue	\$550,000
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Sanitary Sewer Capital Budget (Project D2221)

User Revenue	\$50,000
--------------	----------

Total Previously Approved Funding	\$600,000
--	------------------

Additional Financing

2024 Water Supply Capital Budget

Item #35: Allowance for unknown requirements in conjunction with Area Municipality Road Programs in various locations (Project ID: M2403)

User Revenue \$200,000

Item #40: Water works to rectify identified system deficiencies independent of road programs in various locations (Project ID: M2499)

User Revenue \$633,300

Item #45: Replacement of a watermain on Kingston Rd. (Highway No. 2) from Dixie Rd. to Bainbridge Dr., Pickering (Project ID: D1802)

User Revenue \$820,000

Item #44: Replacement of a watermain on Kingston Rd. (Highway No. 2) from Steeple Hill to Merriton Rd., Pickering (Project ID: D1848)

User Revenue \$850,000

Item #59: Replacement of the watermain on R.R. 26 (Thickson Rd.) from 84 m north of William Smith Dr. to 60 m south of William Smith Dr. and from Wentworth Ave. to the Canadian National Railway, Whitby (Project ID: W1901)

Asset Management Reserve Fund \$246,700

Item #87: Replacement of watermain on Mary St. from Rossland Rd. to Robert St., Oshawa (Project ID: O2202)

User Revenue \$200,000

Item #101: Replacement of watermain on Caleb St. from Clarke St. to Queen St., Port Perry (Project ID: S1901)

Asset Management Reserve Fund \$550,000

Item #246: Ajax Water Supply Plant – Chlorine Solution Line Replacement, Ajax (Project ID: D2019)

Asset Management Reserve Fund \$3,000,000

Item #283: Beaverton Water Supply Plant – Chlorine Solution Line Replacement, Brock (Project ID: D1930)

User Revenue \$1,800,000

Total Water Supply Funding:	\$8,300,000
-----------------------------	-------------

2024 Sanitary Sewerage Capital Budget

Item #24: Works to rectify identified system deficiencies independent of the road programs in various locations (Project ID: M2499)

User Revenue	\$274,377
--------------	-----------

Item #396: Allowance for unknown requirements (Project ID: M2409)

User Revenue	\$95,623
--------------	----------

Total Sanitary Sewerage Funding	\$370,000
---------------------------------	-----------

Total Additional Financing	<u>\$8,670,000</u>
----------------------------	--------------------

Total Revised Project Financing	<u>\$9,270,000</u>
--	---------------------------

3.4 Funding is available from savings from two projects that have been tendered and awarded and four that have been deferred. Funding for the deferred projects will be included in the 2025 Business Plans and budget.

4. Relationship to Strategic Plan

4.1 This report aligns with the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Service Excellence Goal 5.1: Optimize resources and partnerships to deliver exceptional quality services and value.
- b. Service Excellence Goal 5.2: Collaborate for a seamless service experience.

5. Conclusion

5.1 It is recommended that unbudgeted project financing be approved to complete the relocation of feeder mains, water mains and sanitary sewers on Wilson Road South at Highway 401, in the City of Oshawa.

5.2 This report has been reviewed by the Finance Department and the Commissioner of Finance concurs with the financial recommendations.

5.3 For additional information, contact: Michael Harris, Manager of Design Contracts, Environmental Services Branch, at 905-668-7711, extension 3458.

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, MBA, M.Eng., P.Eng., PTOE
Commissioner of Works

Recommended for Presentation to Committee

**Original signed by Brian Bridgeman,
Commissioner of Planning and
Economic Development for**

Elaine C. Baxter-Trahair
Chief Administrative Officer

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



The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2024-W-21
Date: June 5, 2024

Subject:

Sole Source of Engineering Services for the Detailed Design for the widening of Lake Ridge Road (Regional Road 23) through the intersection with Rossland Road (Regional Road 28), in the Town of Ajax and the Town of Whitby

Recommendations:

That the Works Committee recommends to Regional Council:

- A) That staff be authorized to award a sole source engineering services agreement with R.V. Anderson Associates Limited to undertake the detailed design for the widening of Lake Ridge Road (Regional Road 23) through the intersection with Rossland Road (Regional Road 28), in the Town of Ajax and the Town of Whitby, at an amount not to exceed \$625,000*; to be financed through the approved project budget; and
 - B) That the Commissioner of Finance be authorized to execute the necessary documents related to the sole source agreement.
-

Report:

1. Purpose

- 1.1 The purpose of this report is to obtain authorization to award a sole source engineering services agreement with R.V. Anderson Associates Limited (R.V. Anderson) to undertake the detailed design for the widening of Lake Ridge Road (Regional Road 23) through the intersection with Rossland Road (Regional Road 28), in the Town of Ajax (Ajax) and the Town of Whitby (Whitby).

1.2 Dollar amounts followed by an asterisk (*) are before applicable taxes.

2. Background

- 2.1 In June 2022, the Rossland Road widening Environmental Assessment (EA) from Westney Road (Regional Road 31) to Lake Ridge Road was completed by Ajax. As part of the EA, a commitment was made at the request of the Regional Municipality of Durham (Region) to include the Region's detailed design scope of work to widen Lake Ridge Road through the intersection with Rossland Road in Ajax's upcoming Rossland Road widening detail design assignment. Rossland Road is not a Regional Road within Ajax. However, Rossland Road is Regional Road 28 east of Lake Ridge Road in Whitby.
- 2.2 Ajax completed a Request for Pre-Qualification in January 2023, followed by a Request for Proposal in April 2023, for the detailed design for the widening of Rossland Road from Westney Road to Lake Ridge Road. The Region was not involved at the time of the Request for Pre-Qualification or Request for Proposal. Therefore, Ajax detailed design assignment did not include the detailed design scope of work to widen Lake Ridge Road through the Rossland Road intersection. In June 2023, Ajax awarded the Request for Proposal to R.V. Anderson (See Attachment #1 Town of Ajax Council Report OES-2023-19).
- 2.3 Funding for the detailed design work for the widening of Lake Ridge Road through the Rossland Road intersection has been previously approved in the Regional Road Program budget.
- 2.4 The Region's 2024 Capital Road Program forecasts construction funding for the widening of Lake Ridge Road through the Rossland Road intersection in 2026. This timing is proposed to align with the construction timing of Ajax's Rossland Road widening at the Lake Ridge Road intersection.
- 2.5 The deliverable of R.V. Anderson's detailed design will be to produce a single construction contract, including Ajax's widening of Rossland Road and the Region's widening of Lake Ridge Road through the Rossland Road intersection. This is to minimize future reconstruction and disruption of the intersection as envisioned during Ajax's EA for the widening of Rossland Road. This will also prevent future disruption to the intersection when the Region subsequently widens Lake Ridge Road from Regional Highway 2 to Rossland Road. The Region's widening of Lake Ridge Road from Regional Highway 2 to Rossland Road has construction funding forecasted in 2028 in the 2024 Capital Road Program.

3. Sole Source Justification

3.1 Retaining R.V. Anderson to complete detail design for the widening of Lake Ridge Road through the Rossland Road intersection while completing the design for the widening of Rossland Road at the same intersection is beneficial for the following reasons:

- a. The design of the Lake Ridge Road widening at the Rossland Road intersection will provide an accelerated and seamless design and leverage the synergies between Ajax and the Region by having one consultant complete the work.
- b. Having a single consultant will streamline utility relocation work and ensure utility relocation plans account for the Rossland Road and Lake Ridge Road widenings, avoiding the need to complete relocations twice.
- c. Coordinating the Rossland Road widening and Lake Ridge Road widening designs simultaneously with regulatory agencies will reduce review and approval times.
- d. Retaining a different design consultant to complete the widening of Lake Ridge Road through the Rossland Road intersection while R.V Anderson is completing the design for the widening of Rossland Road at the same intersection is not feasible, as the road design process is very dynamic and having two separate consultants trying to coordinate overlapping designs at a single intersection would require complete integration of each consultants' design processes.

