



# The Regional Municipality of Durham

## COUNCIL INFORMATION PACKAGE

### April 22, 2022

#### Information Reports

- 2022-INFO-34** Commissioner of Planning and Economic Development – re: Monitoring of Land Division Committee Decisions of the March 14, 2022, meeting and Consent Decisions made by the Commissioner of Planning and Economic Development

#### Early Release Reports

There are no Early Release Reports

#### Staff Correspondence

There is no Staff Correspondence

#### Durham Municipalities Correspondence

1. **City of Oshawa** – re: Resolution passed at their Council meeting held on March 28, 2022, regarding Vision Zero

#### Other Municipalities Correspondence/Resolutions

1. **Town of Newmarket** – re: Resolution passed at their Council meeting held on March 28, 2022, regarding Federal Support for Lake Simcoe Restoration Fund
2. **Town of Orillia** – re: Resolution passed at their Council meeting held on April 4, 2022, regarding Federal Support for Lake Simcoe Restoration Fund
3. **Town of Gravenhurst** – re: Resolution passed at their Committee of the Whole meeting held on April 12, 2022, regarding Floating Accommodations
4. **Town of Gravenhurst** – re: Resolution passed at their Committee of the Whole meeting held on April 12, 2022, regarding the Russian Sanctions
5. **Town of Gravenhurst** – re: Resolution passed at their Committee of the Whole meeting held on April 12, 2022, regarding the Year of the Garden

### **Miscellaneous Correspondence**

1. Linda Gasser, Town of Whitby resident – re: Correspondence to Chair John Henry and Durham Region Council regarding Anaerobic Digester/Mixed Waste Presort – Request to Council to consider asking for AD Preferred Vendor Report in Meeting Cycle prior to Project Final Business Case

### **Advisory / Other Committee Minutes**

There are no Advisory / Other Committee Minutes

Members of Council – Please advise the Regional Clerk at [clerks@durham.ca](mailto:clerks@durham.ca), if you wish to pull an item from this CIP and include on the next regular agenda of the appropriate Standing Committee. Items will be added to the agenda if the Regional Clerk is advised by Wednesday noon the week prior to the meeting, otherwise the item will be included on the agenda for the next regularly scheduled meeting of the applicable Committee.

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. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2564



# The Regional Municipality of Durham Information Report

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From: Commissioner of Planning and Economic Development  
Report: #2022-INFO-34  
Date: April 22, 2022

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**Subject:**

Monitoring of Land Division Committee Decisions of the March 14, 2022 meeting and Consent Decisions made by the Commissioner of Planning and Economic Development

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**Recommendation:**

Receive for information

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**Report:**

**1. Purpose**

- 1.1 This report summarizes the decisions on consent applications made by the Commissioner of Planning and Economic Development pursuant to By-law 29-2020 and decisions made by the Regional Land Division Committee at its meeting of March 14, 2022 (see Attachment #1). The applications approved by the Commissioner are deemed to be non-controversial in that no comments or concerns were raised during the circulation process. All approved applications conform to the Durham Regional Official Plan. For the applications approved by the Land Division Committee, no appeals to the Ontario Land Tribunal are recommended.
- 1.2 A copy of this report will be forwarded to the Land Division Committee for its information.

**2. Previous Reports and Decisions**

- 2.1 This is a monthly report which tracks Land Division application activity.

**3. Relationship to Strategic Plan**

3.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Service Excellence – To provide exceptional value to Durham taxpayers through responsive, effective, and fiscally sustainable service delivery.

**4. Attachments**

Attachment #1: Monitoring Chart from the March 14, 2022 Meeting and Consent Decisions Made by the Commissioner of Planning and Economic Development

Respectfully submitted,

Original signed by

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Brian Bridgeman, MCIP, RPP  
Commissioner of Planning and  
Economic Development



## Monitoring of Land Division Committee Decisions for the Meeting Date of March 14, 2022 and Consent Decisions made by the Commissioner of Planning and Economic Development

Appeal Deadline: April 12, 2022

LD File Number	Owner	Location	Nature of Application	Regional Official Plan	LDC Decision
LD 080/2021	Eran Seagal	Lot 14, Concession 6 Township of Brock	Consent to sever a vacant 615.57 m <sup>2</sup> residential parcel of land, retaining a 608.28 m <sup>2</sup> residential parcel of land with an existing dwelling to remain.	Conforms	Approved by Commissioner
LD 011/2022	Cindy Ann Bryan And Alan Mervyn Rotz	Lot 24 Concession 6 Town of Whitby	Consent to add a vacant 285.5 m <sup>2</sup> residential parcel of land to the east, retaining an 826.1 m <sup>2</sup> residential parcel of land with an existing dwelling to remain.	Conforms	Approved by Commissioner
LD 012/2022	2134105 Ontario Inc.	Lot 27, Concession 2 Town of Whitby	Consent to grant a 64.02 m <sup>2</sup> access easement in favour of the property to the south, retaining a 657.9 m <sup>2</sup> residential parcel of land with existing structures to remain.	Conforms	Approved by Commissioner
LD 013/2022	1628609 Ontario Inc.	Lot 27, Concession 2 Town of Whitby	Consent to grant a 20 m <sup>2</sup> access easement in favour to the lands to the east, retaining a 446 m <sup>2</sup> residential parcel of land with existing structures to remain.	Conforms	Approved by Commissioner

