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## The Regional Municipality of Durham

### MINUTES

#### WORKS COMMITTEE

Wednesday, June 5, 2024

A regular meeting of the Works Committee was held on Wednesday, June 5, 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 Barton, Chair  
Councillor Marimpietri, Vice-Chair  
Councillor Cook  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Yamada  
Regional Chair Henry  
**\*denotes Councillors participating electronically**

Absent: Councillor Crawford

Also

Present: Councillor Schummer\*  
**\*denotes visiting Councillors participating electronically**

Staff

Present: E. Baxter-Trahair, Chief Administrative Officer  
S. Ciani, Committee Clerk, Corporate Services – Legislative Services  
S. Dessureault, Committee Clerk, Corporate Services – Legislative Services  
K. Dykman\*, Supervisor, Waste Services  
A. Evans, Director of Waste Management Services  
L. Fleury, Deputy Clerk, Corporate Services – Legislative Services  
M. Hubble, Director of Environmental Services  
J. Hunt, Regional Solicitor/Director of Legal Services, Corporate Services – Legal Services  
A. Naeem\*, Solicitor, Corporate Services – Legal Service  
R. Inacio, Systems Support Specialist, Corporate Services – IT  
R. Jagannathan, Commissioner of Works  
L. Saha\*, Manager, Waste Services  
N. Taylor\*, Commissioner of Finance  
D. Waechter, Acting Director of Transportation and Field Services  
N. Williams\*, Project Manager, Waste Services  
**\* denotes staff participating electronically**

## 2. **Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

## 3. **Adoption of Minutes**

Moved by Councillor Marimpietri, Seconded by Councillor Mulcahy,  
(51) That the minutes of the regular Works Committee meeting held on  
Wednesday, May 8, 2024, be adopted.

CARRIED

## 4. **Statutory Public Meetings**

There were no statutory public meetings.

## 5. **Presentations**

There were no presentations heard.

## 6. **Delegations**

### 6.1 Wendy Bracken, Clarington Resident, re: Durham York Energy Centre (DYEC) 2023 Q3 and Q4 AMESA Reports

Wendy Bracken, Clarington Resident, appeared before the Committee, and with the aid of a PowerPoint presentation, expressed concerns regarding the Durham York Energy Centre (DYEC) 2023 Q3 and Q4 AMESA Reports.

Highlights from the delegation included:

- AMESA Issues Need to Be Addressed Now
- DYEC 2023 Q3 Results Show AMESA Results Can Vary Widely and How Dioxins/Furans Emissions Can Vary Widely
- Explanation Doesn't Make Sense
  - Elevation Occurred in Run 87, Run 88 No Issues
- Page 8: AMESA Results
- Q3 Ambient Air Results, Page 8
- DYEC 2023 Q4 AMESA Report Page 4
  - No Data for Boiler 1 From Nov. 3 On
- Q4 Page 7
  - 7.1 Investigation
- 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
- Many Hours and Months of Dioxin/Furan AMESA Data Invalidated/Omitted/Missing from 2020 to 2023

- Much Higher Emissions Risk During Other Than Normal Conditions (OTNOC) – Startups, Shutdowns, Malfunctions
- Link to the Hidden Emissions Waste Incinerator IVRY-PAROS XIII Report by TOXICO WATCH
- From the TOXICO WATCH Report
  - Page 10 (1.2 French Regulatory Framework and IVRY-PARIS XIII Incinerator)
  - From Page 11
  - From Page 13
- The Public Has a Right to All Durham AMESA Data. The Region Needs to be Transparent

W. Bracken responded to questions from the Committee.

6.2 Wendy Bracken, Clarington Resident, re: Durham York Energy Centre (DYEC) 2023 Soil Monitoring Report

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Wendy Bracken, Clarington Resident, appeared before the Committee, and with the aid of a PowerPoint presentation, expressed concerns regarding the Durham York Energy Centre (DYEC) 2023 Soil Monitoring Report.

