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## The Regional Municipality of Durham

### MINUTES

#### COMMITTEE OF THE WHOLE

Wednesday, January 19, 2022

A regular meeting of the Committee of the Whole was held on Wednesday, January 19, 2022 in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 2:30 PM.

Regional Chair Henry assumed the Chair.

#### 1. Roll Call

Present: Councillor Anderson  
Councillor Ashe  
Councillor Barton  
Councillor Carter  
Councillor Chapman  
Councillor Collier  
Councillor Crawford  
Councillor Dies  
Councillor Drew  
Councillor Grant  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor Lee  
Councillor Marimpietri  
Councillor McLean  
Councillor Mitchell  
Councillor Mulcahy  
Councillor John Neal  
Councillor Joe Neal  
Councillor Nicholson  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Smith  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

**\* all members of Council, except the Regional Chair, participated electronically**

All members of Committee were present with the exception of Councillor Foster who was absent on municipal business

Staff

Present: G. Anello, E. Baxter-Trahair, D. Beaton, B. Bridgeman, S. Danos-Papaconstantinou, J. Demanuele, J. Dixon, B. Goodwin, B. Holmes, J. Hunt, R. Inacio, J. Kilgour, R.J. Kyle, K. McDermott, J. Presta, S. Siopis, N. Taylor, N. Prasad, S. Samuel, K. Smith and R. Walton

**2. Declarations of Interest**

Councillor Marimpietri made a declaration of interest under the Municipal Conflict of Interest Act with respect to the Presentation re: Organics Management Solution Update [Item 5.1] and Report #2022-COW-2: Organics Management Solution Update [Item 7. B)]. He indicated that he has family members who live and own property in the vicinity that has an organics waste facility being considered in the City of Oshawa.

**3. Statutory Public Meetings**

There were no statutory public meetings.

**4. Delegations**

4.1 Linda Gasser, Durham Resident, re: Organics Management Solution Update (2022-COW-2) [Item 7.B)]

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Linda Gasser, Durham resident, appeared before the Committee regarding Report #2022-COW-2: Organics Management Solution Update.

L. Gasser questioned the estimated property tax impact based on current cost estimates and displayed a chart illustrating the estimated cost for 2020. She stated that in the 2022 report, the total nominal construction cost is \$242 million which she feels is an extraordinary increase and is almost 50% above the original estimate. She stated that the Report anticipates bid premiums due to reduced market tolerance for project risks, and feels this is a general statement which needs an explanation. She stated that it is important to recall that other municipalities with an Anaerobic Digester are processing source separated organics and referenced a report from the City of London. She asked that the Region request a written update/summary on discussions with the Ministry of the Environment, Conservation and Parks as to whether facility separated organics or source separated organics co-processed would meet the provincial guidelines if developed.

L. Gasser feels the Mixed Waste Pre-sort and Anaerobic Digestion project is inflexible, inefficient, risky and expensive and the benefits need a thorough review. She stated that after the transition of the blue box collection and processing to Producers, current diversion metrics reporting will become irrelevant, and targets will need updating.

Moved by Councillor Yamada, Seconded by Councillor Anderson,

(1) That L. Gasser be granted a one-time two-minute extension to finish her delegation.

CARRIED ON THE FOLLOWING RECORDED  
VOTE

Yes

Councillor Anderson  
Councillor Dies  
Councillor Grant  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor Lee  
Councillor Mitchell  
Councillor Mulcahy  
Councillor John Neal  
Councillor Joe Neal  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Smith  
Councillor Wotten  
Councillor Yamada  
Regional Chair Henry

No

Councillor Ashe  
Councillor Barton  
Councillor Chapman  
Councillor Drew  
Councillor McLean

Members Absent: Councillor Carter  
Councillor Collier  
Councillor Crawford  
Councillor Foster  
Councillor Marimpietri  
Councillor Nicholson

Declarations of Interest: None

L. Gasser requested that Report #2022-COW-2 be referred back to staff and that Committee request updates and details of the project risk to be provided at the next Committee of the Whole meeting. She also requested: an update on processing capacity for mixed waste pre-sort and anaerobic digestion and estimates of excess capacity; an update/timeline with regards to staff's plans to relaunch the green bin to include additional materials; that staff provide an estimate of potential additional organics captures after the green bin relaunch; what the impact is on projected source separated organics tonnage; and expected percentage in the reduction of organics in garbage bags going to the mixed waste pre-sort facility.