<b>LD File Number</b>	<b>Owner</b>	<b>Location</b>	<b>Nature of Application</b>	<b>Regional Official Plan</b>	<b>LDC Decision</b>
LD 014/2022	David Kadenhe	Lot 8, Concession 1 Town of Ajax	Consent to sever a 575 m2 residential parcel of land with an existing dwelling to remain, retaining a 1,151 m2 residential parcel of land with an existing dwelling to remain.	Conforms	Approved by Committee
LD 015/2022	David Kadenhe	Lot 8, Concession 1 Town of Ajax	Consent to sever a 575 m2 residential parcel of land with existing dwelling to remain, retaining a 576 m2 residential parcel of land with existing dwelling remain.	Conforms	Approved by Committee
LD 016/2022	Ronald Andrew Crook	Lot 27, Concession 1 City of Pickering	Consent to sever a vacant 580.7 m2 residential parcel of land, retaining a 2,230.48 m2 residential parcel of land with existing dwelling to remain.	Conforms	Approved by Committee
LD 017/2022	Ronald Andrew Crook	Lot 27, Concession 1 City of Pickering	Consent to sever a vacant 580.89 m2 residential parcel of land, retaining a 1647.18 m2 residential parcel of land with existing dwelling to remain.	Conforms	Approved by Committee
LD 018/2022	Ronald Andrew Crook	Lot 27, Concession 1 City of Pickering	Consent to sever a vacant 580.83 m2 residential parcel of land, retaining a 1,066.35 m2 residential parcel of land with existing dwelling to remain.	Conforms	Approved by Committee
LD 020/2022	Ardith Douglas	Lots 3 and 4, RP 544 Township of Scugog	Consent to sever a 1,477.79 residential parcel of land, retaining a 1,581.14 m2 residential parcel of land with an existing dwelling to be demolished.	Conforms	Approved by Committee

<b>LD File Number</b>	<b>Owner</b>	<b>Location</b>	<b>Nature of Application</b>	<b>Regional Official Plan</b>	<b>LDC Decision</b>
LD 023/2022	Colton Till	Lot 6, Concession 4 Township of Uxbridge	Consent to sever a vacant 2,411.1 m2 residential parcel of land, retaining a 4,859.6 m2 residential parcel of land with an existing dwelling to remain.	Conforms	Approved by Committee
LD 024/2022	Colton Till	Lot 6, Concession 4 Township of Uxbridge	Consent to sever a vacant 2,411.1 m2 residential parcel of land, retaining a 4,859.6 m2 residential parcel of land with an existing dwelling to remain.	Conforms	Approved by Committee

April 21, 2022

**DELIVERED BY E-MAIL**

(Nela.Prasad@durham.ca)

The Regional Municipality of Durham

Re: Resolution from the Region of Durham concerning Vision Zero (INFO 22-51)

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This is in response to your correspondence of January 20, 2022 to the Community Services Committee concerning the above-referenced matter.

Oshawa City Council considered the matter at its meeting of March 28, 2022 and adopted the following recommendation of the Community Services Committee:

“Whereas the number of traffic related safety concerns in the City of Oshawa continues to increase; and,

Whereas City of Oshawa Councillors and staff work with residents to help address their traffic related safety concerns; and,

Whereas enforcement by DRPS continues to be a common request from residents including the request for Automated Speed Enforcement cameras to address their traffic related safety concerns; and,

Whereas the City of Oshawa supports The Regional Municipality of Durham's request for increased enforcement by DRPS; and,

Therefore, INFO-22-51 from the Regional Municipality of Durham be endorsed and that the City of Oshawa support the Region's request for increased enforcement by DRPS to achieve the goal of Vision Zero along with employing other tools in the built environment through responsive changes and good planning practices that also lead to safer, more responsible driving habits and speeds that help in achieving the Vision Zero goal; and,

That at this time the City takes no position on Emphasis Area 2, Program 2 (Automated Enforcement) in the Durham Vision Zero Strategy, until such time as the Region's anticipated report on Automated Enforcement is reviewed by Council.”



If you need further assistance concerning the above matter, please contact Ron Diskey, Commissioner, Community Services Department at the address listed below or by telephone at 905-436-3311.



Mary Medeiros  
City Clerk

/rr

c. Community Services Department



 Corporate Services Department Legislative Services Division	
Date & Time Received:	April 19, 2022 11:04 am
Original To:	CIP
Copies To:	
Take Appropriate Action	<input type="checkbox"/> File <input type="checkbox"/>
Notes/Comments:	

Fellow elected representatives:

Newmarket, along with other municipalities within the Lake Simcoe watershed, deeply value Lake Simcoe. In addition to its natural beauty, the Lake is a source of drinking water and is an integral part of agriculture, recreation, tourism and other economic activity in our communities.

We recognize and commend the work done to date to enhance and protect Lake Simcoe and the support the Federal Government has provided to enable this work, including the \$65-million Lake Simcoe Clean-up Fund, which ended in 2017 and has not been renewed.

The Government committed \$40 million for Lake Simcoe during the 2019 election and pledged \$1 billion over a decade in the 2021 election to strengthen the Fresh Water Action Plan. In the attached motion you will see that we are asking the Federal government to use some of the funds pledged to increase its funding, over its previous commitments, to continue to restore Lake Simcoe.

The funding will support:

- The mitigation and restoration of the Lake's shoreline, as well as the banks of its tributaries;
- Expand tree cover in the watershed;
- Ameliorate contaminated sites in the watershed;
- Upgrades municipal infrastructure, such as wastewater and storm water facilities; and,
- Conserve forests and wetlands in the watershed.

We hope that you will join us in supporting the protection of Lake Simcoe by endorsing our request for increased Federal funding for restoration activities within the Lake Simcoe Watershed.

Sincerely,

John Taylor, Mayor



**Legislative Services**

Town of Newmarket  
395 Mulock Drive  
P.O. Box 328 Station Main  
Newmarket, ON L3Y 4X7

clerks@newmarket.ca  
tel.: 905-953-5300  
fax: 905-953-5100

April 5, 2022

Sent via email

**RE: Lake Simcoe Restoration Fund**

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I am writing to advise you that at the Council meeting held on March 28, 2022, Council adopted the following recommendations regarding the above referenced matter:

Whereas Lake Simcoe is one of Ontario's largest watersheds, home to First Nations since time immemorial, and situated in the growing communities of Simcoe County, York Region, Durham Region, and the cities of Barrie and Orillia; and,

Whereas the watershed faces threats due to eutrophication, largely from phosphorus runoff and other contaminants into the lake and its tributaries; and,

Whereas the lake is a significant source of drinking water, as well as being integral for local recreation, tourism, agriculture and other key economic drivers; and,

Whereas the previous federal government funded a "Lake Simcoe Clean-Up Fund" of \$65 million over 10 years between 2007-2017, but that fund has not been renewed; and,

Whereas during the 2019 federal election, the Hon. Chrystia Freeland committed \$40 million over 5 years towards Lake Simcoe; and,

Whereas during the 2021 federal election, the Liberal Party of Canada committed to "Implement a strengthened Freshwater Action Plan, including an historic investment of \$1 billion over 10 years. This plan will provide essential funding to protect and restore large lakes and river systems, starting with the Great Lakes-St. Lawrence River System, Lake Simcoe..."; and,

Whereas the Conservative Party of Canada also committed to re-funding the Lake Simcoe Clean-Up Fund in the 2019 and 2021 general elections with an investment of \$30 million over five years; and,

Whereas, further to the Minister of the Environment and Climate Change's mandate letter dated December 16th, 2021, which directs the Minister to "...establish a Canada Water Agency and implement a strengthened Freshwater Action Plan, including a historic investment to provide funding to protect and restore large lakes and river systems, starting with the Great Lakes-St. Lawrence River System, Lake Simcoe..."

