



## The Regional Municipality of Durham

### Works Committee Agenda

Council Chambers  
Regional Headquarters Building  
605 Rossland Road East, Whitby

**Wednesday, October 7, 2020**

**9:30 AM**

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**1. Declarations of Interest**

**2. Adoption of Minutes**

A) Works Committee meeting – September 9, 2020

Pages 4 - 15

**3. Statutory Public Meetings**

There are no statutory public meetings

**4. Delegations**

There are no delegations

**5. Presentations**

There are no presentations

**6. Waste**

**6.1 Correspondence**

A) 2020-INFO-79: Update on Single-Use Plastics Policies in the  
Regional Municipality of Durham

16 - 19

**Pulled from August 28, 2020 Council Information Package  
by Councillor Joe Neal**

Recommendation: Receive for Information

6.2 Reports

There are no Waste Reports to consider

**7. Works**

7.1 Correspondence

7.2 Reports

- A) Servicing and Responsibility Agreement with the City of Pickering for the Extension of a Sanitary Sewer and a Watermain through Provincial Lands to Service the Proposed Kubota Development, in the City of Pickering (2020-W-46) 20 - 24
- B) Approval to Award Additional Capital Financing for Regional Municipality of Durham Contract T-1019-2020 for the Renovation and Expansion of the Regional Environmental Laboratory at the Duffin Creek Water Pollution Control Plant, in the City of Pickering (2020-W-47) 25 - 30
- C) Approval to Negotiate and Award a Sole Source Service Agreement with Aquatic Informatics (WaterTrax) for the Provision of Water Supply and Sanitary Sewerage Data Management Services (2020-W-48) 31 - 34

**8. Advisory Committee Resolutions**

8.1 Energy From Waste – Waste Management Advisory Committee

- A) Extension of Comment Period for the Long-Term Waste Management Plan 35

Recommendation: For Approval

**9. Confidential Matters**

There are no confidential matters to be considered

**10. Other Business**

**11. Date of Next Meeting**

Wednesday, November 4, 2020 at 9:30 AM

## **12. Adjournment**

Notice regarding collection, use and disclosure of personal information:

Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. This also includes oral submissions at meetings. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.

## **The Regional Municipality of Durham**

### **MINUTES**

#### **WORKS COMMITTEE**

**Wednesday, September 9, 2020**

A regular meeting of the Works Committee was held on Wednesday, September 9, 2020 in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was permitted for this meeting.

#### **1. Roll Call**

Present: Councillor Mitchell, Chair  
Councillor Barton  
Councillor Crawford  
Councillor McLean  
Councillor John Neal  
Councillor Smith  
Regional Chair Henry left the meeting at 9:55 AM  
**\* all members of Committee except Councillor Mitchell and Regional Chair Henry participated electronically**

Also

Present: Councillor Drew  
Councillor Highet  
Councillor Lee  
Councillor Mulcahy  
Councillor Wotten

Absent: Councillor Marimpietri, Vice-Chair

Staff

Present: E. Baxter-Trahair, Chief Administrative Officer  
G. Anello, Director of Waste Management Services  
J. Demanuele, Director of Business Services  
L. Fleury, Legislative Officer, Corporate Services – Legislative Services  
B. Holmes, General Manager – Durham Region Transit  
J. Hunt, Director of Legal Services, Corporate Services – Legal Services  
R. Inacio, Systems Support Specialist, Corporate Services – IT  
R. Jagannathan, Director of Transportation and Field Services  
T. Lee, Executive Assistant, Office of the CAO  
J. Paquette, Manager (Works), Corporate Communications  
N. Prasad, Committee Clerk, Corporate Services – Legislative Services  
J. Presta, Director of Environmental Services  
S. Siopis, Commissioner of Works  
S. Penak, Committee Clerk, Corporate Services – Legislative Services

**2. Declarations of Interest**

There were no declarations of interest.

**3. Adoption of Minutes**

Moved by Councillor Barton, Seconded by Councillor John Neal,  
(63) That the minutes of the regular Works Committee meeting held on  
Wednesday, July 8, 2020, be adopted.

CARRIED

**4. Statutory Public Meetings**

There were no statutory public meetings.

**5. Delegations**

There were no delegations.

**6. Presentations**

**6.1 G. Anello, Director of Waste Management Services, re: Waste Management Annual Report 2019**

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G. Anello, Director of Waste Management Services, presented a PowerPoint presentation regarding the Waste Management Annual Report 2019. A copy of the presentation was provided to Committee members via email.

Highlights from the presentation included:

- Background
- 2019 Highlights
  - Diversion rate is 63%
  - Tonnages for all Waste Diversion Programs
  - Community Outreach
  - Household Hazardous Waste Drop-Off Depot in Bowmanville
  - Landfill Perpetual Care
  - Durham York Energy Centre (DYEC)
- Transition to Extended Producer Responsibility

G. Anello responded to questions from the Committee regarding the recycling bin lid pilot project and next steps; 2020 trends with regards to an increase in waste generated as a result of the pandemic; whether leaf and yard waste backyard composting is promoted throughout the Region; whether tours at the Durham York Energy Centre (DYEC) have resumed; remediation of other Durham Region's landfills following the success of the remediation of the Blackstock Landfill; increasing public facing communications on the

Blackstock Landfill from a digital perspective; and how the potential release of methane gas is managed around the Oshawa Landfill site.

S. Siopis advised that Report #2020-INFO-75 from the August 14, 2020 Council Information Package provides an update on the Continuous Improvement Fund (CIF) Blue Box Lid and Litter Audit Pilot Project.