Highlights from the delegation included:

- 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
- The DYEC Soil Testing Plan
  - Sec. 2.2 Potential Sources of Impact
- 2023 Soil Testing Report
  - Samples Analyzed from Two Locations
  - Results from 2023 DYEC Soil Testing Report
- The DYEC 2023 Soil Testing Report Shows 2023 Downwind Concentrations More than Double 2013 Pre-DYEC Levels
- Measured Soil Concentrations After 8 Years of DYEC Operation are Much Higher than what HHERA Predicted for Soil After 30 Years of Operation
  - Excerpts are from the 2023 DYEC Soil Testing Report
- Unsupportable Statement in 2023 Soil Report
- Link to an Article Titled: Reviewing the Relevance of Dioxin and PCB Sources for Food from Animal Origin and the Need for Their Inventory, Control and Management
- “For Eggs/Broiler, This Can Occur at a Concentration of PCDD/Fs in Soil Below 5ng PCDD/F-PDB-TEQ/kg dm. Egg Consumers-Especially Young Children – Can Easily Exceed Health-Based Guidance Values.”

W. Bracken responded to questions from the Committee.

**7. Waste**

**7.1 Correspondence**

- A) Correspondence received from the Municipality of Clarington, dated May 28, 2024, re: Proposal to Increase Durham York Energy Centre Throughput to 160,000 Tonnes per Year
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Detailed discussion ensued regarding the proposal to increase the Durham York Energy Centre (DYEC) throughput to 160,000 tonnes per year and the need to obtain the additional information referenced in Items A) to G) of the correspondence received from the Municipality of Clarington, before the environmental compliance application is completed; and the soil monitoring protocols in place at the DYEC.

Staff responded to questions from the Committee regarding whether the emissions monitoring at the DYEC is still considered state of the art and whether it is able to keep up with other jurisdictions, or if testing protocols need to be updated; who performs the testing and why it isn't done by an independent third party; and staff reaching out to public health to obtain their comments on the potential health impacts that a capacity increase might have on the residents.

Staff clarified to the Committee that the AMESA monitoring and reporting is a monthly sample collected as a monitoring and diagnostic tool and is not used as a condition for compliance and is not a compliance test; that staff review European Union standards and the DYEC is still in keeping with what current best available technology is, and that staff continue to look at testing improvements that have lead to refinements over time; and that staff were in the process of bringing forward a Council Information Report to address matters that were noted at the May 8, 2024, Works Committee meeting.

Staff also responded to questions from the Committee regarding how staff are addressing the dioxins and furan readings within the soil samples collected, and if/at what concentration further action would be warranted; whether more frequent soil testing and more soil testing sites would be beneficial, or if the current testing undertaken is sufficient; and what additional soil sample testing would cost.

Moved by Councillor Yamada, Seconded by Councillor Nicholson,

- (52) That correspondence Item 7.1 A) received from the Municipality of Clarington, dated May 28, 2024, regarding the proposal to increase the Durham York Energy Centre throughput to 160,000 Tonnes per Year be referred to staff to bring forward a report that examines Items A) to G) identified in the correspondence, before Durham Region proceeds to apply for an Environmental Compliance Approval.

CARRIED ON THE FOLLOWING  
RECORDED VOTE:

Yes

No

Councillor Cook  
Regional Chair Henry  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Yamada  
Councillor Barton, Chair

Councillor Marimpietri

Absent: Councillor Crawford

Declarations of Interest: None

- B) Correspondence received from the Municipality of Clarington, dated May 28, 2024, re: AMESA Monitoring and Reporting
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Moved by Councillor Marimpietri, Seconded by Councillor Cook,  
(53) That correspondence Item 7.1 B) received from the Municipality of Clarington, dated May 28, 2024, regarding AMESA Monitoring and Reporting be referred to staff and addressed within the requested report noted in motion (52) of Councillors Yamada and Nicholson, to also examine Items A) to C) identified in the correspondence.

