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The Regional Municipality of Durham

MINUTES

WORKS COMMITTEE

Wednesday, November 6, 2024

A regular meeting of the Works Committee was held on Wednesday, November 6, 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* left the meeting at 11:00 AM on municipal business and returned at 12:10 PM
Councillor Crawford
Councillor Mulcahy*
Councillor Nicholson*
Councillor Yamada
Regional Chair Henry
***denotes Councillors participating electronically**

Absent: None

Also

Present: Councillor Anderson attended the meeting at 12:09 PM
Councillor Carter*
Councillor Foster* left the meeting at 10:40 AM
Councillor McDougall
Councillor Neal left the meeting at 11:54 AM
Councillor Wotten left the meeting at 12:11 PM
***denotes visiting Councillors participating electronically**

Staff

Present: S. Ciani, Committee Clerk, Corporate Services – Legislative Services
S. Dessureault, Committee Clerk, Corporate Services – Legislative Services
A. DiPietro, Director, Health Protection
C. Dunkley, Director of Corporate Infrastructure and Strategic Business Services, Works Department
A. Evans, Director of Waste Management Services
P. Gee, Manager, Transportation Infrastructure
C. Goodchild*, Director, Planning
B. Holmes, General Manager, Transit
R. Inacio, Systems Support Specialist, Corporate Services – IT
R. Jagannathan, Commissioner of Works

J. Kilgour*, Deputy General Manager, Maintenance, Transit
R.J. Kyle, Commissioner & Medical Officer of Health
B. McWade, Manager, Sustainable Infrastructure
A. Porteous, Supervisor, Waste Services
L. Saha, Manager, Waste Services
D. San Juan, Environmental Health Specialist
N. Taylor, Commissioner of Finance
P. Veiga, Manager, Waste Operations
A. Wakeford, Senior Solicitor, Corporate Services – Legal Services
V. Walker, Committee Clerk, Corporate Services – Legislative 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 Crawford, Seconded by Councillor Yamada,
(66) That the minutes of the regular Works Committee meeting held on
Wednesday, October 2, 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 Linda Gasser, Durham Resident, re: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee Meeting (2024-WR-7) [Item 7.2 A]

Linda Gasser, Durham Resident, appeared in-person before the Committee, and with the aid of a PowerPoint presentation, expressed concerns regarding Report #2024-WR-7: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee Meeting.

Highlights from the delegation included:

- Report #2019-COW-3 Page 13 of 41

- Footnotes for Table 2 in Report #2019-COW-3 (Previous Slide)
- Questions in Report, Section 3.4 and 3.12
- Question from Clarington, Section 3.1
- Page 8 of the 2023 Durham Annual Waste Management Report
- July 2024: Enhanced Green Bin. Staff Expect to Capture More Organics.
June 2025: Start of Source Separated Organics (SSO) Collection at Multi-Residential in 6 Lower-Tier Municipalities. Both Programs Would Capture More Organics Currently in Garbage
- In 2023 Durham Only 13,502 Tonnes Over Allocated Capacity of 110,000 Tonnes – This Prior to Enhanced Green Bin and SSO Collection to Multi-Residential
- Compare 2021 Total Greenhouse Gases (GHG)'s for 140,000 Tonnes Per Year (TPY) (Left) vs. Estimate for 160,000 in Environmental Screening Report (ESR) Pg. 60 (Right)
- From Intrinsic September 2024 Report – Page 5, Works Agenda Page 69
- Mischaracterizations, re: 400,000 TPY Scenario

Moved by Councillor Yamada, Seconded by Councillor Crawford,
(67) 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

- Sample Concerns, re: 400,000 TPY Scenario in February 2010 Ministry Review
- Staff Statement, re: Dioxin Emissions are Misleading. Staff Report Section 3.9 b), Page 6
- Please Refer Report Back to Staff Directing that Requested Information be Produced as per June 5 Works Motions

L. Gasser responded to questions from the Committee.

6.2 Wendy Bracken, Clarington Resident, re: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee Meeting (2024-WR-7) [Item 7.2 A)]

Wendy Bracken, Clarington Resident, appeared in-person before the Committee, and with the aid of a PowerPoint presentation, expressed concerns regarding Report #2024-WR-7: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee Meeting.

