



## **Addendum to the Regional Council Agenda**

Regional Council Chambers  
Regional Headquarters Building  
605 Rossland Road East, Whitby

**Wednesday, May 27, 2020**

**9:30 AM**

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### **7. Communications**

- CC 18 Linda Gasser, Durham resident, writing to Durham Region Council providing additional information regarding her delegation on Report #2020-WR-1 and #2020-COW-20 (Our File: E08)

Recommendation: Refer to consideration of Report #2020-WR-1 and Report #2020-COW-20

(See attached correspondence on pages 4-27)

- CC 19 Connie Hergert, Vice-President, Corporate Real Estate, Ontario Power Generation writing to Gioseph Anello, Manager of Policy and Technical Services, Region of Durham regarding the Waste Pre-Sorting and Anaerobic Digestion Facility Draft Siting Report (Our File: E08)

Recommendation: Refer to consideration of Report #2020-COW-20

(See attached correspondence on pages 28-29)

- CC 20 Susan Cassel, City Clerk, City of Pickering, writing to the Regional Clerk/Director of Legislative Services advising of a motion adopted at the May 25, 2020 Council meeting re: Appointment of Alternate Member to Upper Council under Section 267 of the Municipal Act, 2001, S.O. 2001, c. 25 (Our File: C00)

Recommendation: Receive for information

(See attached correspondence on pages 30-35)

- CC 21 Petition begun by the Families of Orchard Villa on change.org to Premier Doug Ford, Minister of Long-Term Care Merrilee Fullerton, Minister of Health Christine Elliot, Lieutenant Governor of Ontario, The Honourable Elizabeth

Dowdeswell, Lead of the Opposition, Andrea Horwath, NDP, MPPs of Durham Region, MPPs of all Regions in Ontario, City Councillors of Durham Region and the City of Pickering regarding Call for Public Inquiry into Orchard Villa Long-Term Care Home (Our File: C00)

Recommendation: Refer to consideration of Item 9.2 under Notice of Motions

(See attached correspondence on pages 36-38)

- CC 22 C. Anne Greentree, Municipal Clerk, Municipality of Clarington, writing to the Regional Clerk/Director of Legislative Services advising of a motion adopted at the May 25, 2020 Council meeting re: Pre-Sort/AD Facility and the EFW Host Community Agreement (Our File: E08)

Recommendation: Refer to consideration of Report #2020-COW-20

(See attached correspondence on page 39)

- CC 23 Memorandum from Jason Hunt, Director of Legal Services, writing to Regional Council re: Pre-Sort/AD Facility and the EFW Host Community Agreement (Our File: E08)

Recommendation: Refer to consideration of Report #2020-COW-20

(To be provided under separate cover)

## **8. Delegations**

- 8.7 Wendy Bracken, Clarington resident, re: Report #2020-WR-1: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Siting Report – Response to Comments from the Municipality of Clarington [Item 12.5 – Other Business]
- 8.8 Linda Gasser, Durham resident, re: Report #2020-WR-1: Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility Siting Report – Response to Comments from the Municipality of Clarington [Item 12.5 – Other Business]
- 8.9 Kathleen Power, Durham resident, re: Report #2020-COW-20: Organics Management Solution – Joint Venture/Co-ownership with Epcor Utilities Inc., Recommended Project Site, Current Business Case and Risk Assessment Update, and Procurement Process [Item 12.7 – Other Business]

- 8.10 Kathleen Power, Durham resident, re: Report #2020-WR-1:  
Mixed Waste Transfer and Pre-Sort Anaerobic Digestion Facility  
Siting Report – Response to Comments from the Municipality of  
Clarington [Item 12.5 – Other Business]

**For Information Only** – relates to Delegation Items 8.4 and 8.6 on the regular Agenda

Copy of Report #2020-INFO-37: Durham York Energy Centre Operations Emergency  
Amendment to Environmental Compliance Approval

(See attached report on pages 40-43)

**From:** [Linda Gasser](#)  
**To:** [Clerks](#)  
**Subject:** Correspondence to include on May 27 Council agenda please  
**Date:** May 25, 2020 4:06:51 PM  
**Attachments:** 2019-May 15 COW-8-Organics-Management-Update-and-Next-Steps.pdf  
2020 May 4 DR PPT to Clar. Council Developing Durham's Energy and Sustainability Campus Presentation from the Region of Durham.pdf

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Attn:

Clerks - please include as correspondence on May 27 Regional Council Addendum.

**Attention: Durham Region Council**

After I picked up the Council agenda on Friday I reviewed Works Reports 2020 WR 1 and 2020 COW 20.

It is impossible given the limited information provided in the reports to assess the revised assumptions as there is no substantiating information provided so that one could understand and verify staff conclusions and recommendations.

It's long past the time THIS Council realized they need to make evidence based decisions and can only do so when the staff you are supposed to oversee so as to ensure they provide recommendations in the public interest, provide you with all the relevant information required to make decisions that are in the public interest.

Because I only have five minutes to give a particular delegation, I submit these points for you to consider when dealing with reports 2020 WR 1 and COW 20.

**Re 2020 WR 1 - GHD Siting Report - Responses to Clarington**

Have staff responded to anyone's comments besides those from Clarington Council? I submitted two separate comments by the March 20th comment deadline. Staff have not responded to my comments and questions around the Siting Report to date.

Generally, if following a consultation process where you solicit comments from stakeholders, you would expect the Region to at least develop a comments/response table showing how the consultant and/or Region considered the issues raised and how they responded to issues raised during comment period. I would have expected this to have been posted to the Region's AD Project Web pages or at least provided with either reports WR 1 and/or COW 20. That has not been done and is essential if you want anyone to have confidence in the siting process.

When will the comment/response table be provided so that Council and all interested parties could review comments to the Region around the GHD siting report?

You should not make any decision on the Recommended Site until council and the public have an opportunity to review this.