L. Gasser also urged the committee to review the Report with the draft Long-Term Waste Management Plan Report (2022-WR-1) as she feels that much of that plan relies on assumptions in the mixed waste pre-sort and anaerobic digestion project. She asked the Committee to request the update and a review of the project rationale and stated she feels there are better, less risky and less expensive options. She also requested an update on private sector capacity options for anaerobic digestion to process Durham's source separated organics.

4.2 Wendy Bracken, Durham Resident, re: Organics Management Solution Update (2022-COW-2) [Item 7.B]

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Wendy Bracken, Durham resident, appeared before the Committee regarding Report #2022-COW-2: Organics Management Solution Update.

W. Bracken stated that she feels there are skyrocketing costs; increasing risks; critical information that has not been provided on the risks of the project; a failure to investigate other available options; a failure to maximize the three Rs first; and that costs and risks increase with a back-end focus. She asked that Report #2022-COW-2 be referred back to staff for more information including options and a fulsome analysis of risks.

W. Bracken stated that the Report makes reference to anticipated bid premiums due to reduced market tolerance for project risks and also states that the market is not prepared to tolerate the same level of project risk that it may have accepted a few years ago. She stated that this is concerning and raises the question of whether vendors will seek to transfer risks to the Region. She feels that critical information regarding risks, costs and impacts are not provided in the Report and noted that the Region of Peel has backed away from a Region-owned AD facility; the Region of York has private contracts for source separated organics; the Region of Peel and the City of London's reports identify contamination issues with mixed waste processing digestate; and that the City of London report also identifies many mixed processing facilities closed or re-engineered as they weren't meeting performance or contract requirements.

Moved by Councillor Anderson, Seconded by Councillor Yamada,  
(2) That W. Bracken be granted a one-time two-minute extension to finish her delegation.

CARRIED

W. Bracken stated that she feels the Long-Term Waste Management Plan is fundamentally flawed as it focuses on reducing greenhouse gas emissions and misses the key principle of reducing the toxic load to the environment. She stated that a sixth guiding principle should be added to the Plan to set as a priority the reduction of toxic load on the environment. She further stated that according to the Continuous Improvement Fund, 40 municipalities have successfully implemented a clear bag policy and that clear bags would be an enforcement tool when the Blue Box program moves to Producers.

## 5. Presentations

- 5.1 Gioseph Anello, Director, Waste Management Services, Works Department, Kelly McDermott, Senior Solicitor, Corporate Services - Legal Services, and Barb Goodwin, Director of Financial Solutions, Utility Finance & Portfolio Management, Finance Department, re: Organics Management Solution Update (2022-COW-2) [Item 7.B)]
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Gioseph Anello, Director, Waste Management Services, Works Department, Kelly McDermott, Senior Solicitor, Corporate Services - Legal Services, and Barb Goodwin, Director of Financial Solutions, Utility Finance & Portfolio Management, Finance Department, provided a PowerPoint Presentation regarding Organics Management Solution Update.

Highlights of the Presentation included the following:

- Mixed Waste Pre-Sort and Anaerobic Digestion Update
- Presentation Outline
- Procurement Background
- Legal Caution During Commercially Confidential Meetings
- Drivers for Managing Organic Waste
- What is Mixed Waste Pre-sort and Anaerobic Digestion?
- Renewable Natural Gas
- Concerns Addressed
- Impacts on the Durham York Energy Centre
- Financial Update
- Honorarium

Kelly McDermott provided background information with regards to the Mixed Waste Pre-Sort and Anaerobic Digestion Update. She provided an overview of the procurement background including the approved procurement process; the outcome of the Request for Pre-Qualification; and the status of the Negotiated Request for Proposal. She stated that the scope of the commercially confidential meetings (CCMs) supplied in confidence are comprised of financial, technical, trade secrets and scientific information and advised that staff cannot discuss any commercially sensitive information that is acquired during the CCMs as a breach could impact the fairness of the procurement process and could result in the cancellation of the procurement or a legal challenge.

G. Anello provided an overview of the regional and market drivers for managing organic waste. He also provided an overview of the Mixed Waste Pre-sort and Anaerobic Digestion and the benefits of renewable natural gas. He stated that some concerns that have been addressed are: minimal impact from truck traffic; no emission impacts; no odours off-site; Region only owned facility; operating hours consistent with DYEC; north parcel of land available for development; and low risk and does not trigger Environmental Assessment. He also provided an overview of the impacts on the Durham York Energy Centre.

B. Goodwin provided a financial update of the Mixed-Waste Pre-Sort and Anaerobic Digestion construction costs as well as an update on cost mitigation; regional strategic objectives; and the Durham York Energy Centre expansion.