Therefore be it resolved that the Council of the Town of Newmarket:

1. Supports federal funding for a Lake Simcoe Restoration Fund that represents a significant percentage of the overall Freshwater Action Plan Fund, with funding in excess of previous commitments, beginning in the 2022 budget; and,



**Legislative Services**

Town of Newmarket

395 Mulock Drive

P.O. Box 328 Station Main

Newmarket, ON L3Y 4X7

clerks@newmarket.ca

tel.: 905-953-5300

fax: 905-953-5100

2. Asks that such funding be used to undertake:
  - a. Shoreline mitigation and restoration, including in the tributaries of the Holland River, Maskinonge River, Black River, Pefferlaw River and the Holland Marsh; and,
  - b. The assistance of the federal government to achieve up to or more than 40 percent of watershed high quality tree cover; and,
  - c. Projects to ameliorate contaminated sites in the watershed; and,
  - d. Upgrades to help retrofit municipal infrastructure such as wastewater and stormwater facilities; and,
  - e. Purchasing and conservation of more forests and wetlands under the auspices of the Lake Simcoe Region Conservation Authority (LSRCA); and,
3. That a copy of this resolution, along with a letter from the Mayor, be sent to the federal Minister of Finance; the Minister of the Environment and Climate Change; the President of the Treasury Board; the Members of Parliament for York—Simcoe, Newmarket—Aurora, Barrie—Springwater—Oro-Medonte, Barrie—Innisfil, Simcoe North, Haliburton—Kawartha Lakes—Brock, and Durham; and to all Lake Simcoe-region municipalities and the LSRCA, with a request for their endorsement.

Yours sincerely,

Jaclyn Grossi  
Acting Deputy Clerk



## Office of the Mayor

T: 705-325-2447  
F: 705-325-5178  
✉ mayor@orillia.ca  
🌐 orillia.ca  
📍 50 Andrew St. S., Suite 300,  
Orillia, ON L3V 7T5

April 14, 2022

The Honourable Chrystia Freeland, PC, MP  
Deputy Prime Minister and Minister of Finance  
Department of Finance Canada  
90 Elgin Street  
Ottawa ON K1A 0G5

**Sent via email to:** [financepublic-financepublique@fin.gc.ca](mailto:financepublic-financepublique@fin.gc.ca)

Dear Hon. Chrystia Freeland:

**Re: Federal Support for Lake Simcoe Clean Up Fund**

At its meeting held on April 4, 2022, we would like you to be aware, Orillia City Council, unanimously, adopted the following resolution:

*“THAT the Council of the Corporation of the City of Orillia supports the resolution dated March 1, 2022 from the Town of Bradford West Gwillimbury regarding federal funding for the Lake Simcoe Clean Up Fund;*

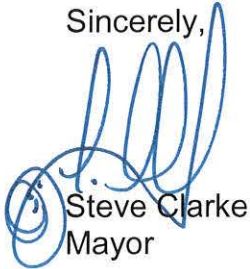
*AND THAT copies of a letter of support and the Town of Bradford West Gwillimbury’s resolution be forwarded to the Prime Minister of Canada; the Federal Minister of Finance; the Minister of the Environment and Climate Change; the President of the Treasury Board; the Members of Parliament for York-Simcoe, Newmarket-Aurora, Barrie-Springwater-Oro-Medonte, Barrie-Innisfil, Simcoe North, Haliburton-Kawartha Lakes-Brock, and Durham; and to all Lake Simcoe-region municipalities and the Lake Simcoe Regional Conservation Authority, with a request for their endorsement.”*

 Corporate Services Department <b>Legislative Services Division</b>	
Date & Time Received:	April 19, 2022 11:08 am
Original To:	CIP
Copies To:	
Take Appropriate Action	<input type="checkbox"/> File <input type="checkbox"/>
Notes/Comments:	



Thank you for your consideration of this request.

Sincerely,



Steve Clarke  
Mayor

SC:as

Attach.: Resolution dated March 1, 2022 from the Town of Bradford West Gwillimbury regarding federal funding for the Lake Simcoe Clean Up Fund

Copy to: The Right Hon. Justin Trudeau, PC, MP, Prime Minister of Canada  
Hon. Steven Guilbeault, PC, MP, Minister of the Environment and Climate Change  
Hon. Mona Fortier, PC, MP, President of the Treasury Board  
Scot Davidson, MP, York-Simcoe  
Tony Van Bynen, MP, Newmarket-Aurora  
Doug Shipley, MP, Barrie-Springwater-Oro-Medonte  
John Brassard, MP, Barrie-Innisfil  
Adam Chambers, MP, Simcoe North  
Jamie Schmale, MP, Haliburton-Kawartha Lakes-Brock  
Erin O'Toole, MP, Durham  
Lake Simcoe Watershed Municipalities:  
City of Barrie  
City of Kawartha Lakes  
City of Orillia  
County of Simcoe  
Regional Municipality of Durham  
Regional Municipality of York  
Town of Aurora  
Town of Bradford West Gwillimbury  
Town of East Gwillimbury  
Town of Georgina  
Town of Innisfil  
Town of Newmarket  
Town of New Tecumseth  
Town of Whitchurch-Stouffville

Hon. Chrystia Freeland

April 14, 2022

Page 3 of 3

Township of Brock

Township of King

Township of Oro-Medonte

Township of Ramara

Township of Scugog

Township of Uxbridge

Lake Simcoe Region Conservation Authority

City of Orillia Members of Council

March 4, 2022

VIA EMAIL

Hon. Chrystia Freeland PC MP  
Ministry of Finance  
90 Elgin Street  
Ottawa, Ontario K1A 0G5

Dear Hon. Chrystia Freeland,

**Re: Federal Support for Lake Simcoe Clean Up Fund**

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At its Regular Meeting of Council held on March 1, 2022, the Town of Bradford West Gwillimbury Council approved the following resolution regarding federal funding for the Lake Simcoe Cleanup Fund.