**Re 2020 COW 20 - why is this called a "COW" report, given there was no May COW meeting and when this report goes straight to Council?**

Information not provided by staff, that you require to assess staff statements and conclusions:

- Attachment 1 - again, Siting Report comment/response table required to fully assess staff claims and how they considered issues raised.
- Attachment 2 Updated business case AGAIN not provided - Recall to date that NOT a single business case-either the original preliminary business case - or subsequent updates by Deloitte and whoever else - have been provided to Council. Council is being asked to consider spending hundreds of millions of dollars, many hundreds of thousands have been spent on external consultants, yet staff don't provide the supporting/background information that would help Council and stakeholders determine if staff recommendations are supported by the underlying documents produced by external consultants who have paid to produce this information.
- Attachment 2 - Base year data updated to include actual household and tonnage values for 2019 mixed wastes and Green Bin organics - 2019 waste data not provided. The previous Works Commissioner would regularly provide annual waste data from the previous year by around April or May. That has not happened for a number of years with previous year's data reported in the fall when the Waste Diversion data must be provided to MECP as further to DYEC conditions. You cannot assess or compare the changes in project assumptions without knowing 2019 Complete Waste Data as used to be provided. It's not posted to either the AD project website or on the Works Dept. pages that I can determine. Attempting to predict Tonnages are one of your biggest project risks.
- Attachment 4 - Complete Updated Risk Assessment should be provided
- **In May 2019 in COW 8** - attached - see page 5 , staff promised to update council on the impacts to the incinerator. Such a report has not been provided to date and is long overdue. Council must fully understand how a MWP/AD project would impact the DYEC in terms of capacity as well as any aspect of the project agreement with Covanta e.g. how altered HHVs might impact power production and any performance guarantees. Extract: "*Durham York Energy Centre (DYEC) Impacts – A report on the potential impacts on the DYEC will be provided to Regional Council based on the information currently available. Staff will continue to update Council on DYEC impacts as the project develops*"

Things could only get this far because the past two Councils have been kicking this MWP/AD project forward, though NOT provided with the underlying business cases, without fully understanding relevant options and how they might impact organics or other waste programs, the project costs and risks, the risks of a partnership with a FOR PROFIT out of Province partner wholly owned by the City of Edmonton, the latter cannot be described as having a history of progressive materials management.

Your staff seem to have grand dreams of developing an "Energy and Sustainability Campus" - see attached the PPT your staff presented to Clarington on May 4th. While AD is proven technology, the Mixed Waste Presort is especially problematic as it is inefficient, expensive, risky and abandons the key principle of separating materials at source so as to get the cleanest waste stream with desirable end products.

Thank you for your attention.

Linda Gasser

Whitby

Email: [gasserlinda@gmail.com](mailto:gasserlinda@gmail.com)



## The Regional Municipality of Durham Report

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To: The Committee of the Whole  
From: Commissioner of Works, Commissioner of Finance, and Commissioner of Corporate Services  
Report: #2019-COW-8  
Date: May 15, 2019

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**Subject:**

Organics Management Update and Next Steps

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**Recommendations:**

That the Committee of the Whole recommends to Regional Council:

- A) That procurement expertise and advice be retained at a total cost not to exceed \$100,000 to engage an independent third-party fairness monitor to oversee subsequent procurement processes as approved by Regional Council to protect the Regional Municipality of Durham, and to ensure fairness and transparency on behalf of vendors and other stakeholders with the procurement process to be determined by the Chief Administrative Officer and Commissioner of Finance;
  - B) That Deloitte LLP be retained at a cost not to exceed \$75,000 to provide financial and business advisory services for the next steps of the long-term organics management solution; and
  - C) That external legal counsel be retained at a cost not to exceed \$125,000 to provide advice for the next steps of the long-term organics management solution to assist in the procurement process and contract arrangements.
- 

**Report:**

**1. Purpose**

- 1.1 The purpose of this report is to provide a long-term organics management solution progress update involving anaerobic digestion (AD). In addition, this

report requests approval for the necessary resources to advance the recommended next steps in the procurement to establish a contract for mixed-waste transfer and pre-sort, organics processing service, and beneficial use of by-products/end products for the Regional Municipality of Durham (Region).

## **2. Background**

- 2.1 In 2011, Regional Council directed staff to complete a preliminary investigation of AD technologies which concluded that AD is a proven technology which could be considered once the Region generated sufficient organic waste to support developing its own facility. In 2014, the first Request for Information (RFI) #677-2014 for organics technologies received 10 responses (reported in the 2015 Annual Solid Waste Management Servicing and Financing Study, Report #2015-J-8) for waste pre-sorting and AD solutions.
- 2.2 In 2017, RFI-1158-2017 (Report #2018-COW-146) was issued to gather market information related to available types of technology and services, which resulted in 19 Respondents. A variety of responses were received on the type of service delivery model the Respondents preferred. In June 2018, Regional Council approved Report #2018-COW-146, which directed that AD with a mixed-waste transfer and pre-sort facility be approved as the preferred technologies for the Region's long-term organics management strategy.
- 2.3 In 2019, Report #2019-WR-5 provided the results of the 2018 residential garbage composition study undertaken by Canada Fibers Limited, which confirmed that the organics in the Region's garbage stream can meet the requirements for AD processing in both quantity and quality.

## **3. Expression of Interest Update**

- 3.1 The Region released a non-binding Expression of Interest (EOI) on October 23, 2018 (EOI-1152-2018) to solicit a potential business partner to procure, finance and share the net costs/benefits related to a Regionally-owned facility arising from the Region's long-term organics management solution. If a partnership is deemed viable and beneficial through this EOI process, the Region will report back with an updated business case and seek Regional Council approval to negotiate the terms of a Memorandum of Understanding (MOU) detailing the nature of the legal relationship, financial contributions and responsibilities, sharing of project risks and each partner's role.