3.2 Combining the design of the Rossland Road widening and the Lake Ridge Road intersection widening into a single construction contract designed by R.V. Anderson will save cost and time and limit public disruption by avoiding the need to impact the intersection twice. This also benefits the overall road network by having the intersection operating in its ultimate widened configuration sooner than the Region's widening of Lake Ridge Road from Regional Highway 2 to Rossland Road (construction funding forecasted in 2028 in the 2024 Capital Road Program), in addition to addressing the existing lane imbalance on Rossland Road through the Lake Ridge Road intersection that was created by Whitby's widening of Rossland Road to the east of Lake Ridge Road, prior to Rossland Road becoming a Regional Road east of Lake Ridge Road.

4. Proposed Engineering Services

4.1 The estimated engineering fee of \$625,000* includes the following services:

- a. Project Management;
 - b. Coordination with Conservation Authorities, the Town of Whitby and other key stakeholders;
 - c. Subsurface utility investigations, mapping and coordination for relocations;
 - d. Road design, including traffic safety;
 - e. Hydrology, drainage, and stormwater management investigations, reporting and design;
 - f. Geotechnical and geo-environmental investigations, reporting and design;
 - g. Permit applications and approvals;
 - h. Environmental studies to support permit applications;
 - i. Traffic signal design;
 - j. Traffic and construction staging design;
 - k. Contract specification preparation; and
 - l. Additional services as required by the project.
- 4.2 The hourly rates used by R.V. Anderson staff for this assignment are comparable to hourly rates on other competitively bid assignments undertaken by consultants on behalf of the Region.

5. Financial Implications

- 5.1 Section 8.4.2 of the Region's Purchasing By-law Number 16-2020 requires approval of Regional Council to award an assignment as a sole source where the project or annual value of a consulting or professional service assignment is expected to be \$100,000 or greater.
- 5.2 Financing for the procurement of the engineering services estimated at \$625,000* is to be provided from the approved project budget (Project ID R1809).

6. Relationship to Strategic Plan

- 6.1 This report aligns with the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Economic Prosperity Goal #3.3: Enhance communication and transportation networks to better connect people and move goods more effectively.
 - b. Service Excellence Goal #5.1: Optimize resources and partnerships to deliver exceptional quality services and value.

7. Conclusion

- 7.1 It is recommended that authorization be approved for the sole source engineering services agreement with R.V. Anderson Associates Limited for the detailed design of the widening of Lake Ridge Road (Regional Road 23) through the intersection with Rossland Road (Regional Road 28) in the Town of Ajax and the Town of Whitby, at an upset limit not to exceed \$625,000*.
- 7.2 This report has been reviewed by the Finance Department, and the Commissioner of Finance concurs with the recommendations.
- 7.3 For additional information, contact: Reid McGregor, Manager, Transportation Design, at 905-668-4113, extension 3502.

8. Attachments

- 8.1 Attachment #1: Town of Ajax Council Report (report # OES-2023-19) – Contract Award – Rossland Road widening from Westney Road to Lake Ridge Road Detail Design

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, M.B.A, M.Eng., P.Eng., PTOE
Commissioner of Works

Recommended for Presentation to Committee

**Original signed by Brian Bridgeman,
Commissioner of Planning and
Economic Development for**

Elaine C. Baxter-Trahair
Chief Administrative Officer

Town of Ajax Report



Report To: General Government Committee

Prepared By: Ranil Fernando, Manager, Infrastructure and Asset Management

Report #: OES-2023-19

Subject: **Contract Award – Rossland Road widening from Westney Road to Lake Ridge Road Detail Design**

Ward(s): 1,2

Date of Meeting: June 12, 2023

Reference: Capital Account Number 1029011.4108 – Rossland Road Salem Road to Lake Ridge – Design

Capital Account Number 1028611.4108 – Rossland Road Westney Road to Salem Road – Design

Schedule 'C' Class Environmental Assessment for Rossland Road from Westney Road to Lake Ridge Road – June 2022

Recommendation:

That Council award the contract for detailed design of Rossland Road from Westney Road to Lake Ridge Road to R.V. Anderson Associates Limited in the amount of \$1,638,296.60 (inclusive of all taxes).