Resolution 2022-12 Scott/Ferragine

*WHEREAS Lake Simcoe is one of Ontario's largest watersheds, home to First Nations since time immemorial, and situated in the growing communities of Simcoe County, York Region, Durham Region, and the cities of Barrie and Orillia;*

*AND WHEREAS the watershed faces threats due to eutrophication, largely from phosphorus runoff and other contaminants into the lake and its tributaries;*

*AND WHEREAS the lake is a significant source of drinking water, as well as being integral for local recreation, tourism, agriculture and other key economic drivers;  
AND WHEREAS the previous federal government funded a "Lake Simcoe Clean-Up Fund" of \$65 million over 10 years between 2007-2017, but that fund has not been renewed;*

*AND WHEREAS during the 2019 federal election, the Hon. Chrystia Freeland committed \$40 million over 5 years towards Lake Simcoe;*

*AND WHEREAS during the 2021 federal election, the Liberal Party of Canada committed to "Implement a strengthened Freshwater Action Plan, including an historic investment of \$1 billion over 10 years. This plan will provide essential funding to protect and restore large lakes and river systems, starting with the Great Lakes-St. Lawrence River System, Lake Simcoe...";*



*AND WHEREAS the Conservative Party of Canada also committed to re-funding the Lake Simcoe Clean-Up Fund in the 2019 and 2021 general elections with an investment of \$30 million over five years;*

*Further to the Minister of the Environment and Climate Change's mandate letter, which directs the Minister to "...establish a Canada Water Agency and implement a strengthened Freshwater Action Plan, including a historic investment to provide funding to protect and restore large lakes and river systems, starting with the Great Lakes-St. Lawrence River System, Lake Simcoe..."*

*THEREFORE be it resolved that the Town of Bradford West Gwillimbury:*

- 1. Supports federal funding for a Lake Simcoe Restoration Fund that represents a significant percentage of the overall Freshwater Action Plan Fund, with funding in excess of previous commitments, beginning in the 2022 budget;*
- 2. Asks that such funding be used to undertake:*
  - a. Shoreline mitigation and restoration, including in the tributaries of the Holland River, Maskinonge River and Black River, and the Holland Marsh,*
  - b. Projects to ameliorate contaminated sites in the watershed,*
  - c. Upgrades to help retrofit municipal infrastructure such as wastewater and stormwater facilities to decrease total current discharges from existing facilities,*
  - d. Planting of 250,000 trees in the watershed, and purchasing and conservation of more forests and wetlands under the auspices of the Lake Simcoe Region Conservation Authority (LSRCA), to make significant progress towards the Lake Simcoe Protection Plan goal of 40% of the watershed area being protected natural land; and*
- 3. That a copy of this resolution, along with a letter from the Mayor, be sent to the federal Minister of Finance; the Minister of the Environment and Climate Change; the President of the Treasury Board; the Members of Parliament for York—Simcoe, Newmarket—Aurora, Barrie—Springwater—Oro-Medonte, Barrie—Innisfil, Simcoe North, Haliburton—Kawartha Lakes—Brock, and Durham; and to all Lake Simcoe-region municipalities and the LSRCA, with a request for their endorsement.*

**CARRIED.**

Thank you for your consideration of this request.

Regards,



Tara Reynolds  
Deputy Clerk, Town of Bradford West Gwillimbury  
(905) 775-5366 Ext 1104  
[treynolds@townofbwg.com](mailto:treynolds@townofbwg.com)

CC: Hon. Steven Guilbeault, Minister of the Environment and Climate Change  
Hon. Mona Fortier, President of the Treasury Board  
Scot Davidson, MP York-Simcoe  
Tony Van Bynen, MP Newmarket—Aurora  
Doug Shipley, MP Barrie—Springwater—Oro-Medonte  
John Brassard, MP Barrie—Innisfil  
Adam Chambers, MP Simcoe North  
Jamie Schmale, MP Haliburton—Kawartha Lakes—Brock  
Hon. Erin O'Toole, MP Durham  
Lake Simcoe Region Municipalities  
LSRCA

March 4, 2022

VIA EMAIL

Hon. Chrystia Freeland PC MP  
Ministry of Finance  
90 Elgin Street  
Ottawa, Ontario K1A 0G5

Dear Deputy Prime Minister:

I am writing to you today to make a pre-budget submission in accordance with a motion presented by my colleague Councillor Jonathan Scott and passed unanimously by our Town Council asking that the federal government fulfil bipartisan commitments towards creating a Lake Simcoe Restoration Fund in the upcoming federal budget.

The motion is enclosed for your reference.

As you know, both local Liberal and Conservative MPs ran on the promise of restoring and exceeding funding that used to exist to help protect Lake Simcoe under the auspices of the Lake Simcoe Clean-up Fund. You yourself made such a commitment of a \$40-million fund during the 2019 election in Barrie. The commitment to a billion-dollar Freshwater Action Fund, which would include funding for Lake Simcoe, is in the Hon. Steven Guilbeault's mandate letter as Minister of the Environment and Climate Change.

We ask that funding greater than previous commitments be invested to protect the Lake Simcoe watershed in this year's budget. Such funding should be over and above previous commitments given that funding for the Lake has been in hiatus since the previous fund expired in 2017, and due to inflationary pressures. As the motion outlines, such funding could be used for land conservation, shoreline restoration, cleaning up contaminated sites, reducing discharges from existing wastewater treatment plants, and other tangible means to restore the health of the watershed.

Our region, and Bradford West Gwillimbury in particular, is growing, and so we need to take environmental mitigation and restoration efforts seriously, alongside a federal partner.

I understand this motion has also passed in the Town of Georgina, and is being considered by other municipalities across our region, demonstrating, I believe, the great unity in our area for federal action to protect Lake Simcoe.

Thank you for considering this request.

Sincerely yours,

A handwritten signature in black ink that reads "Rob Keffer". The signature is written in a cursive style with a large initial "R".