## **7. Waste**

### **7.1 Correspondence**

- A) Memorandum dated September 2, 2020 from Susan Siopis, Commissioner of Works regarding Durham Region's Long-Term Waste Management Plan (2021 to 2040) – Resolutions arising from the Energy from Waste-Waste Management Advisory Committee Special Meeting held July 15, 2020
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Moved by Councillor Barton, Seconded by Councillor Smith,

- (64) That the memorandum dated September 2, 2020 from Susan Siopis, Commissioner of Works regarding Durham Region's Long-Term Waste Management Plan (2021 to 2040) – Resolutions arising from the Energy from Waste-Waste Management Advisory Committee Special Meeting held July 15, 2020, be received for information.

CARRIED ON THE FOLLOWING  
RECORDED VOTE:

#### Yes

Councillor Barton  
Councillor Crawford  
Councillor McLean  
Councillor Smith  
Councillor Mitchell, Chair

#### No

Councillor John Neal

Members Absent: Regional Chair Henry  
Councillor Marimpietri

Declarations of Interest: None

### **7.2 Reports**

There were no Waste Reports to consider.

## **8. Works**

### **8.1 Correspondence**

There were no items of communication to be considered.

8.2 Reports

A) Appointment of Risk Management Officials and Risk Management Inspectors as required by the *Clean Water Act, 2006* (2020-W-45)

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Report #2020-W-45 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor Crawford, Seconded by Councillor McLean,  
(65) That we recommend to Council:

- A) That Regional Council appoint Tavis Nimmo as a Risk Management Official under the *Clean Water Act, 2006, Part IV, Sec. 47(6)*;
- B) That Regional Council appoint Ashley Brettell, Carly Graham and Maureen Bianchet as Risk Management Inspectors under the *Clean Water Act, 2006, Part IV, Sec. 47(6)*;
- C) That the Regional Clerk issue a certificate of appointment bearing the Regional Clerk's signature to the Risk Management Official and Risk Management Inspectors appointed by Regional Council;
- D) That the necessary by-laws be amended to effect these appointments;
- E) That the Regional Clerk circulate this report to Source Protection Authorities with a request to obtain Section 88 Powers of Entry for Regional staff for the purposes of inspection as defined in the *Clean Water Act, 2006*; and
- F) That the Regional Clerk circulate this report to the Clerks of local municipalities and Chairs of the South Georgian Bay Lake Simcoe, Trent Conservation Coalition and Credit Valley Toronto and Region Central Lake Ontario Source Protection Committees.

CARRIED

B) Servicing Agreement with Lazy Dolphin Development Inc. Including Cost Sharing in Accordance with the Regional Municipality of Durham's Share Policy for Regional Services, Related to the Extension and Oversizing of a Sanitary Sewer and the Extension of a Watermain on Coronation Road, in the Town of Whitby (2020-W-40)

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Report #2020-W-40 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor Crawford, Seconded by Councillor McLean,  
(66) That we recommend to Council:

- A) That the Regional Municipality of Durham be authorized to enter into a servicing agreement with Lazy Dolphin Development Inc. including cost sharing in accordance with the Regional Municipality of Durham's Share

Policy for Regional Services, related to the extension and oversizing of a sanitary sewer and the extension of a watermain on Coronation Road, in the Town of Whitby, at an estimated cost of \$958,800;

- B) That financing for the servicing agreement be provided from the following sources:

**Developer's Share**

Lazy Dolphin Development Inc.	\$531,100
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**Regional Costs**

2020 Sanitary Sewerage System

Item #129 – Allowance for Regional share for works in conjunction with residential development (M2010)

Residential Development Charge Reserve Fund	\$149,900
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Commercial Development Charge Reserve Fund	9,300
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User Rate	43,900
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Total Regional Sanitary Sewerage Costs	\$203,100
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2020 Water Supply System

Item #231 – Allowance for Regional share for works in conjunction with residential development (M2010)

Residential Development Charge Reserve Fund	\$196,800
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Commercial Development Charge Reserve Fund	4,900
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User Rate	<u>22,900</u>
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Total Regional Water Supply Costs	<u>\$224,600</u>
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Total Regional Costs	<u>\$427,700</u>
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<b>Total Project Financing</b>	<b><u>\$958,800</u></b>
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- C) That the Regional Chair and Clerk be authorized to execute any necessary documents or agreements.

CARRIED



C) Sole Source Supply, Delivery and Service of Vactor Brand Truck Mounted Sewer Jets (2020-W-41)

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Report #2020-W-41 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor Crawford, Seconded by Councillor McLean,  
(67) That we recommend to Council:

- A) That the Vactor Brand truck mounted sewer jet unit continue to be adopted as the standard for The Regional Municipality of Durham until December 31, 2023, with the option to extend for two additional one-year terms;
- B) That Joe Johnson Equipment Inc. be approved as the sole source supplier for the Vactor Brand sewer jets, previously approved as The Regional Municipality of Durham's standard for truck mounted sewer jets for the period of January 1, 2020, to December 31, 2023, with the option to extend for two additional one-year terms; and
- C) That the Finance Department be authorized to negotiate with Joe Johnson Equipment Inc., for the sole source supply, customization and delivery of all Vactor Brand truck mounted sewer jet units as well as parts and servicing of the units from September 30, 2020 to December 31, 2023 with the option to extend for two additional one-year terms.

CARRIED

D) Declaration as Surplus and Approval to Dispose of Lands Located at 686 North Street, in the Municipality of Clarington (2020-W-42)

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Report #2020-W-42 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor Crawford, Seconded by Councillor McLean,  
(68) That we recommend to Council:

- A) That property, legally described as Part Lot 29, Concession 2 Clarke (Newcastle) Part 1 on 10R97; together with N158217 in the Regional Municipality of Durham, Municipality of Clarington, and known municipally as 686 North Street, be declared surplus to Regional needs;
- B) That Regional staff be granted authority to sell the lands described in Recommendation A) for fair market value by methods described in Section 3 of Report #2020-W-42 of the Commissioner of Works; and
- C) That authority be granted to the Commissioner of Works to execute any documents necessary to complete the sale.