Highlights from the delegation included:

- Report #2024-WR-7: Inadequate and Missing Key Information; Fails to Acknowledge and Address Identified Problems with the 160,000 Proposal and Environmental Screening Report (ESR)

- Staff Responses Leads One to Believe the Human Health and Environmental Risk Assessment (HHERA) was Reviewed and That They Responded to All Submitted Concerns in Their Responses
- Fundamental Flaws in ESR Remain Unacknowledged, Unaddressed: Failure to Assess Increased Mass Loading
- Numerous Problems with Intrinsic Report
- Copes' Review Acknowledges Conclusion "Relies Heavily on the Results of the Air Dispersion modelling Which Predicts No Increase"
- Fundamental Flaws in Air Quality Assessment Remain Unacknowledged, Unaddressed
- Air Quality Impact Assessment (AQIA) Conclusions Based on Unfair Apples-to-Oranges 140K to 160K Comparison

Moved by Councillor Marimpietri, Seconded by Councillor Yamada,
(68) 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

- Failure to Address Totality of Facts Around DYEC Operational History Around Dioxin/Furan Emissions and Monitoring Which Point to Need for Precautionary Approach, More Monitoring
- Examples Where DYEC Does not Meet the European BAT Requirements Include Highlighted Sections
- Comparing Stack Test Results Against Outdated Emissions Limits Does Not Protect Us

W. Bracken responded to questions from the Committee.

7. Waste

7.1 Correspondence

- A) Correspondence received from Wendy Bracken, Clarington Resident, dated October 16, 2024, re: BBC News Article Titled, "Burning Rubbish Now UK's Dirtiest Form of Power"
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Moved by Councillor Marimpietri, Seconded by Councillor Crawford,
(69) That the correspondence received from Wendy Bracken, Clarington Resident, dated October 16, 2024, regarding the BBC News Article titled, "Burning Rubbish Now UK's Dirtiest Form of Power" be referred to consideration of Report #2024-WR-7: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee.

CARRIED

- B) Correspondence received from Linda Gasser, Durham Resident, dated October 17, 2024, re: Concerns About Access to Documents/Reports on the Durham York Energy Centre (DYEC) Website

Moved by Councillor Marimpietri, Seconded by Councillor Crawford,
(70) That the correspondence received from Linda Gasser, Durham Resident, dated October 17, 2024, regarding concerns about access to documents/reports on the Durham York Energy Centre (DYEC) website be referred to consideration of Report #2024-WR-7: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee.

CARRIED

- C) Correspondence received from Linda Gasser, Durham Resident, dated October 30, 2024, re: History & Overview of Durham's Monitoring Commitments, re: DYEC Air and Soil Monitoring

Moved by Councillor Marimpietri, Seconded by Councillor Crawford,
(71) That the correspondence received from Linda Gasser, Durham Resident, dated October 30, 2024, regarding the history and overview of Durham's monitoring commitments regarding the DYEC air and soil monitoring be referred to consideration of Report #2024-WR-7: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee.

CARRIED

- D) Correspondence received from Wendy Bracken, Clarington Resident, dated October 30, 2024, re: DYEC Monitoring Not Keeping Up with Other Jurisdictions

Moved by Councillor Marimpietri, Seconded by Councillor Crawford,
(72) That the correspondence received from Wendy Bracken, Clarington Resident, dated October 30, 2024, regarding the DYEC monitoring not keeping up with other jurisdictions be referred to consideration of Report #2024-WR-7: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee.

CARRIED

- E) Correspondence received from Linda Gasser and Wendy Bracken, Durham Residents, dated May 22, 2024, re: Requesting an Update Report on the Durham York Energy Centre (DYEC) Throughput Capacity Increase to 160,000 Tonnes per Year

Staff responded to questions regarding whether the correspondence should be received for information or referred to consideration of Report #2024-WR-7; whether all of the questions posed by the residents have been answered; and if all relevant information has been posted publicly to the DYEC website.