Rob Keffer  
Mayor  
Town of Bradford West Gwillimbury

cc. Hon. Steven Guibeault PC MP  
Hon. Mona Fortier PC MP  
Tony Van Bynen MP  
Scot Davidson MP  
Lake Simcoe Region Conservation Authority  
Lake Simcoe Region Mayors and Councils



 Corporate Services Department Legislative Services Division	
Date & Time Received:	April 19, 2022 12:57 pm
Original To:	CIP
Copies To:	
Take Appropriate Action	<input type="checkbox"/> File <input type="checkbox"/>
Notes/Comments:	

**Sent via Email**

April 19, 2022

**RE: TOWN OF GRAVENHURST RESOLUTION – FLOATING ACCOMMODATIONS**

At the Town of Gravenhurst Committee of the Whole meeting held on April 12, 2022 the following resolution was passed:

**WHEREAS** the Province is currently consulting with municipalities on the use of floating accommodations;

**AND WHEREAS** public feedback is required to be submitted to the NDMNRF by April 19, 2022;

**THEREFORE BE IT RESOLVED THAT** Administration be directed to submit comments on behalf of the Town of Gravenhurst to include, not limited to:

- qualifications of a “vessel”,
- length (number of days) of time permitted for camping on Crown Land,
- wastewater management; and
- lack of infrastructure (ie pumping stations, hygiene amenities) to support floating accommodations within the Town of Gravenhurst;


**AND THAT** Administration be directed to Report to Council on what measures can be implemented to restrict the use of Floating Accommodations within the Town of Gravenhurst;

**AND FINALLY THAT** this motion be circulated to municipalities within the Province of Ontario.

Sincerely,

Jacob Galvao  
Administrative Clerk II – Legislative Services  
Town of Gravenhurst



 Corporate Services Department Legislative Services Division	
Date & Time Received:	April 19, 2022 12:59 pm
Original To:	CIP
Copies To:	
Take Appropriate Action	<input type="checkbox"/> File <input type="checkbox"/>
Notes/Comments:	

**Sent via Email**

April 19, 2022

**RE: TOWN OF GRAVENHURST RESOLUTION – RUSSIAN SANCTIONS**

At the Town of Gravenhurst Committee of the Whole meeting held on April 12, 2022 the following resolution was passed:

**WHEREAS** the country of Ukraine has experienced a premeditated and unprovoked invasion by Russia;

**AND WHEREAS** silence is complicity;

**AND WHEREAS** Canada imports hundreds of millions of dollars' worth of goods from Russia each year;

**AND WHEREAS** negative financial impacts upon a country can be used as a means to deter further conflict;

**BE IT THEREFORE RESOLVED THAT** the Correspondence from the Town of Georgina regarding sanctions on Russia be received for information;

**AND THAT** The Town of Gravenhurst unequivocally denounces Russia's unjustifiable war against Ukraine;

**AND THAT** the Town of Gravenhurst supports the sanctions which the Federal government of Canada has thus far imposed on Russia;

**AND THAT** effective immediately and until a time when the sovereignty of Ukraine is once again unchallenged, the Town of Gravenhurst will:

- 1) Not purchase any products (ie plywood, fertilizer, steel, furniture or machinery) which can be easily traced to have originated from Russia; and
- 2) Insist that any future contracts for services for the Town of Gravenhurst abide by these same limitations within our municipality;

**AND THAT** upon confirmation that the Belarusian military is engaged within Ukraine that the Town of Gravenhurst apply these limitations upon goods from that country as well;

**AND THAT** this decision of Gravenhurst Council be forwarded to all other municipalities within Ontario requesting they enact similar measures so that as a united front we can make a noticeable difference.

Sincerely,

A handwritten signature in black ink, consisting of the initials 'J.G.' in a cursive style.

Jacob Galvao  
Administrative Clerk II – Legislative Services  
Town of Gravenhurst



 Corporate Services Department Legislative Services Division	
Date & Time Received:	April 19, 2022 1:42 pm
Original To:	CIP
Copies To:	
Take Appropriate Action	<input type="checkbox"/> File <input type="checkbox"/>
Notes/Comments:	

**Sent via Email**

April 19, 2022

**RE: TOWN OF GRAVENHURST RESOLUTION – YEAR OF THE GARDEN**

At the Town of Gravenhurst Committee of the Whole meeting held on April 12, 2022 the following resolution was passed:

**WHEREAS** the Year of the Garden 2022 celebrates the Centennial of Canada’s horticulture sector;

**AND WHEREAS** gardens and gardening contribute to the quality of life of our municipality and create safe and healthy places where people can come together;

**AND WHEREAS** the Year of the Garden 2022 highlights and celebrates the important contribution of gardeners, our local gardening organizations, horticultural professionals and local horticultural;

**AND WHEREAS** gardens and gardening have helped us face the challenges of the COVID-19 Pandemic;

**AND WHEREAS** Communities in Bloom, in collaboration with the Canadian Garden Council, invites all municipalities to celebrate the Year of the Garden;

**NOW THEREFORE BE IT RESOLVED THAT** the correspondence from the City of Port Colborne be received for information;

**AND THAT** the Town of Gravenhurst, along with other communities across Canada, celebrate 2022 as the Year of the Garden and recognizes the contribution of gardens and gardening to the development of our country, our Town and the lives of our citizens in terms of health, quality of life and environmental challenges;


**AND FINALLY THAT** a copy of this resolution be provided to all municipalities in Ontario.



Sincerely,

A handwritten signature consisting of the initials 'J.G.' in a cursive, black ink style.

Jacob Galvao  
Administrative Clerk II – Legislative Services  
Town of Gravenhurst

 Corporate Services Department <b>Legislative Services Division</b>	
Date & Time	April 20, 2022
Received:	3:56 pm
Original To:	CIP
Copies To:	
Take Appropriate Action	<input type="checkbox"/> File <input type="checkbox"/>
Notes/Comments:	

Via Email c/o Durham Clerks: [Clerks@Durham.ca](mailto:Clerks@Durham.ca)

April 20, 2022.