- 3.2 The EOI involved two phases. Phase 1 required a written response and Phase 2 was an in-person presentation. The EOI Team evaluated the responses and presentations in accordance with the following core principles outlined in EOI-1152-2018:
- a) Will the Region benefit from the Company's proposed type and level of investment in the Project?
  - b) What net benefits, financial or otherwise, can the Region expect from a partnership with the Company after considering the Company's expected share of any environmental attributes, beneficial by-products and/or potential net revenues arising from the Project?
  - c) How will the Company contribute to the Region, including the Region's overall economic development?
  - d) Did the Company present any conditions to a Business Partnership that will impede or substantively constrain the Project?
- 3.3 On November 15, 2018, the Region received nine submissions to Phase 1 of the EOI. Pursuant to the terms and evaluation criteria stipulated in EOI-1152-2018, the Region's evaluation team, which was overseen by the Region's Purchasing staff, determined that two companies, Epcor and Meridiam, met the EOI qualifications and thresholds for consideration in Phase 1 of the process.
- 3.4 Based on the Phase 2 evaluations, both Meridiam and Epcor met the EOI evaluation thresholds and did not present any significant conditions or restraints that the EOI Team felt would impede or substantively constrain the Project. Also, both Epcor and Meridiam did not express a preference for a certain service delivery option.
- 3.5 Follow up meetings with these two firms and senior staff are scheduled for late May. The final recommendation will be presented to Regional Council in June.

#### **4. Service Delivery Options**

- 4.1 Regional Council has approved implementing the long-term organics management solution either through a private sector service contract or a public-private-partnership approach (P3), based on a design, build, operate and maintain contract (DBOM).

- 4.2 Under the DBOM model, the design, construction, operations and maintenance related to the asset are procured under a single contract with a private sector partner. In a DBOM project, the Region owns and funds the construction of new assets or can partner with a business or government entity. The private sector partner will be responsible for the design, construction, operation and maintenance of the facility based on output specifications laid out in the DBOM contract.
- 4.3 The private ownership model involves a facility which is fully owned and operated by the private sector. The Region would enter into a contract for mixed-waste transfer/pre-sort and organic waste processing, in which the Region would deliver organic waste from the source separated organics curbside collection to the AD facility and the garbage (single family and multi-residential) to the transfer/pre-sort facility. The Region would be charged a processing fee by the merchant/private sector partner and be responsible for costs related to haulage and transportation of organic waste and garbage to the private sector facility/facilities.

## 5. Next Steps

- 5.1 To progress the long-term organics management solution forward, Regional staff are undertaking the following next steps, with assistance from the recommended technical, financial and procurement advisory services as recommended in this report. An updated business case will be provided to Regional Council in June to support a decision by Council to initiate a procurement process:

Upcoming Council Decisions	Timeline
Project Implementation – Staff will report on the technical and financial considerations relating to an implementation of pre-sort/transfer station, AD and provide recommendations for Regional Council direction.	June
Service Delivery Method – Options and recommendations guiding the possible method(s) of service delivery will be presented to Regional Council in June.	June
Recommendations to identify potential business partners for a capital project arising from the EOI-1152-2018 will be presented to Regional Council.	June

<b>Upcoming Council Decisions</b>	<b>Timeline</b>
Energy Products – Staff will report on the potential beneficial uses of the by-products of an AD such as renewable natural gas and digestate, as well as the potential revenues from those products. To the extent there are contractual benefits to the Region from these by-products, the value of those benefits will not be known precisely until after competitive bids have been received in a Request for Proposal (RFP) process.	June and ongoing
Business Case – Updated costing for the AD will be provided to Regional Council in June and updated as more information becomes available (e.g. when the RFP is recommended and all compliant bids have been received, more refined costing will be available).	June and ongoing
Siting – The Region may provide potential bidders with the option to locate on a specific site or alternatively offer a different site. Recommendations for that site will be provided to Regional Council for approval in time to be included in any Request for Pre-Qualification (RFPQ) specifications.	September
Durham York Energy Centre (DYEC) Impacts – A report on the potential impacts on the DYEC will be provided to Regional Council based on the information currently available. Staff will continue to update Council on DYEC impacts as the project develops	September
RFPQ/RFP Specifications – Staff will work with consultants to design the procurement process and accompanying specifications for a RFPQ/RFP in late 2019.	September
Contract Terms and Conditions – Staff will work with consultants to prepare the necessary contractual documents to support the Region's interests.	September

## **6. Financial Implications**

- 6.1 Given the complexities of this Project, significant investment, and the need to progress the ongoing activities/assessments noted above, technical, legal, and financial professional advisory services and costs are necessary. Additional professional expertise will be required to support the RFPQ and RFP phases (e.g. vendor evaluations, assessment of vendors/proprietary technologies, costing and technical, legal, financial and commercial expertise) to ensure adequate information to vendors over each stage and prudent contract development, including commercial terms and appropriate risk sharing and potential for project design and construction. A total of \$240,000 was approved in Report #2018-COW-146 for these purposes but did not incorporate a fairness monitor at that time. The professional advisory services are planned to be funded from the existing project budget.

## **7. Conclusions**

- 7.1 To move forward with the Region's long-term organics management solution, it is recommended that procurement expertise and advice be retained at a total cost not to exceed \$100,000 to engage an independent third-party fairness monitor to oversee subsequent procurement processes as approved by Regional Council (e.g. potential MOU, RFPQ, RFP) to ensure fairness and transparency on behalf of vendors and other stakeholders, with the Chief Administrative Officer and Commissioner of Finance to determine the procurement process.
- 7.2 It is also recommended that Deloitte LLP be retained at a cost not to exceed \$75,000 to provide expert financial and business advisory services for the next steps of the long-term organics management solution including analysis of service delivery model options, business case and related financial analysis, advice on commercial business matters and risk assessment.

- 7.3 This report further recommends that external legal counsel be retained at a cost not to exceed \$125,000 to provide advice for the next steps of the long-term organics management solution, including advice on the drafting of the RFPQ and RFP documents and contract creation.

Respectfully submitted,

**Original signed by John Presta for**

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Susan Siopis, P.Eng.  
Commissioner of Works

**Original signed by**

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Nancy Taylor, BBA, CPA, CA  
Commissioner of Finance

**Original signed by**

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Don Beaton, BCom, M.P.A.  
Commissioner of Corporate Services

Recommended for Presentation to Committee

**Original signed by**

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Elaine C. Baxter-Trahair  
Chief Administrative Officer

# Developing Durham's Energy and Sustainability Campus

Presentation to Council  
Municipality of Clarington

May 4, 2020



Service Excellence for our Communities

# Presentation Outline

Opening Remarks

What is Mixed Waste, Presort and Anaerobic Digestion?