Moved by Councillor Marimpietri, Seconded by Councillor Crawford,
(73) That the correspondence received from Linda Gasser and Wendy Bracken, Durham Residents, dated May 22, 2024, with respect to requesting an update report on the Durham York Energy Centre (DYEC) throughput capacity increase to 160,000 tonnes per year be received for information.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Cook
Councillor Crawford
Regional Chair Henry
Councillor Marimpietri
Councillor Mulcahy
Councillor Barton, Chair

No

Councillor Nicholson
Councillor Yamada

Absent: None

Declarations of Interest: None

7.2 Reports

A) Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee ([2024-WR-7](#))

Report #2024-WR-7 from R. Jagannathan, Commissioner of Works, was received.

Staff responded to questions from the Committee regarding what the contractual agreement is between the Municipality of Clarington and the Region of Durham for the Durham York Energy Centre (DYEC) with respect to increasing the DYEC capacity to 160,000 tonnes per year from the current capacity of 140,000 tonnes per year; whether the monitoring systems are up to industry standards and when would they be reviewed next; what mechanisms are in place if any of the data came back abnormal or of concern; European vs. Canadian/American standards with respect to monitoring systems; whether costs that were contributed to the capacity increase could be quantified; whether the information available on the DYEC website could be simplified for the public to be able to better understand; and whether the 2019 assumptions regarding the capacity increase would be reviewed.

Staff responded to further questions from the Committee regarding whether the diversion numbers would start to increase after the introduction of the extended producer responsibility (EPR) program and the enhanced green bin program; how multi-residential units would be addressed with respect to separating organics;

what the AMESA system measures; and what the remaining lifecycle is for the DYEC.

Staff clarified that there would be no physical expansion to the DYEC but that the expansion from 140,000 to 160,000 tonnes per year would be an optimization of what is already available; and that staff are always researching if there are other monitoring systems available that would not require expanding the footprint of the plant.

Moved by Regional Chair Henry, Seconded by Councillor Marimpietri,
(74) That Report #2024-WR-7 of the Commissioner of Works be received for information in response to the direction to staff to address questions raised in correspondence from Municipality of Clarington Council at the June 5, 2024, Works Committee meeting.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Crawford
Regional Chair Henry
Councillor Marimpietri
Councillor Mulcahy
Councillor Barton, Chair

No

Councillor Nicholson
Councillor Yamada

Absent: Councillor Cook

Declarations of Interest: None

Moved by Councillor Marimpietri, Seconded by Regional Chair Henry,
(75) That the Committee recess for 10 minutes.

CARRIED

The Committee recessed at 11:30 AM and returned at 11:38 AM.

A roll call was conducted following the recess and all members of Committee were present with the exception of Councillor Cook who was absent on municipal business.

- B) Sole Source with Miller Waste Systems Inc. for the Collection of Source Separated Organic Waste from Regional Municipality of Durham Approved Multi-Residential Properties in Durham Region (2024-WR-8)

Report #2024-WR-8 from R. Jagannathan, Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Regional Chair Henry,

(76) That we recommend to Council:

- A) That staff be authorized to award a sole source agreement to Miller Waste Systems Inc. for the collection of source separated organic waste for the Multi-Residential Enhanced Green Bin Program from Region-approved multi-residential properties in the City of Pickering, Town of Ajax, Townships of Uxbridge, Brock and Scugog, and the Municipality of Clarington;
- B) That 2025 pre-budget approval for \$532,046 (\$912,078 annualized) be authorized to finance the sole source contract; and
- C) That the Commissioner of Finance be authorized to execute the necessary documents related to the sole source agreement.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Crawford	None
Regional Chair Henry	
Councillor Marimpietri	
Councillor Mulcahy	
Councillor Nicholson	
Councillor Yamada	
Councillor Barton, Chair	

Absent: Councillor Cook

Declarations of Interest: None

8. Works

8.1 Correspondence

- A) Correspondence received from the Residents of Wards 1 and 2 in the City of Oshawa, dated October 24, 2024, re: A Petition Submitted to the Regional Clerk with 391 Signatures, to Construct the Missing Sidewalk on the East Side of Ritson Road from the Southern Inlet of Ritson Fields Park to Conlin Road, in the City of Oshawa
-

Staff responded to questions from the Committee regarding the need for attention to this area with the increased growth and the timing of the infrastructure being planned; whether there will be continued communication with the City of Oshawa; and what would be possible with respect to permanent sidewalk locations.