Background:

Population growth in north Ajax and network improvements east and west of the Town has resulted in higher traffic volumes and traffic congestion. These pressures and potential growth east of Salem Road on the Rossland Road corridor has caused the need to evaluate opportunities for network improvements to accommodate the traffic demand. Additionally, the proposed road improvements will improve the pedestrian/bicycle network and transit route along Rossland Road.

In June 2022, a Schedule 'C' Class Environmental Assessment (EA) and preliminary design for improvements to Rossland Road was completed from Westney Road to Lake Ridge Road in the Town of Ajax.

The EA was completed to identify transportation problems and opportunities as they relate to traffic service, capacity for future growth, infrastructure needs, safety and operations and subsequently recommend and evaluate opportunities for improvements to the study area. The EA reassessed the needs, justification and alternative solutions established in the Ajax Integrated Transportation Master Plan (ITMP). The EA also reassessed the recommendations of the Town of Ajax's 2018 Development Charges Background Study to widen Rossland Road to four lanes.

Rossland Road is an east-west arterial road in western Durham Region that connects the City of Pickering, Town of Ajax and Town of Whitby. Rossland Road is classified as a Type 'B' arterial road with a posted speed limit of 60 km/h. From Westney Road to Salem Road, Rossland Road is a 2-lane urban roadway and from Salem Road to Lake Ridge Road it is a 2 lane rural roadway. The total length of roadway for the project is approximately 4.0 km. The limits of construction are outlined in Figure 1.



Figure 1.

The detailed design for the proposed work will include the following:

- The reconstruction of Rossland Road from Westney Road to Lake Ridge Road
- Four general purpose lanes - two in each direction
- Centre turning lane
- Accessibility for Ontarians with Disabilities (AODA) compliant intersections
- Cross rides at intersection to accommodate both pedestrians and cyclists
- Culvert replacement at Lynde Creek crossing
- Improvements to bridge over Carruthers Creek east of Salem Road
- Improved storm water management
- Land acquisition
- Utility relocation
- Illumination along the corridor, and
- Opportunities for streetscaping

The proposed cross section of Rossland Road from Westney Road to Lake Ridge Road as outlined in the Schedule 'C' Class EA is as follows:

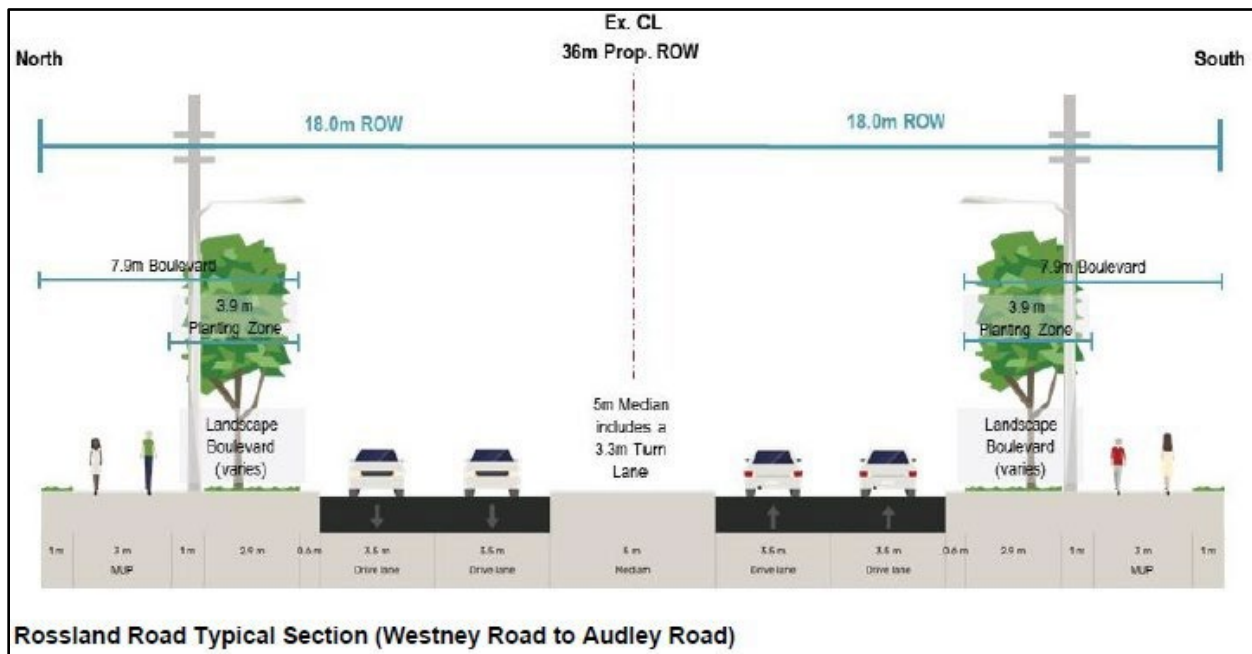


Figure 2.

Rossland Road from Westney Road to Audley Road (Figure 2.) includes an urban cross section with the following elements:

- Two 3.5m lanes in each direction
- Centre median/ turning lane
- 3.0m multi-use path (MUP) on the north and south sides, and
- Landscaped boulevards

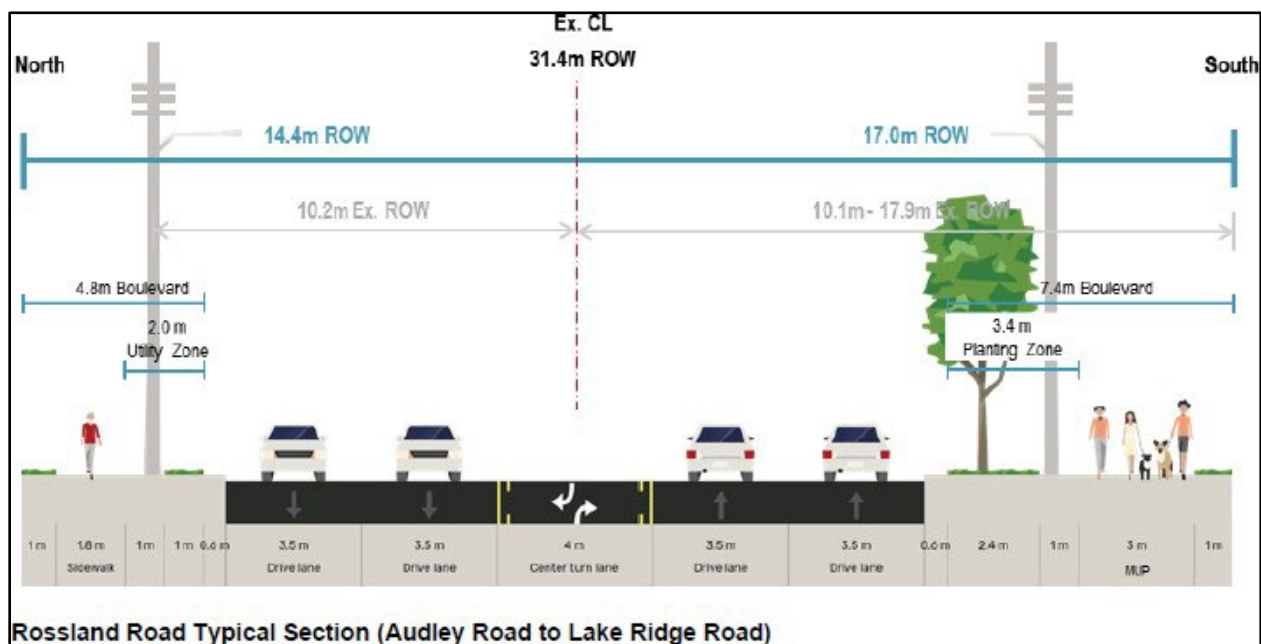


Figure 3.