CARRIED ON THE FOLLOWING  
RECORDED VOTE:

Yes

No

Councillor Cook  
Regional Chair Henry  
Councillor Marimpietri  
Councillor Mulcahy  
Councillor Nicholson  
Councillor Yamada  
Councillor Barton, Chair

None

Absent: Councillor Crawford

Declarations of Interest: None

7.2 Reports

There were no Waste Reports considered.

8. **Works**

8.1 Correspondence

There were no communication items considered.

## 8.2 Reports

- A) Approval of Unbudgeted Funding for the Repurchase of a prior Regional Owned Property located at 135 Albert Street, Sunderland in the Township of Brock (2024-W-17)
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Report #2024-W-17 from R. Jagannathan, Commissioner of Works, was received.

Moved by Regional Chair Henry, Seconded by Councillor Cook,  
(54) That we recommend to 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) of Report #2024-W-17 of the Commissioner of Works 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.

CARRIED

- B) Declaration of Surplus Lands adjacent to Taunton Road West and east of Des Newman Boulevard in the Town of Whitby (2024-W-18)
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Report #2024-W-18 from R. Jagannathan, Commissioner of Works, was received.

Moved by Regional Chair Henry, Seconded by Councillor Cook,  
(55) That we recommend to 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 Report #2024-W-18 of the Commissioner of Works, 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 of 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) of Report #2024-W-18 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.

CARRIED

- C) 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 (2024-W-19)

Report #2024-W-19 from R. Jagannathan, Commissioner of Works, was received.

Moved by Regional Chair Henry, Seconded by Councillor Cook,  
(56) That we recommend to 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; and
- 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).

CARRIED

- D) 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 (2024-W-20)

Report #2024-W-20 from R. Jagannathan, Commissioner of Works, was received.

Discussion ensued regarding whether the relocation of feeder mains, water mains and local sanitary sewers project at Highway 401 on Wilson Road South in the City of Oshawa and upcoming projects located further North, could be coordinated within the same calendar year to minimize disruption to the local residents and businesses.

Moved by Regional Chair Henry, Seconded by Councillor Cook,  
(57) That we recommend to 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

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 \$8,670,000

**Total Revised Project Financing \$9,270,000**

(\* ) includes disbursements and are before applicable taxes  
CARRIED

- E) 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  
(2024-W-21)

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Report #2024-W-21 from R. Jagannathan, Commissioner of Works, was received.

Moved by Regional Chair Henry, Seconded by Councillor Cook,  
(58) That we recommend to 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.  
(\* before applicable taxes

CARRIED

## 9. **Advisory Committee Resolutions**

### 9.1 Energy from Waste – Waste Management Committee

#### A) Resolution regarding a Request for a Council Information Report

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Moved by Councillor Marimpietri, Seconded by Councillor Nicholson,  
(59) That the resolution from the Energy from Waste – Waste Management Advisory Committee (EFW-WMAC) with respect to their request for Region of Durham staff to produce the promised Council Information Report prior to proceedings with the Environmental Compliance Application (ECA), be referred to staff to be addressed within the requested report noted in motion (52) of Councillors Yamada and Nicholson.

CARRIED

## 10. **Confidential Matters**

There were no confidential matters to be considered.

## 11. **Other Business**

### 11.1 Proposed Bridge Crossing Over the Oshawa Creek located in the City of Oshawa

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Concerns were raised from the Committee regarding the proposed bridge crossing over the Oshawa Creek located in the City of Oshawa.

Staff advised that a confidential report and a confidential item of correspondence received from the City of Oshawa with respect to the proposed bridge crossing over the Oshawa Creek will be included on the June 12, 2024, Committee of the Whole agenda for consideration.

**12. Date of Next Meeting**

The next regularly scheduled Works Committee meeting will be held on Wednesday, September 4, 2024 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

**13. Adjournment**

Moved by Councillor Marimpietri, Seconded by Councillor Yamada,  
(60) That the meeting be adjourned.

CARRIED

The meeting adjourned at 11:20 AM

Respectfully submitted,

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D. Barton, Chair

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S. Ciani, Committee Clerk