Drivers for Managing Organic Waste

The Siting Study Process

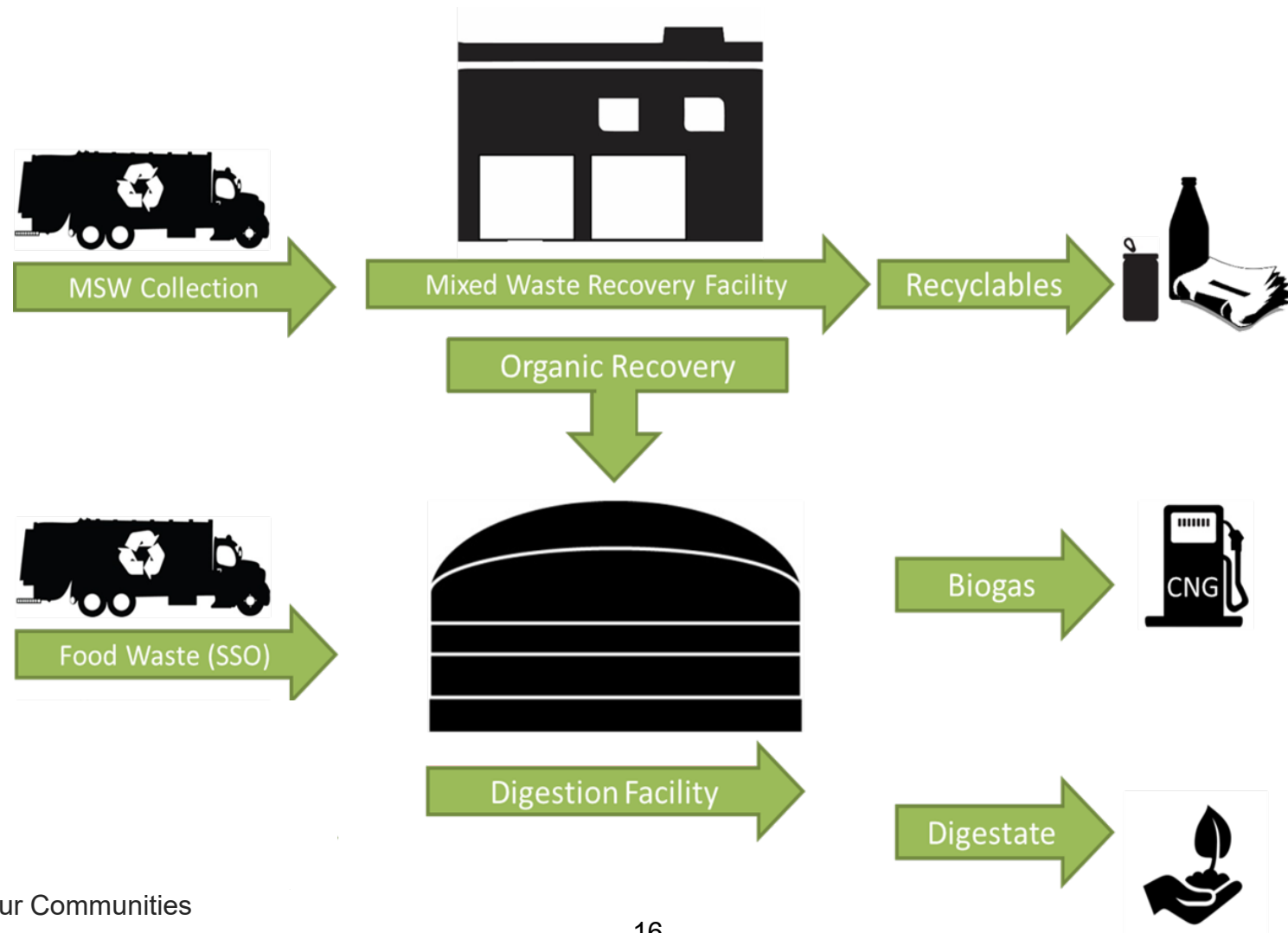
Development Principles

Project Commitments

Next Steps



# What is Mixed Waste, Presort and Anaerobic Digestion?





# Drivers for Managing Organic Waste

## Region Drivers

- Growth and Diversion
- Durham-York Energy Centre capacity
- Regulatory
- Address Climate Change/reduce GHG emissions