Moved by Regional Chair Henry, Seconded by Councillor Marimpietri,

- (77) That correspondence received from the residents of Wards 1 and 2 in the City of Oshawa, dated October 24, 2024, regarding a petition submitted to the Regional Clerk with 391 Signatures, to construct the missing sidewalk on the East Side of Ritson Road from the Southern Inlet of Ritson Fields Park to Conlin Road, in the City of Oshawa be received for information.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

No

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

None

Absent: Councillor Cook

Declarations of Interest: None

8.2 Reports

- A) Declaration of Lands as Surplus to Regional Requirement and Approval to Convey the Surplus Lands to Asante Canada Inc. ([2024-W-23](#))
-

Report #2024-W-23 from R. Jagannathan, Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Councillor Crawford,

(78) That we recommend to Council:

- A) That Block 47, Plan M749, formerly in the Town of Newcastle, now in the Municipality of Clarington, identified as all of PIN 26693-0067 (LT), having the municipal address of 3094 Liberty Street North, Clarington be declared as surplus to Regional Municipality of Durham requirements;
- B) That Regional Municipality of Durham's solicitors be authorized to complete the transfer of the Lands having an estimated fair market value of \$500,000 to Asante Canada Inc.;
- C) That the requirements in Section 3 of Regional Municipality of Durham By-Law #52-95 establishing the procedures, including 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 in Recommendation A) of Report #2024-W-23 of the Commissioner of Works with Asante Canada Inc. at fair market value; and
- E) That the Commissioner of Works be authorized to execute all documents associated with the transaction, including but not limited to an Agreement of Purchase and Sale.

CARRIED AS AMENDED
(See Following Motion)

Moved by Councillor Marimpietri, Seconded by Crawford,
(79) That the main motion (78) of Councillors Marimpietri and Crawford be amended as follows:

That Recommendation D) of Report #2024-W-23 of the Commissioner of Works be deleted in its entirety.

CARRIED

The main motion (78) of Councillors Marimpietri and Crawford was then put to a vote and CARRIED AS AMENDED.

9. **Advisory Committee Resolutions**

There were no advisory committee resolutions to be considered.

10. **Confidential Matters**

10.1 Reports

- A) Confidential Report of the Commissioner of Works – Expropriation of Lands Required for the Oshawa Zone 4 Reservoir Project at 2981 Grandview Street North, in the City of Oshawa (2024-W-24)
-

Confidential Report #2024-W-24 from R. Jagannathan, Commissioner of Works, was received.

Moved by Councillor Crawford, Seconded by Councillor Marimpietri,
(80) That the meeting be closed to the public in order to consider a matter with respect to the proposed or pending acquisition or disposition of land as it relates to the expropriation of lands required for the Oshawa Zone 4 Reservoir Project at 2981 Grandview Street North, in the City of Oshawa.

CARRIED

[Refer to the Closed Meeting minutes of November 6, 2024]

A roll call was conducted following the closed session and all members of Committee were present with the exception of Regional Chair Henry who was absent on municipal business.

Chair Barton advised that during the closed session there were no motions made.

Moved by Councillor Marimpietri, Seconded by Councillor Yamada,
(82) That we recommend to Council:

That the recommendations contained in Confidential Report #2024-W-24 of the Commissioner of Works be adopted.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

No

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

Councillor Crawford

Absent: Regional Chair Henry

Declarations of Interest: None

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, December 4, 2024 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

13. Adjournment

Moved by Councillor Yamada, Seconded by Councillor Crawford,
(83) That the meeting be adjourned.

CARRIED

The meeting adjourned at 12:15 PM

Respectfully submitted,

D. Barton, Chair

S. Ciani, Committee Clerk