Rossland Road from Audley Road to Lake Ridge Road (Figure 3.) includes an urban cross section with the following elements:

- Two 3.5m lanes in each direction
- Centre turning lane
- 3.0m MUP on the south side
- 1.8m sidewalk on the north side, and
- Landscaped boulevards

Puckrin Bridge Improvements

As part of the Amazon Development at Rossland Road and Salem Road, the widening of Rossland Road to the ultimate cross section including the incorporation of a Multi-Use Pathway (MUP) as outlined in the Schedule 'C' Class EA were required to accommodate the vehicle and pedestrian traffic demands.

Within the limits of the road widening, there is a rigid frame bridge over Carruthers Creek (Puckrin Bridge), which currently carries two lanes of traffic in each direction. The additional traffic generated by Amazon Development, resulted in the need for an additional left turn lane for the new entrance to the Amazon complex at the southeast corner of Salem Road and Rossland Road. The inclusion of the additional left turn lane, not outlined in the Schedule 'C' class EA, requires existing bridge to be widened. The new ultimate cross-section will include two 3.0m wide MUP's at the north and south sides of the bridge.

The bridge widening design will include a structural assessment of Puckrin Bridge in accordance with the Canadian Highway Bridge Design Code to confirm that the truck traffic applied loadings will not exceed the structural capacity of the bridge. The assessment will include recommendations to improve the structural capacity of the bridge, if required.

The design will include a complete life cycle cost analysis to evaluate two alternatives to determine the most cost-effective and appropriate solution for the ultimate cross section including continuous MUP's on both sides of Puckrin Bridge. The following alternatives will be evaluated:

1. Widen the bridge to accommodate 2 lanes of traffic in each direction, a centre left turn lane and a MUP on the north and south side.
2. Widen the bridge to accommodate 2 lanes of traffic in each direction, a centre left turn lane, one MUP on the south side through the bridge section and a separate prefabricated pedestrian bridge adjacent to the existing structure on the north side.

The two alternatives will be evaluated as part of the life cycle cost analysis using the following criteria:

- Construction cost
- Constructability of the structure
- Traffic Staging and Construction duration
- Permitting and Regulatory Approvals
- Durability and maintenance cost
- Aesthetics

Schedule of Events

Task	Phase 4 – Salem to Lake Ridge	Phase 5 – Salem to Westney
Anticipated Contract Award: Detail Design	Week of June 19, 2023	Week of June 19, 2023
Project Commencement:	June 26, 2023	June 26, 2023
Land Acquisition	January 2024	January 2025
Contract Award: Utility Relocation	January 2025	January 2026
Final Design Drawings & Specifications	April 2025	April 2025
Tender Package	April 2025	April 2027

Discussion:

The Town undertook a Request for Pre-Qualification [RPQ No. PQ2301] for Pre-Qualification Consulting Firms ~ Rossland Road Phase 4 & 5 Detailed Design in January 2023 to cover detailed design requirements. This RPQ resulted in the appointment of 3 pre-qualified Bidders.

Request for Proposal (RFP) documents were posted to the Towns’ eBidding platform, and the 3 pre-qualified bidders were invited to register for the opportunity. Of the invited bidders 3 registered for the opportunity with bids being received from 2 of these, prior to the closing on April 5, 2023. Listed below is a summary of the Proposals received:

NAME OF PROPONENTS
Parsons Inc.
R.V. Anderson Associates Limited

The following is the Proposal Evaluation Criteria used for this RFP:

MANDATORY SUBMISSION REQUIREMENTS (firms not meeting the mandatory requirements may be deemed non-responsive & subject to rejection)		
Insurance		Pass/Fail
WSIB		Pass/Fail
Health & Safety Plan/Policy		Pass/Fail
EVALUATION CRITERIA	WEIGHTED POINTS	TOTAL AVAILABLE POINTS
QUALIFICATIONS & EXPERIENCE		
Demonstrated Experience of the Company	5	10
Demonstrated Experience of Key Personnel	5	
QUALITY OF PROPOSAL SUBMISSION		
Responsiveness/Completeness of Submission	10	20