## Market Drivers

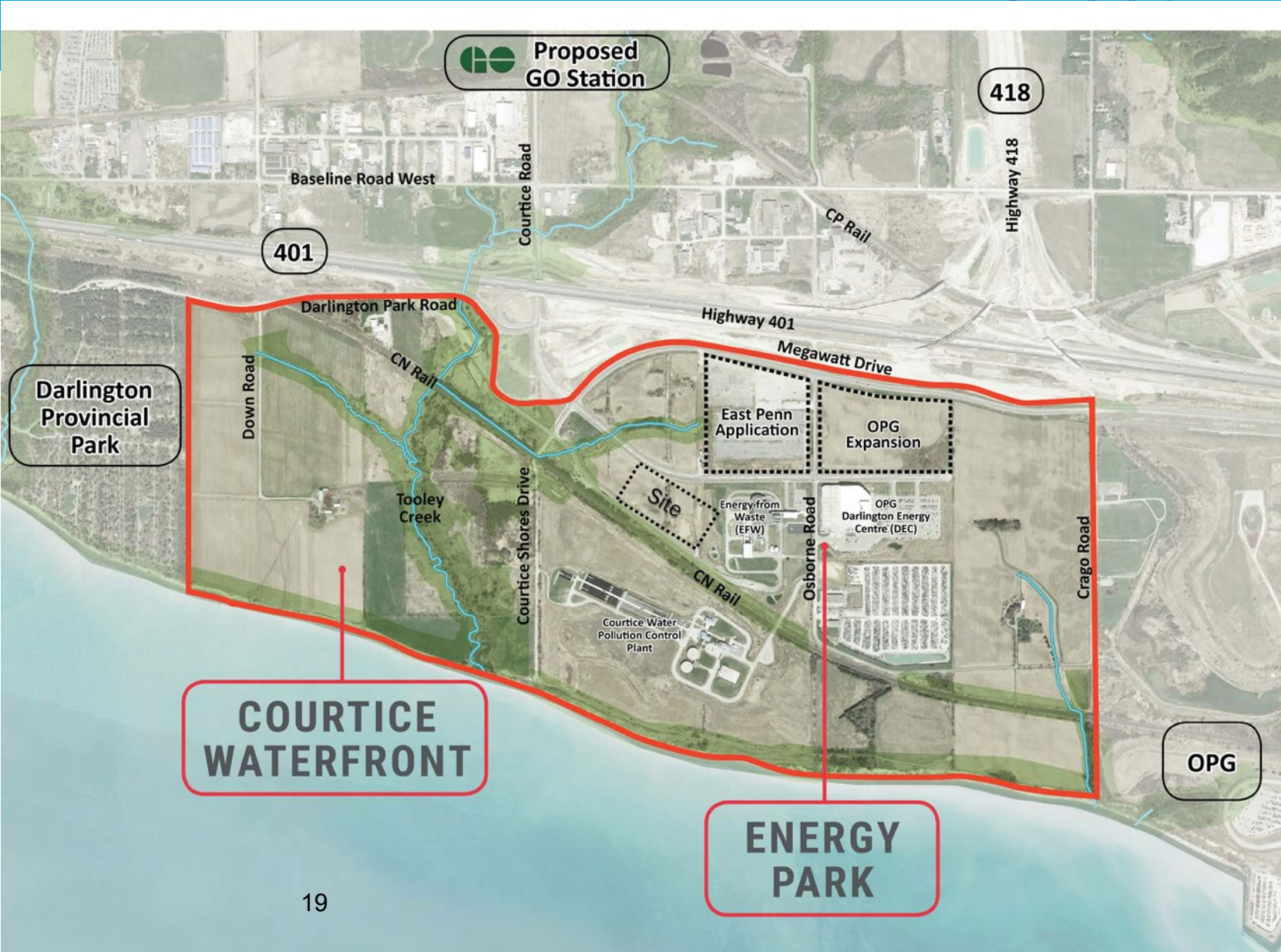
- Landfill capacity
- Green bin processing capacity
- Renewable Natural Gas



# The Siting Study Process - Where Are We?

1. Determined search area / minimum site requirements
2. Identified candidate sites based on minimum site requirements
3. Developed evaluation criteria for candidate long list of sites
4. Applied evaluation criteria to determine a short-list of sites
5. Stakeholder Consultation
6. Comparative evaluation to establish advantages / disadvantages between sites
7. Identified preferred site
8. Recommendation to Regional Council for Approval of Site

# Proposed Site Location



# Facility Development Principles

- An integrated and complementary approach:
  - Focus on the south site
  - Ensure compatibility
  - Provide a distinct sustainability focus
  - Ensure design excellence
  - Enable the development of a gateway
  - Commit to continuous engagement



# Focus on the South Site

- Focus on the south site:
  - 4.96 hectares (12.25 acres)
  - Next to DYEC
  - +/- 400 m from Highway 401
  - Between Energy Drive and Haul Road
  - North of CN Rail line
  - Avoids natural heritage systems
  - Leaves the “Gateway” site available for future development





# Ensure Compatibility

- Commit to zero odour emissions
  - Fully enclosed facility
  - Negative pressure and biofilters
- No combustion
- Control noise by managing truck routing and facility operations subject to MOE requirements
- Control ambient light through zero cut-off lighting
- Implement dust suppression practices during construction



# Provide a Distinct Sustainability Focus

- Address Climate Change
- Provide natural gas recovery systems
- Be “District Energy Ready”
- Implement energy efficient construction practices
- Provide stormwater reduction measures through Low Impact Development techniques such as permeable pavement, vegetated swales, etc.
- Address urban heat island effects through roof treatments and on-site plantings



# Ensure Design Excellence

- Commit to the site plan process and the Municipality's Streetscape and Sustainable Development Design Guidelines
- Complement the character of existing public buildings
- Positive and interesting street presence
- High quality materials
- Architectural variety and articulation
- Landscape design
- Consideration of the design from all sides
- Minimize truck access visibility and servicing to the rear



Service Excellence for our Communities





# Enable the Development of a “Gateway”

- Explore uses that benefit OPG and other business in the energy park
- South site does not preclude employment intensive uses on the north site:
- Region will work with Clarington to establish Prestige Employment uses;
  - High quality architecture and design;
  - Leverage visibility from highway 401.



# Commitment to Continuous Engagement

- Development of the north parcel will not be precluded
- Site planning process
- Achievement of the vision
- AD process – regular engagement that updates everyone on the status of the project
- Use of the by-products for agricultural community

# Questions



May 25, 2020

Gioseph Anello, MEng, P.Eng, PMP  
Manager of Policy and Technical Services  
Durham Region Works Department  
605 Rossland Road East  
Whitby ON  
L1N 6A3

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**RE: Waste Pre-Sorting and Anaerobic Digestion Facility Draft Siting Report**

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Dear Mr. Anello,

Ontario Power Generation Inc. ("OPG") has reviewed the draft siting report for the proposed waste pre-sorting and anaerobic digestion facility prepared for the Region by its consultant GHD. GHD has recommended the South Clarington site for the proposed facility given the evaluation of advantages and disadvantages relative to other short-listed sites. OPG staff has consulted with Durham Region staff to better understand the scope of the project, mitigation measures being considered, and project schedule. We are providing this letter to identify our expectations around mitigation measures that will need to be implemented should the project proceed at this location.

The 318-acre Clarington Energy Business Park has been planned by the Municipality of Clarington to be a prestige employment area providing opportunities for the energy and environment sectors of the business community. The objectives of the Energy Park, as espoused in the Secondary Plan, include integrating research and development facilities, institutional and corporate offices, and manufacturing uses in this Energy Park to promote linkages and synergies amongst businesses in an effort to promote this area as Durham's Energy Cluster.

In 2007, OPG acquired a parcel in the Clarington Energy Business Park in anticipation of constructing buildings in support of the Darlington New Nuclear Project and the Darlington Refurbishment project. As part of these projects, OPG front-ended the costs of bringing full municipal services to this area for future employment growth. OPG was one of the first businesses to make a significant investment in the Clarington Energy Business Park as evidenced by the construction of the Darlington Energy Complex (DEC), an approximate 300,000 ft<sup>2</sup> mixed use facility which opened in 2014 to support the Darlington Refurbishment Project.