CARRIED

E) Proposed Regional Front-Ending Agreement for the Municipal Class Environmental Assessment Study for the Re-alignment of Regional Road 17 in North Village, Newcastle, in the Municipality of Clarington (2020-W-43)

Report #2020-W-43 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor Crawford, Seconded by Councillor McLean,  
(69) That we recommend to Council:

A) That the Regional Municipality of Durham be authorized to execute a Front-Ending Agreement with the North Village Landowners Group Inc. for the Municipal Class Environmental Assessment Study (EA) for Regional Road 17 in North Village, Newcastle, in the Municipality of Clarington, at an estimated cost of \$500,000, including the following conditions:

- i) The North Village Landowners Group Inc. will front-end the entire cost of the Municipal Class Environmental Assessment Study in exchange for the applicable Regional Road Development Charge credits at the rates in effect at the time of payment based on the following splits;

Roads Development Charges	\$	%
Residential Development Charges	350,000	70
Commercial Development Charges	40,000	8
Industrial Development Charges	100,000	20
Institutional Development Charges	10,000	2
Total	500,000	100%

- ii) Given that there is not any anticipated industrial development on the lands to be developed by North Village Landowners Group Inc. and thus no opportunity for the landowners group to recover the industrial development component, it is recommended that the Region fund the industrial development charge component (i.e. 20%) of the cost of the EA from the Regional Roads Industrial Development Charge Reserve Fund, upon completion of the EA;
- iii) The North Village Landowners Group Inc. will appoint a Trustee as the Regional Municipality of Durham's sole point of contact with the North Village Landowners Group Inc.;
- iv) The North Village Landowners Group Inc. will provide a security in the amount of 100 per cent of the estimated cost of the Municipal Class

Environmental Assessment Study which will be released upon receipt of the completed Municipal Class Environmental Assessment Study; and

v) All financial commitments will be based on actual costs;

B) That the Regional Municipality of Durham and the Municipality of Clarington be co-proponents of the Municipal Class Environmental Assessment Study and the Municipality of Clarington manage the procurement of the EA Study as the information required to complete the Secondary Plan (being undertaken by the Municipality of Clarington) is needed to conduct the EA; and

C) That the Regional Chair and Clerk be authorized to execute any necessary documents or agreements required to undertake the EA Study.

CARRIED

F) Approval of Additional Capital Financing for Newcastle Water Supply Plant and Port of Newcastle Sanitary Sewage Pumping Station, in the Municipality of Clarington, for Regional Municipality of Durham Contract D2020-35 (2020-W-44)

Report #2020-W-44 from S. Siopis, Commissioner of Works, was received.

Moved by Councillor Crawford, Seconded by Councillor McLean,  
(70) That we recommend to Council:

A) That the low compliant bid of North America Construction (1993) Ltd., in the amount of \$49,512,851\* be awarded for Regional Municipality of Durham Contract D2020-35;

B) That the additional commitments to R.V. Anderson Associates Limited be approved for costs associated with engineering services in the amount of \$1,529,675\*, over the approved upset limit of \$3,652,958\* (RC #00001225) with a revised upset limit not to exceed \$ 5,182,633\*;

C) That the total project budget for Region of Durham Contract D2020-35 be increased by \$8,727,000, for a revised project budget of \$64,267,000, financed as noted in the following table:

	Residential DC	Commercial DC	Industrial DC	Institutional DC	Debt	User Rate	Treatment Plant/Rate Stabilization Reserve Fund	Total
Water Supply Capital Budget Project D1107	\$23,652,780	\$2,845,680	\$1,400,000	-	\$17,580,192	\$6,661,348	\$2,000,000	\$54,140,000

	<b>Residential DC</b>	<b>Commercial DC</b>	<b>Industrial DC</b>	<b>Institutional DC</b>	<b>Debt</b>	<b>User Rate</b>	<b>Treatment Plant/Rate Stabilization Reserve Fund</b>	<b>Total</b>
Sanitary Sewerage Capital Budget Project D1411	1,040,200	81,200	248,300	-	-	30,300	-	1,400,000
<b>Total Approved Financing</b>	<b>24,692,980</b>	<b>2,926,880</b>	<b>1,648,300</b>	<b>-</b>	<b>17,580,192</b>	<b>6,691,648</b>	<b>2,000,000</b>	<b>55,540,000</b>
Additional Water Supply Financing	3,639,159	366,534	1,684,311	\$26,181	-	3,010,815	-	8,727,000
<b>Total Revised Financing</b>	<b>\$28,332,139</b>	<b>\$3,293,414</b>	<b>\$3,332,611</b>	<b>\$26,181</b>	<b>\$17,580,192</b>	<b>\$9,702,463</b>	<b>\$2,000,000</b>	<b>\$64,267,000</b>

D) That the additional water supply user rate financing be drawn from any available 2020 water supply user rate surplus or the water supply treatment plant/rate stabilization reserve fund, at the discretion of the Commissioner of Finance; and

E) That the Commissioner of Finance be authorized to execute the associated amendment to the existing engineering services agreement.  
(\* ) including disbursements and before applicable taxes.

CARRIED

## 9. Advisory Committee Resolutions

### 9.1 Energy From Waste – Waste Management Advisory Committee

#### A) Resolution regarding Additional Town Hall Meetings on the LTWMP

Moved by Councillor Smith, Seconded by Councillor Barton,  
(71) That we recommend to Council:

That the EFW-WMAC recommends that there be town hall meetings where the public can provide comments and ask questions of Durham Regional waste staff, and that it include at least one real time question and answer period on the Long-Term Waste Management Plan (LTWMP); and that the town hall meetings occur prior to the Plan outline being developed and presented to the Works Committee and Regional Council.

CARRIED ON THE FOLLOWING  
RECORDED VOTE:

Yes

No

Councillor Barton  
Councillor Crawford  
Councillor McLean  
Councillor John Neal  
Councillor Smith  
Councillor Mitchell, Chair

None

Members Absent: Regional Chair Henry  
Councillor Marimpietri

Declarations of Interest: None

B) Resolution regarding Availability of Information to the Public

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Moved by Councillor Smith, Seconded by Councillor Barton,  
(72) That the resolution from the EFW-WMAC regarding availability of  
information to the public be received for information.