Chair John Henry and Durham Region Council  
 605 Rossland Road East  
 Whitby Ontario

Re: Anaerobic Digester/Mixed Waste Presort – Request to Council to consider asking for AD Preferred Vendor Report in Meeting Cycle prior to Project Final Business Case

From your waste staff responses to questions at past committee and council meetings, I had anticipated that a staff report on the Preferred Vendor consortium for the AD Project would be on the April Committee of the Whole agenda – it was not.

I contacted the Acting Works Commissioner, who responded that for the AD Project: *“There will be one report, presented at the June Committee of the Whole meeting”*.

For your incinerator, in April 2009 there was a report indicating staff’s preferred vendor evaluation (Attached 2009 J-18), which along with additional costs had to be approved by council. This led to a subsequent series of reports to COW and Council in June 2009, at which this reports package included a revised incinerator business case.

Recall that last January, in response to questions about the substantial increase to cost estimates describe ed in report 2022 COW 2, staff indicated that only two bidding consortia remained, so there is not a long line up of qualified bidders interested in bidding on this project. When and how would staff inform you if there were ultimately only one willing bidder at the end of the RFP process?

Furthermore the project has greatly expanded in scope compared to initial objectives which were not well explained since inception. Your staff will, again, be heavily reliant on external consultants over the life of the project, as they have been with the incinerator. These substantial administrative costs must also be estimated.

Capital costs have ballooned – staff estimated in January to be \$242 million. We learned at that COW meeting, when the Waste Director responded to council questions, that staff will process TWO separate organics streams -1) Facility Separated Organics (FSO) i.e. those extracted from the mixed waste expected to be heavily contaminated and 2) Source Separated Organics (SSO) which are the clean green bin organics collected curbside at most single family homes.

This will be both expensive and inefficient and with no guarantee that FSO would be suitable for land application or have any beneficial use. The Waste Director responded that if that were the case, the material could be sent to contaminated sites! Is that what Council intended i.e. that millions of dollars would be spent to mechanically separate

and process FSO and that end products might be so contaminated that they might have no beneficial use?

Durham currently spends approximately \$8 million a year to compost Source Separated Organics, resulting in a high quality compost. Note that staff did not provide anticipated operating costs in 2022 COW 2, but below see table from May 2020 report COW 20. From estimate almost two years ago - Operating Costs before estimated revenues at \$14.4 million, close to double what you currently pay to compost organics that result in a marketable product.

<b>20-Year Operating Cost Estimates</b>	<b>2024</b> (\$ millions)	<b>2025-43</b> (\$ millions)	<b>Total</b> (\$ millions)
<b><u>Operating Costs</u></b>			
Pre-Sort/Transfer Operations	\$ 10.5	\$ 313.5	\$ 324.0
Organics Processing through AD (SSO and FSO)	\$ 9.4	\$ 269.5	\$ 278.9
Status Quo SSO Compost Processing Savings	\$ (8.2)	\$ (254.7)	\$ (262.9)
Digestate Management	\$ 1.5	\$ 45.8	\$ 47.3
Transfer, Haulage, DYEC/Bypass Disposal Costs	\$ (1.2)	\$ (49.5)	\$ (50.7)
Other Site/Project Operating Costs	\$ 1.8	\$ 44.0	\$ 45.7
Biogas Upgrading and Injection Operating	\$ 0.7	\$ 21.8	\$ 22.5
<b>Operating Costs Before Revenues Sub-Total</b>	<b>\$ 14.4</b>	<b>\$ 390.5</b>	<b>\$ 404.9</b>
<b><u>Revenues</u></b>			
Enhanced Materials Recovery and RNG Revenues	\$ (3.4)	\$ (92.1)	\$ (95.5)
<b>Revenues Sub-Total</b>	<b>\$ (3.4)</b>	<b>\$ (92.1)</b>	<b>\$ (95.5)</b>
<b>Total Nominal Net Operating Costs</b>	<b>\$ 11.1</b>	<b>\$ 298.3</b>	<b>\$ 309.4</b>

In 2017, when the total Estimated Capital Cost for 160,000 Tonne MWP & 110,000 Tonne AD was **\$ 169.6 million**, the anticipated impact on property taxes at that time was **up to 8%** if there was no excess capacity revenue (Former Finance Commissioner Jim Clapp June 7. 2017). Capital costs as reported in January 2022 were **\$242 million**, were \$73 million higher than 2017 estimate, and counting. Please ensure that your Finance staff spell out the potential tax impacts of the final project.

You are likely to have a much harder time providing oversight over the AD Project due to limited project details from staff over the last five years and because much less is known about the vendors and their track records and about the various project components. Because your staff have dodged – so far – having to conduct a formal approvals process to date, this has deprived the public as well as Council, given that many councillors rely on members of the public to conduct project review and bring specific concerns to their attention.

Council should want to understand the project objectives and how the various consortium members might address those before proceeding to the business case. You should require detailed staff presentations around each project component and the related bidder(s)..

Imagine trying to understand a draft project agreement – IF you actually get to see that prior to project approval – without sufficient time to digest project vendor details prior to the business case.

In 2010, the then Regional Chair and majority of councillors voted AGAINST a motion to provide a draft project agreement to Council to consider prior to project approval.

Please direct staff to provide Council with draft project agreement for your review prior to project approval – confidential aspects can be reviewed in camera.

For Council to have a chance at understanding this AD project and the multiple implications of activities contemplated, I urge you to consider asking staff to present a staff report around the preferred bid in a meeting cycle BEFORE coming to council with the final business case and seeking final project approval.

You owe a duty of care to all Durham residents and your beleaguered Durham taxpayers. I ask you to consider my comments and to direct staff accordingly.

Thank you for your attention.