On June 10, 2019, OPG announced that it would be locating its corporate headquarters to the Clarington Energy Business Park anticipated to be completed by 2024. The plan is to have the new headquarter building constructed adjacent to the existing DEC to create a Campus setting for employees and business partners. Once completed, it is anticipated that OPG will employ up to 3,000 staff working at the Campus.

This building will be designed in a manner that is consistent with the vision that Clarington has for the Energy Park as a prestige employment area and will assist in stimulating further investment opportunities on other lands within the Park.

Given the significant investment OPG will be making to locate its corporate headquarters in the Energy Park, we will need to be adequately consulted during the site design and construction process for the proposed pre-sorting and anaerobic digestion facility to ensure that the proposed facility will be sited and developed to ensure compatibility with surrounding uses with the intended vision of the Energy Business Park to attract prestige employment uses.

Mitigation measures to address noise and odour, separation of truck traffic from Energy Drive, design enhancements and aesthetic treatment along the Energy Drive frontage will need to be implemented to ensure compatibility with our project and to not dissuade future business attraction and investment opportunities from considering locating in this emerging business park. Furthermore, OPG agrees with the Region of Durham that the north section of property be set aside for future uses that foster economic development in keeping with highest and best use of the land.

We appreciate the willingness with which regional staff have engaged with OPG on this topic. Should the proposed AD move forward for siting in the Clarington Energy Park, OPG requests continued sharing of information with the Region of Durham.

Sincerely,

Connie Hergert, Vice-President  
Corporate Real Estate

Copies:

Elaine Baxter-Trahair, Durham Region CAO  
Susan Siopos, Durham Region Commissioner of Works  
Brian Bridgeman, Durham Region Commissioner of Planning and Economic Development  
Adrian Foster, Clarington Mayor and Council  
Faye Langmaid, Director, Clarington Planning Department  
Paul Wirch, Senior Planner, Clarington Planning Department  
Sheila Hall, Executive Director, Clarington Board of Trade and Office of Economic Development  
Jennifer Knox, Director, Nuclear Stakeholder Relations  
Ray Davies, Senior Manager, Real Estate Services

Sent by Email

May 26, 2020

Ralph Walton  
Regional Clerk/Director of Legislative Services  
Regional Municipality of Durham  
[clerks@durham.ca](mailto:clerks@durham.ca)

Subject: Appointment of Alternate Member to Upper Council under Section 267 of the  
*Municipal Act*, 2001, S.O. 2001, c. 25  
Corr. 18-20  
File: A-1400-001-19

The Council of the Corporation of the City of Pickering considered the above matter at a meeting held on May 25, 2020 and adopted the following resolution:

1. That Councillor Maurice Brenner be appointed as the alternate member to the Council of the Regional Municipality of Durham in accordance with Section 267(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, in order that his duties may include attendance and voting rights at Committee of the Whole and any Standing Committee that Mayor Ryan has been appointed to and any other duties afforded to a Regional Councillor for the remainder of the term (November 14, 2022) or until such time that Mayor Ryan is able to resume his duties, whichever comes first; and,
2. That a copy of this Resolution be forwarded to the Regional Clerk of the Regional Municipality of Durham to give effect thereto.

A copy of the original correspondence is attached for your reference.

Should you require further information, please do not hesitate to contact the undersigned at 905.420.4660 extension 2019.

Yours truly



Susan Cassel  
City Clerk

SC:rp  
Enclosure



Copy: Chief Administrative Officer

To: Deputy Mayor Ashe  
Members of Council

May 19, 2020

From: Susan Cassel  
City Clerk

Copy: CAO

Subject: Appointment of Alternate Member to Upper Council under Section 267 of the *Municipal Act, 2001, S.O. 2001, c. 25*  
File: A-1440

At its meeting on December 10, 2018, by Resolution #21/18, Councillor Maurice Brenner was appointed the Alternate Member to the Council of the Regional Municipality of Durham under Section 268 of the *Municipal Act, 2001, S.O. 2001, c. 25* and the City's Procedure By-law.

On March 18, 2020, Pickering Council adopted Resolution #259/20 to request that the duties of Councillor Brenner, as the appointed alternate member on Regional Council, be expanded so that he could fully participate in both Regional Committee and Council meetings in Mayor Ryan's absence (Attachment #1). In speaking with the Region, and due to the fact that Mayor Ryan's absence exceeds one month, it has been requested that the appointment of the alternate member be clarified and appointed specifically under Section 267 of the *Municipal Act*.

Under the *Municipal Act*, the appointment of an alternate member, to the upper tier council, is accomplished under either Section 267 or 268 which states:

### **Temporary vacancy**

**267** (1) If a person who is a member of the councils of a local municipality and its upper-tier municipality is unable to act as a member of those councils for a period exceeding one month, the local council may appoint one of its members as an alternate member of the upper-tier council to act in place of the member until the member is able to resume acting as a member of those councils. 2001, c. 25, s. 267 (1).

### **Temporary replacement, member of upper-tier council**

**268** (1) Subject to subsection (2), the council of a local municipality may appoint one of its members as an alternate member of the upper-tier council, to act in place of a person who is a member of the councils of the local municipality and its upper-tier municipality, when the person is unable to attend a meeting of the upper-tier council for any reason. 2017, c. 10, Sched. 1, s. 31.

### **Limitation**

(2) Subsection (1) does not authorize,



- (a) the appointment of more than one alternate member during the term of council;
- (b) the appointment of an alternate member to act in place of an alternate member appointed under subsection 267 (1) or (2); or
- (c) the appointment of an alternate head of council of the upper-tier municipality. 2017, c. 10, Sched. 1, s. 31.

### **Other temporary replacement**

(3) Despite clause (2) (a), if the seat of the member who has been appointed as an alternate member under subsection (1) becomes vacant, the council of a local municipality may appoint another of its members as an alternate member for the remainder of the council term. 2017, c. 10, Sched. 1, s. 31.