CARRIED ON THE FOLLOWING  
RECORDED VOTE:

Yes

No

Councillor Barton  
Councillor Crawford  
Councillor McLean  
Councillor Smith  
Councillor Mitchell, Chair

Councillor John Neal

Members Absent: Regional Chair Henry  
Councillor Marimpietri

Declarations of Interest: None

C) Resolution regarding Public Comment on Durham's Guiding Principles and Primary Goals as it relates to Waste Management

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Moved by Councillor Smith, Seconded by Councillor Barton,  
(73) That the resolution from the EFW-WMAC regarding public comment on Durham's Guiding Principles and Primary Goals as it relates to Waste Management be received for information.

CARRIED ON THE FOLLOWING  
RECORDED VOTE:

Yes

No

Councillor Barton  
Councillor Crawford  
Councillor McLean  
Councillor Smith  
Councillor Mitchell, Chair

Councillor John Neal

Members Absent: Regional Chair Henry  
Councillor Marimpietri

Declarations of Interest: None

**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, October 7, 2020 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

**13. Adjournment**

Moved by Councillor John Neal, Seconded by Councillor McLean,  
(74) That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:04 AM

Respectfully submitted,

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D. Mitchell, Chair

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S. Penak, Committee Clerk

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-79  
Date: August 28, 2020

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**Subject:**

Update on Single Use Plastics Policies in the Regional Municipality of Durham

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**Recommendation:**

Receive for information.

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**Report:**

**1. Purpose**

- 1.1 To provide an update on actions and policy implications regarding the reduction/elimination of single use plastics.

**2. Background**

- 2.1 Previous reports on actions to address single-use plastics, Report #2018-INFO-127 "Single Use Plastics" and Report #2019-WR-1 "City of Vancouver Single Use Items Reduction Strategy", detailed federal and provincial actions on single use plastics and efforts by the City of Vancouver to limit a variety of single-use items.
- 2.2 As part of its Single Use Items Reduction Strategy, the City of Vancouver enacted by-laws in early 2020 to restrict the use of some single-use items including foam cups and take-out containers, plastic straws and disposable utensils. These by-laws apply to businesses and are currently in effect. However, due to COVID-19, the City of Vancouver has suspended education, outreach and enforcement of these by-laws until further notice.



- 2.3 Several local area municipalities in the Regional Municipality of Durham (Region) adopted resolutions regarding single use plastics in 2019. Most of these resolutions focus on eliminating single use plastics in municipal operations and facilities.
- 2.4 The Region began reducing single use plastics from the cafeteria services in the Regional Headquarters building in 2019.
- 2.5 In November 2019, staff were directed to report back to Works Committee with respect to establishing a policy regarding eliminating single use plastics, in consultation with local area municipalities.

### **3. Federal Actions on Single Use Plastics**

- 3.1 In 2018, the Ocean Plastics Charter was signed by Canada and four other G7 countries pledging to move toward a more sustainable approach of managing plastics.
- 3.2 Since signing the Ocean Plastics Charter, the Canadian Council of Ministers of the Environment (CCME) have developed a Canada – Wide Strategy for Zero Plastic Waste that includes Phase 1 and Phase 2 Action Plans.
- 3.3 Extended Producer Responsibility (EPR), actions to address single use plastics, support for a circular economy and innovative approaches to plastic life-cycle management are included in the Phase 1 Action Plan. CCME is working with stakeholders to develop solutions for single use and disposable plastic items and working to find alternatives to these items that can be implemented nationally.
- 3.4 Information exchange, addressing plastics in water ecosystems, research and global leadership are included in the Phase 2 Action Plan. Promotion of common labelling and consistent use of terms such as recyclable and compostable will support local efforts properly manage single use plastics.
- 3.5 The federal government is also conducting the research and consultation necessary to ban some single use plastic products that are considered particularly harmful to the environment. These bans could be enacted as early as 2021 but could be delayed due to the COVID-19 pandemic.

#### **4. Provincial Actions on Single Use Plastics**

- 4.1 Implementing EPR programs at the provincial level is recognized by CCME as a leading approach for reducing plastic waste in a cost efficient and responsible manner.
- 4.2 The Province of Ontario is developing EPR regulations for packaging, paper and paper-like products managed in the Blue Box. Some single-use items will be included in this regulation and the producers of the items will be responsible for managing them.
- 4.3 Municipalities will start transitioning to the EPR Blue Box system in 2023 with the new regulation fully implemented by 2026. The Region has indicated a preference to transition to EPR in mid-2023.

#### **5. Durham Region and Local Area Municipality Actions on Single Use Plastics**

- 5.1 The Municipality of Clarington, Town of Whitby and Town of Ajax have all passed resolutions and are working to reduce the prevalence of single use plastics in their communities.
- 5.2 Currently, the focus in all three municipalities is the reduction or elimination of single use plastics in municipal facilities. Single use plastics have been reduced or eliminated from townhalls and work is underway to eliminate single use plastics where possible from local arenas, libraries, other facilities and events.
- 5.3 The Town of Whitby and Town of Ajax are also considering work with residents and local businesses to encourage a reduction in single use plastics.
- 5.4 At the May 4, 2019 Works Committee meeting, staff reported on waste diversion efforts and contracts for Regional facilities (Report #2019-W-39). This report included an update on efforts to reduce single use plastics at the Regional headquarters building. Notably, bottled water is no longer sold in the cafeteria, paper straws are provided, and a reusable to-go container program was recently implemented.

#### **6. Potential Legal Implications of Bans**

- 6.1 Several jurisdictions have attempted to ban single use plastics items such as shopping bags. Most notably the Cities of Toronto and Victoria recently enacted plastic bag bans that were challenged in court. Toronto withdrew their ban before proceeding to court and Victoria's ban was struck down by the Court of Appeal.