Linda Gasser

111 Ferguson St.  
Whitby ON

Attached: Report 2009 J 18, Preferred Bidder report for Incinerator

Cc: Clarington Council



The Regional Municipality of Durham  
Report to: The Joint Works and Finance & Administration Committee  
From: C.R. Curtis, Commissioner of Works  
R.J. Clapp, Commissioner of Finance  
Report No.: 2009-J-18  
Date: April 14, 2009

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**SUBJECT:**

Recommendation of a Preferred EFW Proponent: Request for Proposals 604-2008

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**RECOMMENDATIONS**

**THAT** the Joint Works and Finance Committee recommend to Regional Council that:

- (a) Covanta Energy Corporation be approved as the Regions' preferred vendor under Request for Proposals RFP 604-2008 which was issued and evaluated consistent with Regional Council direction in order to select a preferred vendor to:
- Complete the requirements of the Environmental Assessment (EA) and Environmental Protection Act (EPA) processes; and,
  - Subject to future Provincial and Regional approvals, design, build and operate the Durham/York Energy from Waste Facility (EFW).
- (b) Regional staff be authorized to enter into Phase I of the Project Agreement (the stand-alone Early Works Agreement) with Covanta Energy Corporation at a cost not to exceed \$857,750, shared with York Region, and with Durham's share financed from the existing approved Solid Waste Management Business Plans and Budget, dedicated as follows:
- Up to \$290,000 for Enhanced Architectural Conceptual Design options (including development and provision of three architectural concepts for the facility for consideration); plus,
  - Up to \$567,750 to complete other Early Works tasks including:
    - i. Completion of the Environmental Assessment documentation;
    - ii. Designs, submissions and attainment of Environmental Protection Act (EPA) and Ontario Water Resources Act (OWRA) approvals and permits;
    - iii. Municipal and other approvals and building permit support; and,
    - iv. Final negotiation of Certificates of Approval with the Ministry of the Environment (MOE).
- (c) Regional staff be authorized to finalize the draft Project Agreement for the design, construction and operation of the Durham/York EFW with Covanta Energy Corporation for Phase II of the project, with a final report for EFW project approval to be brought back to Committee and Regional Council in June 2009, including a full assessment of technical, environmental and financial implications

to the end of a 20-year operating term (that includes two renewal periods of five years each at the option of the Regions); and,

(d) Council authorize the following consulting contracts/extensions of existing contracts with financing from the 2009 Solid Waste Management Business Plans and Budgets and York Region for its appropriate share:

- Up to a total of \$800,000 for the Regions' technical consultant HDR Corporation in support of Early Works tasks and continued project technical oversight and advice; and,
- Up to \$1,200,000 for Environmental Assessment consultant Genivar/Jacques Whitford to move from Phase II to Phase III of the Environmental Assessment process, including EA and EPA site and technology specific studies and documentation, and with authorization to enter into an expanded contract with Genivar/Jacques Whitford including a scope of work consistent with finalization of Phase III of the EA and EPA approvals process; and,

(e) The Regional Clerk and Regional Chair be authorized to execute subject agreements.

**1.0 BACKGROUND**

The Regions of York and Durham, with Durham Region as the lead procurement agency, commenced a two-stage procurement process to select a preferred vendor capable of designing, building and operating the Regions' proposed Energy from Waste (EFW) facility as outlined below:

<b><u>Stage 1:</u></b>	Issued RFQ 601-2007 to the marketplace	July 12, 2007
	Pre-qualified vendor short-list is approved	January 23, 2008
	Authorization given to issue EFW RFP 604-2008	May 28, 2008
<b><u>Stage 2:</u></b>	Issued RFP 604-2008 to pre-qualified bidders	August 22, 2008
	RFP 604-2008 Closed	February 19, 2009
	Recommendation of Preferred EFW Vendor:	
	Joint Committee	April 14, 2009
	Regional Council	April 22, 2009

**Stage 3:** Preferred Vendor to:

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|---|---|
| <ul style="list-style-type: none"> <li>▪ Complete the EA documentation;</li> <li>▪ Design, submit and attain EPA and OWRA approvals and permits;</li> <li>▪ Municipal and other approvals and building permit support; and,</li> <li>▪ Final negotiation of Certificates of Approval with the Ministry of the Environment.</li> </ul> | <p>Subject to approval of recommendations herein, to commence April 22, 2009 with timing of completion subject to approvals processes</p> |
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Project Approval recommendation to Council for the design, build and operation of a York/Durham EFW on the Clarington 01 site

June 24, 2009

Proposals under RFP 604-2008 were invited from the five vendors pre-qualified through the RFQ process. They are:

- i. Veolia Environmental Services Waste to Energy Inc.; AMEC/Black & McDonald;
- ii. Covanta Energy Corporation;
- iii. Green Conversions Systems LLC (formerly WRSI/DESC Joint Venture; Fisia Babcock Environmental GmbH; Kiewit Industrial Company; Morgan Stanley Biomass LLC; Babcock & Wilcox);
- iv. Wheelabrator Technologies Inc. (A Waste Management Company); and,
- v. Urbaser SA.

The RFQ and RFP processes followed a "state-of-the-art" process that applied common best practices used by major provincial and federal infrastructure procurement agencies across Canada. This process included adherence to a strict anti-lobbying clause included within the documentation for both processes, which was also reported to the York and Durham Regions', and Local, staff and Councils. Both process due diligence and communications were strictly monitored. Comments and questions from proponents were dealt with through predetermined processes, including the Addendum and Request for Information processes as set out within the RFP documentation.

The original closing date for submissions of January 15<sup>th</sup>, 2009 was extended to February 19<sup>th</sup> 2009 to accommodate the vendors who had expressed the need for additional time due to the complexity of the project. On February 19<sup>th</sup>, 2009 responses were received from the following four proponents:

- Covanta Energy Corporation;
- Green Conversions Systems LLC;
- Wheelabrator Technologies Inc. (A Waste Management Company); and,
- Urbaser SA.

## 2.0 EVALUATION PROCESS

Based upon current best practice and considering the magnitude and complexity of the project, the entire RFP process was subjected to rigorous due diligence rules and procedures consistent with common best practices applied by major provincial and federal infrastructure procurement agencies across Canada to ensure integrity and an ability to withstand any challenge regarding any impropriety.

The Region engaged KPMG to monitor from a fairness perspective the RFP Process from its commencement last August to the announcement of preferred proponent. KPMG's approach to monitoring the fairness of an evaluation process is based on a set of fairness principles that KPMG has developed that describe the foundation of a fair process. KPMG's role was solely that of an observer to the RFP process.

Based on its approach and information available to it up to April 8, 2009, KPMG has indicated to staff that it is satisfied that the RFP process was fair to all Proponents.

For Council's information, during the pre-submission stage of the RFP, proponent Wheelabrator Technologies Inc., voluntarily disclosed that their engineering team member, Stantec Consulting Services Inc., was in the process of attempting to acquire all of the issued shares of Jacques Whitford, the Region's EA Consultant. This is not an uncommon situation in the industry, as many large engineering companies are actively engaged in acquiring smaller firms.