The appointment of alternate member under Section 268 is intended for sporadic absences and in accordance with the Region's Procedures, alternate members appointed under Section 268 may only participate in Regional Council Meetings. In order for Councillor Brenner to be able to participate in both Regional Committee and Council meetings, the Region of Durham has advised that the appointment must be made under Section 267. In order to give effect to this, the following recommendation is provided for Council's consideration:

1. That Councillor Maurice Brenner be appointed as the alternate member to the Council of the Regional Municipality of Durham in accordance with Section 267(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, in order that his duties may include attendance and voting rights at Committee of the Whole and any Standing Committee that Mayor Ryan has been appointed to and any other duties afforded to a Regional Councillor for the remainder of the term (November 14, 2022) or until such time that Mayor Ryan is able to resume his duties, whichever comes first; and,
2. That a copy of this Resolution be forwarded to the Regional Clerk of the Regional Municipality of Durham to give effect thereto.

In preparing this memo and recommendation, the Region of Durham was consulted to ensure the motion wording would be sufficient to give effect to the City's intent for Councillor Brenner's participation in both Committee and Council meetings.

Sincerely,

Susan Cassel

Attachment # 1 - NOM Motion to Authorize Mayor Ryan's absence and to Appoint a Deputy Mayor and Alternate Deputy Mayor - Letter

Sent By Email

March 19, 2020

Ralph Walton  
Regional Clerk/Director of Legislative Services  
[clerks@durham.ca](mailto:clerks@durham.ca)

Subject: Re: Motion to Authorize Mayor Ryan's absence and to Appoint a Deputy Mayor and  
Alternate Deputy Mayor  
File: A-1400-001-20

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The Council of The Corporation of the City of Pickering considered the above matter at a meeting held on March 18, 2020 and adopted the following resolution:

Whereas Section 259 (1) of the Municipal Act, 2001, provides that the office of a member of council of a municipality becomes vacant if the member, in part, is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;

And Whereas Section 242 provides that a municipality may, by by-law or resolution, appoint a member of the council to act in the place of the head of council or other member of council designated to preside at meetings in the municipality's procedure by-law when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member, as the case may be, with respect to the role of presiding at meetings;

And Whereas City of Pickering Policy ADM 045 provides for the definition of a Deputy Mayor and outlines the process in which a Deputy Mayor is appointed;

And Whereas the Province of Ontario has declared a state of emergency due to the COVID-19 Pandemic and the City of Pickering has subsequently opened its Emergency Operations Centre, as there is a critical need to ensure the continuity of leadership and key decision making to allow critical business and operations to continue and also ensure that the best interests of residents and the community are looked after during this unprecedented time of crisis and uncertainty;

Now therefore be it resolved that the Council of The Corporation of the City of Pickering:

1. Authorizes Mayor Ryan to be absent from meetings of Committee and Council beyond three successive months;

2. That notwithstanding the provisions of Policy ADM 045, Council Appointments to Committees, Councillor Kevin Ashe be appointed as Deputy Mayor for the remainder of the term until November 14, 2022 and while so acting as the Deputy Mayor, shall have all the powers and authorities of the Mayor;
3. That in the event that Deputy Mayor Ashe is unable to act, that Councillor David Pickles be appointed as the alternate Deputy Mayor, with all the associated powers and duties, until such time that Deputy Mayor Ashe is able to resume his duties;
4. That Councillor Maurice Brenner continue as the appointed alternate member to the Council of the Regional Municipality of Durham in accordance with section 04.09 of the City's Procedure By-law; and, that the Council of the Regional Municipality of Durham be requested to expand his duties to include attendance and voting rights at Committee of the Whole and any Standing Committee that Mayor Ryan was appointed to and any other duties afforded to a Regional Councillor for the remainder of the term (November 14, 2022) or until Mayor Ryan is able to resume his duties, whichever comes first; and,
5. That a copy of this Resolution be provided to the Regional Clerk of the Regional Municipality of Durham.

Should you require further information, please do not hesitate to contact the undersigned at 905.420.4660 extension 2019.

Yours truly



Susan Cassel  
City Clerk

SC:rp

Copy: Chief Administrative Officer



# CALL FOR A PUBLIC INQUIRY IN TO ORCHARD VILLA LONG-TERM CARE HOME

[www.change.org](http://www.change.org)

1 min read



**T**o:  
Premier Doug Ford  
Minister of Long-Term Care Merrilee Fullerton  
Minister of Health Christine Elliott  
Lieutenant Governor of Ontario, The Honourable Elizabeth  
Dowdeswell  
Leader of the Opposition, Andrea Horwath, NDP  
MPPs of Durham Region  
MPPs of all Regions in Ontario  
City Councillors of Durham Region  
The City of Pickering

We, the families of Orchard Villa Long-Term Care and Orchard Villa Retirement Community and the public at large demand a public inquiry, independent of the Government of Ontario, in to the practices, events and history of Orchard Villa Long-Term Care, Orchard Villa Retirement Home and it's owners, Southbridge Care Home Inc.

Our requests are as follows:

1. A Public Inquiry in to Orchard Villa Long-Term Care, Orchard Villa Retirement Home and Southbridge Care Inc. from the time of the mandated lockdown on March 14, 2020 until the Provincial lockdown is lifted.
2. A Public Inquiry in to Orchard Villa Long-Term Care, Orchard Villa Retirement and Southbridge Care Inc. for the five years preceding March 14, 2020.

While we are aware that all long-term care homes are in need of a public inquiry, and we support that intention, we strongly feel due to the number of deaths, injuries and oversights, privacy issues and

founded concerns about management intervention regarding resident files and records that Orchard Villa LTCH deserves priority as well as extra attention. We demand that the public inquiry in point 1 be commenced as soon as possible.