- 6.2 The Region would face an additional difficulty as an upper tier municipality as jurisdiction over local business by-laws is granted to the lower tier municipalities under the Municipal Act.

## **7. Conclusion**

- 7.1 The federal and provincial governments are taking action on single use plastics that will apply across Canada and Ontario. These actions will provide a uniform and consistent approach for businesses and consumers.
- 7.2 Several local municipalities and the Regional Municipality of Durham have taken steps to reduce municipal use of single use plastics and other disposable items. These steps reduce the waste generated by municipal operations and take a lead by example approach.
- 7.3 Based on legal precedent, there is a risk that the Regional Municipality of Durham would be challenged in court over any broad single use plastics ban imposed at the Regional level.
- 7.4 For additional information please contact Gioseph Anello, Director of Waste Operations, at 905-668-7711, extension 3445.

Respectfully submitted,

**Original signed by:**

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Susan Siopis, P.Eng.  
Commissioner of Works



# The Regional Municipality of Durham Report

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To: Works Committee  
From: Commissioner of Works  
Report: #2020-W-46  
Date: October 7, 2020

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**Subject:**

Servicing and Responsibility Agreement with the City of Pickering for the Extension of a Sanitary Sewer and a Watermain through Provincial Lands to Service the Proposed Kubota Development, in the City of Pickering

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**Recommendation:**

That the Works Committee recommends to Regional Council:

- A) That the Regional Municipality of Durham be authorized to enter into a Servicing and Responsibility Agreement with the City of Pickering for the extension of a sanitary sewer and a watermain through Provincially owned lands, in the City of Pickering at an estimated cost of \$1,750,000, to be fully funded by the City of Pickering;
  - B) That the City of Pickering be responsible for any and all costs, other than normal operational and maintenance costs of the sanitary sewer and watermain, until such time as the City of Pickering can acquire ownership or a Regional easement over the lands within which these Regional services will be located; and,
  - C) That the Regional Chair and Clerk be authorized to execute any necessary documents or agreements.
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**Report:**

**1. Purpose**

- 1.1 The purpose of this report is to seek approval to enter into a Servicing and Responsibility Agreement with the City of Pickering (Pickering), related to the

construction of a proposed sanitary sewer and watermain through lands owned by the Province of Ontario, in Pickering, as shown on Attachment #1.

## **2. Background**

- 2.1 The Seaton Phase 1 Regional Front Ending Agreement between the Regional Municipality of Durham (Region) and the Seaton Landowners (which includes the Province as a Landowner) provides for the construction of the trunk sanitary sewer and water supply services to the Seaton Phase 1 Employment Lands. The local sanitary sewers and watermains connecting to these trunk services are the responsibility of the Landowners. Pickering purchased the lands from the Province, and in turn sold these lands as “serviced” to Kubota Canada. In doing so, Pickering became responsible for the construction of the local sanitary sewer and watermain required to service the lands (see Attachment #1).
- 2.2 These services were to be located within a Pickering owned road right-of-way in the proposed industrial plan of subdivision on lands to be acquired from the Province and facilitated through a subdivision agreement with the Region for the construction of these local services.
- 2.3 Pickering requested Regional approval to construct the works via pre-servicing, meaning, construction of all of the services, except for the actual connection to the trunk works in advance of signing the subdivision agreement.
- 2.4 Pickering also had a licence from the Province which permitted the construction and operation of the Regional services within the Province's lands. This licence has an expiry date of August 2021.
- 2.5 Pre-servicing proceeded based on the understanding that connection to the trunk services would not be allowed until Pickering owned the lands for the right-of-way and entered into a subdivision agreement.

## **3. Current Status**

- 3.1 To date, the purchase of these lands including the road rights-of-way which would contain these Regional services have not been acquired, therefore, a standard Regional subdivision agreement cannot be executed until the lands are acquired or an easement over the lands is established.
- 3.2 A standard Regional subdivision agreement provides several benefits to the Region. The most significant of these benefits are:

- a) Certainty in the design and installation of Regional services, including providing reasonable maintenance access during and after construction;
  - b) A two-year maintenance period on the works constructed;
  - c) Completion of as-recorded drawing to our satisfaction;
  - d) Access for emergency repairs and a mechanism for billing of the emergency repairs to the City;
  - e) Regional engineering fees;
  - f) Insurance;
  - g) Indemnification;
  - h) The conveyance of the necessary lands and easements; and
  - i) An assumption process.
- 3.3 Without a subdivision agreement, the Region does not have unfettered, permanent access to maintain the sanitary sewers and watermain required to service the lands.
- 3.4 To resolve this unusual situation, Pickering staff have indicated that the City will enter into a Servicing and Responsibility Agreement with the Region to address the above subdivision agreement matters. In addition, the agreement will ensure that Pickering acquires an extension to the licence with the Province and accepts the risks associated with not being able to acquire the necessary lands from the Province. All costs that the Region may incur, which would not have been incurred through a typical subdivision agreement, will be the responsibility of Pickering until such a time as the parcels become a Pickering road or easements are provided to the Region. The Region will continue to be responsible for normal operational and maintenance costs for the works.
- 4. Regional Infrastructure**
- 4.1 A 375 millimetre (mm) diameter sanitary sewer and 400 mm watermain have been constructed to service the Kubota lands and will be extended from the trunk services, located east of Whites Road, on the north side of Highway 407, to the Kubota site.
- 4.2 All other requirements of the standard Regional servicing agreement will be in place, with the exception of the posting of a letter of credit for 100 per cent of the cost of the works, which we traditionally waive for Area Municipalities. Additional clauses will be added to the standard servicing agreement to address the additional responsibilities being accepted by Pickering, until such time as the parcels become City roads or easements are provided to the Region.