Demonstrated Willingness to Comply with Terms of the Bid Document	10	
APPROACH & METHODOLOGY		
Demonstrated Understanding of the Requirements	10	40
Quality & Completeness of Approach/Work Plan/Methodology	10	
Project Management Structure	10	
Ability to Meet Time Estimates/Deadlines	10	
PRICING		
Cost Effectiveness of the Proposal		30
TOTAL POINTS		100
INTERVIEW (if applicable)		50
GRAND TOTAL		150

An Evaluation Committee, made up of Infrastructure and Asset Management staff, reviewed all the Proposals received. Based on the evaluation criteria, specified in the RFP document, R.V. Anderson Associates Limited was the highest scoring Proponent and met all the needs of the Town.

Financial Implications:

Approved Capital Account No. 1029011 – Rossland Road Salem Road to Lake Ridge Road - Design

2022 Approved Capital Budget		\$ 789,700.00
Contract (net of GST rebate)	\$ 702,616.42	
Contingency (10%)	<u>\$70,261.64</u>	<u>\$772,878.06</u>
Available Budget		<u>\$16,821.94</u>

Approved Capital Account No. 1028611 – Rossland Road Westney Road to Salem Road - Design

2022 Approved Capital Budget		\$ 770,900.00
Contract (net of GST rebate)	\$ 776,720.47	
Contingency (10%)	<u>\$69,946.08</u>	<u>\$769,406.93</u>
Available Budget		<u>\$1,493.07</u>

Unbudgeted Capital Account No. – Puckrin Bridge Improvements – Design and Construction

Recoveries from Developer		84,248.50
Design Contract (net of GST rebate)	\$ 73,259.57	
Contingency (15%)	\$10,988.94	\$84,248.50
Under Budget		<u>\$0.00</u>

A 10% and 15% contingencies has been allocated to this award to ensure sufficient funding is available to address site specific issues that can be encountered during the design process. Risk factors for this project will include:

- Concerns that arise from local residents or landowners
- Site conditions different than those anticipated
- Additional work requested by stakeholder
- Additional land requirements
- Additional coordination work with various stake holders including utility companies, and conservation authorities, Region of Durham and indigenous groups

These risks may result in revised design work or additional meetings to accommodate the requirements.

Through the Constuction and Development Charge Reimbursement Agreement as it relates to the Amazon Development, the Town will be reimbursed the design cost of the Puckrin Bridge improvements.

Communication Issues:

Extensive public consultation was held throughout the Class Environmental Assessment which was completed in June 2022. Previous comments from stakeholders will be incorporated into the design for the widening of Rossland Road from Westney Road to Lake Ridge Road.

The Town and its consulting team will be meeting with property owners and other stakeholders. As part of the engagement process, two Public Information Centre (PIC) will also be held to offer stakeholders an opportunity to comment and provide input on the design.

Relationship to the Strategic Plan:

This report aligns with the following section of the 2023-2026 Strategic Plan – Action 26:

Pillar 2: Growing Our Community

Priority 1: Embrace dynamic and sustainable growth

1.5: Improve road transportation network

Conclusion:

It is the recommendation of staff that R.V. Anderson Associates Limited be awarded the contract for Rossland Road Widening – Detailed Design, being the highest scoring Proponent.

Attachments:

ATT-1: Capital Detail Sheet 1029011.4108 – Rossland Road Salem Road to Lake Ridge Road – Design

Prepared by:

Ranil Fernando – Manager of Infrastructure and Asset Management

Submitted by:

Dave Meredith – Director of Operations and Environmental Services

Approved by:

Shane Baker – Chief Administrative Officer

Resolutions from Advisory Committees

Energy From Waste – Waste Management Advisory Committee (EFW-WMAC)

1. Request for a Council Information Report

That we recommend to the Works Committee for approval:

That the Works Committee request that Region of Durham staff produce the promised Council Information Report prior to proceedings with the Environmental Compliance Application (ECA).