Staff responded to questions with regards to the names of the two potential bidders; the quality of the end product/digestate; the increase in costs and how much of that increase is due to the large scope of the project; the estimated cost of increasing capacity at the Durham York Energy Centre; the projected revenue from anaerobic digestion; and the consideration of a greenhouse operation.

Staff also responded to questions with regards to what is done with the carbon dioxide as an end product; the reduction or change in the quality of the final leftover product as more waste will be used or diverted; and the amount of ash that will be reduced.

## **6. Correspondence**

### **A) Correspondence from Linda Gasser, Durham Resident, re: Organics Management Solution Update (2022-COW-2)**

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Moved by Councillor Lee, Seconded by Councillor Smith,

- (3) That the correspondence from L. Gasser, Durham Resident, regarding Report #2022-COW-2: Organics Management Solution Update, be referred to the consideration of Report #2022-COW-2.

CARRIED

## 7. Reports

### A) Durham Diversity and Immigration Program and Durham Local Immigration Partnership – Transition to Diversity, Equity and Inclusion Division (2022-COW-1)

Report #2022-COW-1 from B. Bridgeman, Commissioner of Planning and Economic Development, and S. Danos-Papaconstantinou, Commissioner of Social Services, was received.

Moved by Councillor Yamada, Seconded by Councillor Barton,  
(4) That we recommend to Council:

- A) That Regional Council endorse the transition of the Diversity & Immigration (D&I) Program and Durham Local Immigration Partnership (DLIP) to the Diversity, Equity and Inclusion Division in the CAO's office;
- B) That Regional Council endorses re-naming the Local Diversity and Immigration Partnership Council to the Durham Local Immigration Partnership (DLIP) Council; and
- C) That the Durham Local Immigration Partnership (DLIP) Council be co-chaired by the Chair of the Health and Social Services Committee and the Director of Diversity, Equity and Inclusion.

CARRIED

### B) Organics Management Solution Update (2022-COW-2)

Report #2022-COW-2 from S. Siopis, Commissioner of Works, D. Beaton, Commissioner of Corporate Services, and N. Taylor, Commissioner of Finance, was received.

Moved by Councillor Ryan, Seconded by Councillor McLean,  
(5) That we recommend to Council:

- A) That Council receive for information updated capital cost estimates for the Mixed Waste Pre-sort and Anaerobic Digestion Facility project ("AD Project");
- B) That Council approve an increase of the honorarium for pre-qualified respondents to the AD Project (as approved by Council in Report #2021-COW-14) from \$200,000 to \$400,000; and
- C) That Council approve an additional \$400,000, plus applicable taxes, to finance services rendered by external legal and financial consultants up to and including the close of the Negotiated Request for Proposal process on the AD Project.

CARRIED ON THE FOLLOWING RECORDED  
VOTE:

Yes

Councillor Ashe  
Councillor Barton  
Councillor Carter  
Councillor Chapman  
Councillor Drew  
Councillor Grant  
Councillor Highet  
Councillor Kerr  
Councillor Leahy  
Councillor Lee  
Councillor McLean  
Councillor Mitchell  
Councillor Pickles  
Councillor Roy  
Councillor Ryan  
Councillor Smith  
Councillor Wotten  
Regional Chair Henry

No

Councillor Anderson  
Councillor Crawford  
Councillor Dies  
Councillor Mulcahy  
Councillor John Neal  
Councillor Joe Neal  
Councillor Nicholson  
Councillor Yamada

Members Absent: Councillor Collier  
Councillor Foster

Declarations of Interest: Councillor Marimpietri

**8. Confidential Matters**

There were no confidential matters to be considered.

Questions to Staff

Councillor Joe Neal inquired about the high counts of PCB118 from the Durham York Energy Centre stack tests and the source of the contaminant.

**9. Other Business**

9.1 Recognition of Childcare Workers

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Councillor Roy requested that at the next meeting of Regional Council, that recognition be given to childcare workers as they have given support to daycares and emergency service workers during the most recent lockdown.



9.2 Warming Centres due to Cold Weather

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Councillor Nicholson raised concerns with the large number of people sleeping outside during extreme cold weather conditions in the City of Oshawa. He requested confirmation from Social Services staff that they look into either funding existing shelters and warming centres or create new warming centres that are open 24 hours. He also inquired about using Durham Region Transit buses as warming centres.

**10. Adjournment**

Moved by Councillor Kerr, Seconded by Councillor Nicholson,  
(6) That the meeting be adjourned.  
CARRIED

The meeting adjourned at 4:08 PM

Respectfully submitted,

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John Henry, Regional Chair

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Committee Clerk