**5. Financial Implications**

- 5.1 The estimated cost of the works is \$1,750,000 which will be fully funded by Pickering.

**6. Conclusion**

- 6.1 It is recommended that the Regional Municipality of Durham enter into a Servicing and Responsibility Agreement with the City of Pickering containing the foregoing provisions.
- 6.2 This report has been reviewed by Corporate Services – Legal Services.
- 6.3 For additional information, please contact Paul Gillespie, Manager - Development Approvals, at 905-668-7711, extension 3443.

**7. Attachments**

Attachment #1: Location Plan – Kubota Development Site, in City of Pickering.

Respectfully submitted,

**Original signed by:**

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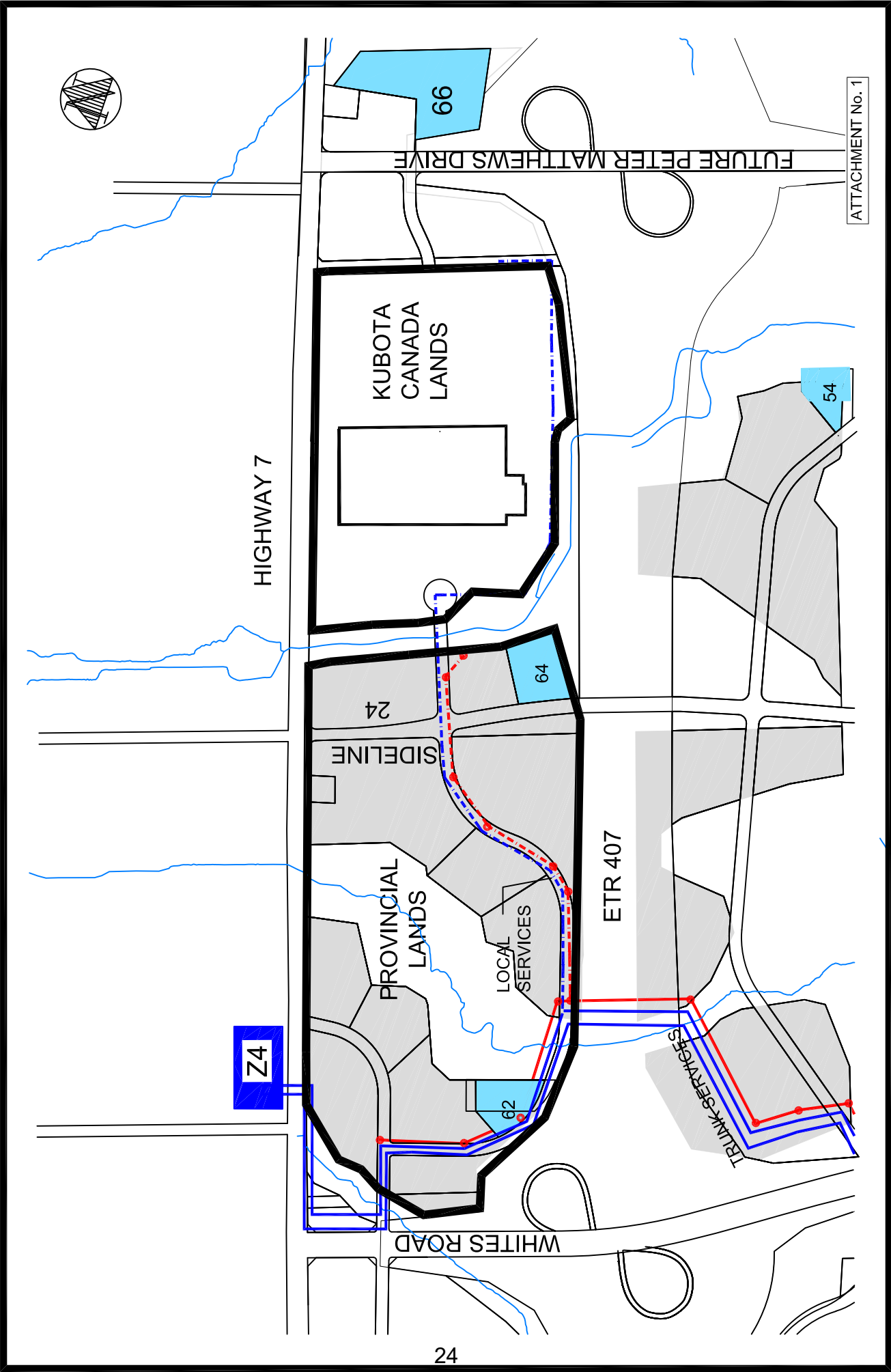
Susan Siopis, P.Eng.  
Commissioner of Works

Recommended for Presentation to Committee

**Original signed by:**

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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

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To: Works Committee  
From: Commissioner of Works  
Report: #2020-W-47  
Date: October 7, 2020

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**Subject:**

Approval to Award Additional Capital Financing for Regional Municipality of Durham Contract T-1019-2020 for the Renovation and Expansion of the Regional Environmental Laboratory at the Duffin Creek Water Pollution Control Plant, in the City of Pickering

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**Recommendation:**

That Works Committee recommends to Regional Council:

- A) That the low compliant bid of BDA Inc. in the amount of \$9,995,284\* be awarded for Regional Municipality of Durham Contract T-1019-2020; and
- B) That the total project budget for Regional Municipality of Durham Contract T-1019-2020 be increased by \$2,817,480, for a revised project budget of \$12,117,480, finance as noted in the following table:

Source of Funding	Residential Development Charges	Commercial Development Charges	Industrial Development Charges	User Revenue	Contribution from York Region	Total Financing
Water Supply Capital Budget Project Y1602	2,041,350	62,775	-	220,875	2,325,000	4,650,000