# Clarington

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

May 26, 2020

Ralph Walton, Regional Clerk  
Regional Municipality of Durham  
Via E-Mail: [clerks@durham.ca](mailto:clerks@durham.ca)

Dear Mr. Walton:

**Re:** Pre-Sort/AD Facility and the EFW Host Community Agreement

**File Number:** PG.25.06

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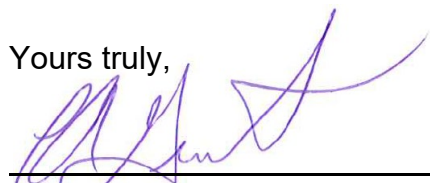
At a meeting held on May 25, 2020, the Council of the Municipality of Clarington approved the following:

That the Region of Durham be advised that the siting of the Anaerobic Digester in the Clarington Energy Park is (i) a breach of the Host Community Agreement for the EFW; and (ii) is contrary to Clarington's Official Plan for the Energy Park Secondary Plan and Municipal Wide Courtice waterfront park;

That Clarington initiate mediation/arbitration proceedings under the Host Community Agreement; and

That Clarington advise the Region that Clarington is no longer bound by the terms of the Host Community Agreement regarding not opposing the expansion of the EFW.

Yours truly,



C. Anne Greentree, BA, CMO  
Municipal Clerk

CAG/cm

- c. A. Foster, Mayor  
R. Maciver, Municipal Solicitor

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



# The Regional Municipality of Durham Information Report

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From: Commissioner of Works  
Report: #2020-INFO-37  
Date: May 1, 2020

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## **Subject:**

Durham York Energy Centre Operations Emergency Amendment to Environmental Compliance Approval

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## **Recommendation:**

Receive for information.

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## **Report:**

### **1. Purpose**

- 1.1 This information report provides background and details regarding potential implications from COVID-19 on the Durham York Energy Centre (DYEC) as well as contingency measures being employed. This includes a recently approved emergency amendment to the Environmental Compliance Approval (ECA) for the DYEC to permit processing up to 160,000 tonnes of waste per year and allow additional storage of waste ash and reagents.

### **2. Background**

- 2.1 COVID-19 has created conditions which produced increases in the amount of waste being handled curbside in many jurisdictions including the Regional Municipality of Durham (Durham). COVID-19 has also resulted in concerns related to potential service interruptions across multiple industries.
- 2.2 The DYEC is currently permitted to process 140,000 tonnes of waste per year with additional restrictions on the quantity of residues and treatment chemicals allowed to be stored on-site, as well as restrictions to waste and residue shipping and receiving hours.



- 2.3 During normal operating conditions, waste in excess of 140,000 tonnes per year or materials collected by Durham during facility shutdowns is bypassed to a landfill or privately-operated energy-from-waste facility. The DYEC, as constructed, is capable of processing 160,000 tonnes of waste per year with no equipment modifications.

### **3. DYEC Operations**

- 3.1 The DYEC continues to operate normally with the scheduled maintenance outage for the facility having been completed from March 1 to 16, 2020.
- 3.2 Voluntary stack testing is currently re-scheduled for June 2020 due to COVID restrictions to protect the health of all personnel involved. Alternative dates later in the summer will be used if necessary.
- 3.3 Covanta, as the DYEC operator, has put in place routine screening of staff, limited the number of non-essential staff within the facility, and has taken steps to minimize interaction between staff on site. Operators are required to be in the facility continuously to oversee the safe operation of the boilers.

### **4. Contingency Measures**

- 4.1 To limit public visits to the Waste Management Facility drop-off depots in both Regions, curbside garbage bag limits have been relaxed. As well, in Durham, the requirement for purchasing bag tags for additional garbage set out has been waived.
- 4.2 As a result of increased waste generation and as part of contingency planning, on March 20, 2020 the Regional Municipalities of Durham and York (the Regions) requested an emergency ECA amendment to allow the DYEC to process an additional 20,000 tonnes of waste per year resulting in a total waste capacity of 160,000 tonnes of waste for 2020, as well as seeking permission to enact other contingency measures should they be required.
- 4.3 The Regions are currently undertaking an Environmental Screening to support a permanent ECA amendment to increase the waste processing capacity of the DYEC to 160,000 tonnes per year. As stated in the Environmental Screening information, the DYEC has the operational capacity to process 160,000 tonnes of waste annually. If the completion of the Environmental Screening and ECA amendment application are delayed due to COVID-19 or other circumstances, the DYEC could have difficulty managing normal waste generation in the later portion

of 2020. The request for additional waste processing capacity was made now to provide operational certainty for the DYEC for the entire year.

- 4.4 The request for an emergency amendment to the ECA also addresses the Regions' concerns for potential disruptions to the transportation network. Transportation disruptions could impact the Regions' ability to ship residues to market and disposal and the ability for suppliers to deliver the necessary reagents for DYEC operation. This is achieved by permitting materials to enter and leave the facility 24 hours per day/7 days per week if needed.
- 4.5 The emergency ECA amendment will address contingencies for on-site storage of greater quantities of residues and reagent chemicals should that become necessary in the event of transportation or logistical disruption.
- 4.6 The Regions are required to notify the Ministry of Environment, Conservation and Parks (MECP) in the event the contingency measures are enacted and will be required to report on the facility's plan to return to normal operation following the conclusion of the emergency. Contingency measures are permitted to remain in place for up to 90 days after the Province ends the Declaration of Emergency to Protect the Public Health.
- 4.7 ECA emissions monitoring requirements continue to apply and the DYEC will operate within ECA requirements for air emission monitoring and reporting.
- 4.8 The Regions have instructed Covanta to develop contingency plans for bypass waste in the event the facility is forced to reduce operations due to a lack of operators.
- 4.9 The ECA amendment expires on December 31, 2020.

## **5. Conclusion**

- 5.1 The Regional Municipalities of Durham and York requested and received emergency approval to process an additional 20,000 tonnes of waste in 2020 to help manage additional waste generation resulting from the protection measures put in place to address the COVID-19 pandemic.
- 5.2 The approved capacity increase to 160,000 tonnes per year is an emergency increase only and does not eliminate the need for the Environmental Screening and permanent Environmental Compliance Approval amendment that is underway.

These activities are proceeding as planned under the direction and oversight of the Ministry of Environment, Conservation and Parks.

- 5.3 For additional information, please contact Gioseph Anello. Acting Director, Waste Management, at 905-668-7711, extension 3445.

Respectfully submitted,

**Original signed by:**

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Susan Siopis, P.Eng.  
Commissioner of Works