Source of Funding	Residential Development Charges	Commercial Development Charges	Industrial Development Charges	User Revenue	Contribution from York Region	Total Financing
Sanitary Sewerage Capital Budget Project Y1602	1,724,725	128,250	296,050	175,975	2,325,000	4,650,000
<b>Total Previously Approved Financing</b>	<b>3,766,075</b>	<b>191,025</b>	<b>296,050</b>	<b>396,850</b>	<b>4,650,000</b>	<b>9,300,000</b>
Additional Financing from Reallocation 2020 Water Supply Capital Budget Item 171	618,437	19,018	-	66,915	704,370	1,408,740
Additional Financing from Reallocation 2020 Sanitary Sewerage Capital Budget Item 72	519,825	32,401	-	152,144	704,370	1,408,740
<b>Total Revised Financing</b>	<b>4,904,337</b>	<b>242,444</b>	<b>296,050</b>	<b>615,909</b>	<b>6,058,740</b>	<b>12,117,480</b>

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**Report:**
**1. Purpose**

- 1.1 The purpose of this report is to obtain approval for additional capital financing for the award of Regional Municipality of Durham (Durham) Contract T-1019-2020 for the renovations and expansion of the Regional Environmental Laboratory (REL) at the Duffin Creek Water Pollution Control Plant (WPCP), in the City of Pickering (Pickering).
- 1.2 Dollar amounts followed by asterisk (\*) are before applicable taxes.

## **2. Background**

- 2.1 The REL is located at the Duffin Creek WPCP in Pickering. The REL is an accredited laboratory by the Canadian Association of Laboratory Accreditation (CALA) and currently processes approximately 70,000 water samples annually from municipalities, public and third parties which translates to over 250,000 tests.
- 2.2 The REL is divided into several functional groups or departments, including microbiology, organic chemistry, inorganic chemistry, information technology, quality assurance and administration. The REL was originally staffed in support of a microbiology functionality to provide a variety of laboratory testing and expert advisory services. Inorganic chemistry testing was added in 1992 and organic chemistry was added in 1993.
- 2.3 The REL requires expansion and renovation to address health and safety upgrades to allow for better workflow, increase capacity and improve adjacencies. Construction is anticipated to be executed in four phases. Each phase will act as a swing stage for each subsequent phase of renovation and includes new laboratory casework, furniture, fume hoods, washrooms, storage areas, mechanical, heating, ventilation and air conditioning (HVAC) and electrical systems.
- 2.4 During construction, the REL will be fully operational, with construction work coordinated to minimize the impact to day-to-day operation of the facility. New, individual HVAC systems will be installed to provide dedicated ventilation systems for each functional lab group. Improvements to the REL also include the provision of emergency backup power and uninterruptible power supply (UPS) connection for critical equipment to support business continuity.
- 2.5 Based on the recent tender pricing, an increase to the project budget is required. The project costs have increased from \$9,300,000 by \$2,817,480, for a revised project budget of \$12,117,480. The cost of the project is shared equally with the Regional Municipality of York (York).

### 3. Tender Information

- 3.1 Tenders were received for Regional Contract T-1019-2020 for the Renovation and Expansion of the Regional Environmental Lab, in the City of Pickering on August 18, 2020 as follows:

<b>Bidder</b>	<b>Total Tender Amount*</b>
BDA Inc.	\$9,995,284
Matheson Constructors Limited	\$10,052,894
Steelcore Construction Ltd.	\$11,194,000
Chandos Construction Ltd.	\$11,783,400

- 3.2 The bid submission documents provided by the lowest compliant bidder, BDA Inc., were reviewed and based on their bid submission, additional financing of \$2,817,480 is required for the construction contract.
- 3.3 The increased bid price is attributable to additional costs for:
- Project requirements during the detailed design phase;
  - The multi-phased approach to construction to allow the REL and administration building that is connected to the lab to remain fully occupied and operational during construction;
  - Reduced productivity due to COVID protocols such as social distancing, sanitation, and disinfecting, and industry market conditions such as labour and material shortages, and
  - Extended material and equipment deliveries.

### 4. Financial Implications

- 4.1 Section 15.3 of the Budget Management Policy requires approval of the applicable Standing Committee and Regional Council to approve project financing in excess of \$250,000 prior to the award of the applicable contract.
- 4.2 The project budget increase for Contract T-1019-2020 for the renovation and expansion of the REL at the Duffin Creek WPCP, in Pickering, is \$2,817,480, with costs shared equally with York, with Durham's share being \$1,408,740.

4.3 The total project cost, including reallocation of funds totaling \$2,817,480 can be financed as follows:

Source of Funding	Residential Development Charges	Commercial Development Charges	Industrial Development Charges	User Revenue	Contribution from York Region	Total Financing
Water Supply Capital Budget Project Y1602	2,041,350	62,775		220,875	2,325,000	4,650,000
Sanitary Sewerage Capital Budget Project Y1602	1,724,725	128,250	296,050	175,975	2,325,000	4,650,000
<b>Total Previously Approved Financing</b>	<b>3,766,075</b>	<b>191,025</b>	<b>296,050</b>	<b>396,850</b>	<b>4,650,000</b>	<b>9,300,000</b>
Additional Financing from Reallocation 2020 Water Supply Capital Budget Item 171	618,437	19,018		66,915	704,370	1,408,740
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<b>Total Revised Financing</b>	<b>4,904,337</b>	<b>242,444</b>	<b>296,050</b>	<b>615,909</b>	<b>6,058,740</b>	<b>12,117,480</b>

**5. Conclusion**

- 5.1 It is proposed that the additional funding totalling \$2,817,480 required for the award of Regional Municipality of Durham Contract T-1019-2020 to the lowest compliant bidder, BDA Inc., be approved from the sources identified in this report for a revised total project budget of \$12,117,480.
- 5.2 This report has been reviewed by the Finance Department and the Commissioner of Finance concurs with the proposed recommendations.
- 5.3 For additional information, please contact John Presta, Director, Environmental Services, at 905-668-7711, extension 3520.

Respectfully submitted,

**Original signed by John Presta for:**

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Susan Siopis, P.Eng.  
Commissioner of Works

Recommended for Presentation to Committee

**Original signed by:**

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Elaine 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

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To: Works Committee  
From: Commissioner of Works  
Report: #2020-W-48  
Date: October 7, 2020

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**Subject:**

Approval to Negotiate and Award a Sole Source Service Agreement with Aquatic Informatics (WaterTrax) for the Provision of Water Supply and Sanitary Sewerage Data Management Services

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**Recommendation:**

That the Works Committee recommends to Regional Council:

- A) That a sole source service agreement be negotiated and awarded to WaterTrax Inc. to provide water supply and sanitary sewerage data management services for a term of three years, commencing on January 31, 2021 at a cost of \$110,812.32\* per year for a total estimated contract value of \$332,436.96\*;
  - B) That financing for the water supply and sanitary sewerage data management services provided by WaterTrax Inc. be provided from the annual Water Supply and Sanitary Sewerage Systems Business Plans & Budgets; and,
  - C) That the Commissioner of Finance be authorized to execute the necessary documents related to the sole source service agreement.
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**Report:**

**1. Purpose**

- 1.1 The purpose of this report is to obtain Regional Council approval to negotiate and award a sole source service agreement with WaterTrax Inc. (WaterTrax), for the provision of water supply and sanitary sewerage data management services for a three-year term, commencing January 31, 2021. WaterTrax currently provides data

management services for the Regional Municipality of Durham's (Region) Drinking Water Systems, Sanitary Sewer Collection Systems for the purpose of monitoring and enforcing the Sewer Use By-law, Water Pollution Control Plants and a Sample Planner for compliance sampling. Amounts followed by an asterisk (\*) are before applicable taxes.

## **2. Background**

- 2.1 The Region has used WaterTrax for data management services related to water supply and sanitary sewerage operations information for the last 16 years.
- 2.2 WaterTrax is a subscription-based service that is delivered securely over the internet. As a result, Regional employees do not require the use of any internal information technology resources other than a standard web browser and internet access. No special servers, network hardware or personnel computer software is required. The services are available and ready for configuration immediately upon execution of the contract.
- 2.3 Currently WaterTrax is being used by Regional employees to summarize, track and tabulate water quality samples for all Drinking Water System laboratory and operational data. WaterTrax is also being utilized for industrial monitoring and enforcement of the Region's Sewer Use By-law. This information management system is being used by the Region for monitoring compliance with federal, provincial and Regional By-laws.
- 2.4 The use of WaterTrax has made the process of preparing regulatory compliance reports, surcharge invoicing and response to inquiries related to system operations more efficient. WaterTrax has facilitated the management of water sample planning, including schedules, alarms and alerts.
- 2.5 The Region's subscription to WaterTrax currently includes 56 users. The current proposal will increase the number of users from 56 to a total of 65 to meet the needs of additional staff in Plant Operations and Technical Support Divisions.

## **3. Justification for Sole Source**

- 3.1 Based upon current market research conducted by Works Department staff, WaterTrax is the only available hosted, online software-as-a-service solution specifically designed for both water and wastewater system monitoring information management. WaterTrax has been developed and customized for implementation in Durham Region over the past 16 years.



- 3.2 As the Works Department is currently using the WaterTrax information management service, staff are very familiar with the system and are able to retrieve historical data and produce accurate reports quickly. The ability to upload data instead of manually inputting testing information for the Regional Environmental Laboratory has greatly reduced the amount of work for the laboratory and technical support staff. Migration to a new data management system would prove to be too costly and time consuming. The transition to a new system would cause interrupted service to our water and wastewater system monitoring and information management which could lead to future compliance issues.
- 3.3 Other types of information management services researched by Regional staff are available to accumulate and store data of this type but require purchase of electronic data management equipment (servers), technicians to operate the system (manage the program) and purchase of the network hardware. The continued use of the services provided by WaterTrax will not require the purchase of equipment or extra staff to set up and operate a new system.

#### **4. Financial Implications**

- 4.1 Section 7.24 of the Region's Purchasing By-law 16-2020 (as amended), permits the acquisition of goods and services through a sole source negotiation process where there is an absence of competition for technical reasons. The by-law also requires approval of the Works Committee and Regional Council for the award of sole source contracts that exceed \$100,000 in value.
- 4.2 Financing for this sole source service agreement will be included in the annual Water Supply System and Sanitary Sewerage Operating Budgets. The estimated cost for this agreement is \$110,812.32\* each year for a total estimated contract value of \$332,436.96\* which reflects a 5.8 percent increase over the current contract of \$313,226\*.
- 4.3 Staff understand that Regional Council wants to ensure good value for the tax dollar and competitive market pricing. These are some of the ways staff ensure market pricing in sole sourcing:
- a. staff validate pricing by referencing / benchmarking our quotes against recent purchases made by other government agencies; and,
  - b. working with the vendor to confirm and ensure that the discounts provided are in line or better than our peer agencies. Staff will work with vendor to ensure

our insurance and contractual terms are negotiated and met where possible in order to protect the Region.

## **5. Conclusion**

- 5.1 It is recommended that Regional Council authorize the Finance Department to negotiate and award a sole source contract for a service agreement with WaterTrax for a period of three years for a total estimated contract cost of \$332,436.96\*.
- 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, please contact Greg Lymer, Manager of Technical Support, at 905-668-7711, extension 3500.

Respectfully submitted,

**Original signed by John Presta for:**

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Susan Siopis, P.Eng.

Commissioner of Works

Recommended for Presentation to Committee

**Original signed by:**

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Elaine C. Baxter-Trahair  
Chief Administrative Officer

## **Resolutions from Advisory Committees**

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

#### **1. Extension of Comment Period for the Long-Term Waste Management Plan**

That we recommend to the Works Committee for approval:

That the public comment period for the Long-Term Waste Management Plan be extended from September 30, 2020 until October 31, 2020.