The RFP documentation prohibited a number of specifically identified consultants from participating as a member of a Proponent's project team, including Jacques Whitford which was on the list of ineligible proponent team members. This section of the RFP was not violated since Jacques Whitford, even if acquired, was to remain a separate stand-alone corporation from Stantec. The RFP also required Proponents to disclose any potential real or perceived conflict of interest with respect to this project. Wheelabrator disclosed this situation to the Regions upon becoming aware of it.

As a result of Wheelabrator's disclosure, the Region's Legal and Procurement staff consulted with KPMG to ensure that the matter was properly addressed within the confines of the RFP. After some discussions, staff issued a letter to Wheelabrator indicating the Region's conditions for permitting Stantec to remain as a member of that particular proponent project team. The conditions imposed rigorous restrictions and firewalls upon both Stantec and Jacques Whitford. The conditions imposed were modeled after those adopted by the Federal Government's Office of the Ethics Counselor and the Office of the Commissioner of Lobbying. Essentially the conditions required no contact or communications between Stantec and Jacques Whitford staff concerning this project whatsoever. Moreover staff obtained assurances from Stantec that no attempt would be made to do anything with respect to the independent corporate status of Jacques Whitford until after Regional Council had made its decision concerning the submission of the EA. In addition, any Jacques Whitford staff involved with the project were isolated from any contact with any Regional staff that were involved in reviewing the proposals. Finally, in order to ensure transparency in the process, staff required Wheelabrator to disclose the situation in an open Request for



Information which was communicated to all of the other bidding teams well in advance of the date of submission of proposals. It is noteworthy that no comment or complaint concerning this situation was received from any other party engaged in the competitive RFP process.

KPMG provided oversight throughout the process including the evaluation to ensure fairness, consistency and that the evaluation adhered to the pre-determined evaluation criteria. KPMG has been involved throughout the entire EFW procurement process in order to assure Regional Councils and the bidders / vendors that an open, fair, consistent and accountable process was conducted.

A multi-disciplinary evaluation committee, consisting of representatives from the Durham Region Works and York Region Works Departments and Durham Finance Department, evaluated the four proposals. Technical consultants, HDR Corporation, and financial consultants, Deloitte & Touche LLP, assisted the evaluation team in their deliberations. Staff from Durham Purchasing and Legal provided day to day advice, guidance and assistance to the evaluation team. In order to ensure absolute confidentiality and to maintain the integrity of the process, all staff and consultants involved in the process signed confidentiality agreements.

After closing, but prior to the team's evaluation, Durham Purchasing requested confirmation from all Proponents that they would sign the Project Agreement substantially in the form provided within the RFP. During the evaluation process clarifications were requested and received from all proponents on specific technical issues.

The Evaluation Team considered Proposals on the basis of pre-approved evaluation criteria (included in the RFP document) that considered three elements of the Proposals:

- (i) **Technical Elements** – (45 Points);
- (ii) **Project Delivery Elements** – (20 Points); and,
- (iii) **Cost and Commercial Elements** – (35 Points).

Scoring of the proposals was based upon a maximum of 100 points. A breakdown of the individual criteria, provided to the proponents, is attached as Appendix I. Prior to the evaluation process the Evaluation Team and the Fairness Monitor (KPMG) "locked-down" the detailed scoring factors that would be applied during the evaluation. In addition, the Evaluation Team and KPMG agreed that the proposal with the highest aggregate score would be recommended to Regional Council.

### ***Technical Considerations***

On Wednesday, May 28, 2008 Regional Council<sup>1</sup> passed a resolution requiring the successful proponent to ensure incorporation, into the design and installation of the EFW facility, the most modern and state-of-the-art emission control technologies that was required to:

- i. Meet or exceed the European Union (EU) monitoring and measurement standards;
- ii. Commit to Maximum Achievable Control Technology (MACT) for emission standards and monitoring;
- iii. Include provisions for continuous sampling of dioxins in addition to stack testing, as defined by EU2000/76/EC and MOE A-7 guidelines;
- iv. Demonstrate the ability to design, build and operate an EFW facility of 140,000 tonnes of operating capacity at project start-up, based upon:
  - a. Durham Region providing 100,000 tonnes of post-diversion waste commencing at project start-up;
  - b. York Region providing 20,000 tonnes of post-diversion waste commencing at project startup; and,
  - c. Surplus capacity totaling 20,000 tonnes of operating capacity to be shared equally between the two Regions;
- v. Demonstrate an ability to accommodate future expansion (scalability) as required to accommodate post-diversion residual waste volume growth up to a maximum capacity of 400,000 tonnes; and;
- vi. Demonstrate an ability to meet the requirements of up to a 25-year design, build and operate contract, with terms and conditions to be set out within RFP documentation.

As directed by Regional Council, the RFP was issued based upon current discussions with the Province (emissions and power purchase) and with the understanding that the project must support the Region of Durham's aggressive residual waste diversion and recycling program, to achieve and/or exceed, on or before December 2010, a 70% diversion rate for the entire Region, with these programs continuing beyond 2010;

To support Council direction, staff developed an Air Emission Limits table, included as Appendix II that received Council approval at their meeting May 18, 2008.

The RFP and subsequent addenda required proponents to meet the Council resolutions and additionally provide:

- i) A single or dual line system with a minimum of 90% operational availability;

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<sup>1</sup> Numbering reflects Council Resolution

- ii) Zero process water discharge facility; and to
- iii) Maximize energy production both as superheated steam used to generate electricity and potentially district heating for use in the Courtice Water Pollution Control Plant and the Clarington Energy Park. Any district heating outside of the Energy Park could be considered on the basis of a larger area district heating feasibility study.

A total of 45 points were assigned to Technical Elements:

- The majority (up to 25 points) were allocated to Environmental considerations. The RFP required all proponents to provide guarantees that they would meet the air emission table limits adopted by Durham Council. The evaluation matrix assigned additional points to proposals with lower air, water, odour and noise emissions; demonstrated plan for ease of facility expansion with minimum process disruption; superior management of ash; and greater energy production and recyclable material recovery;
- Design, Construction and Operational Considerations accounted for up to 15 Technical Element points. Evaluation focused on provision of guarantees for process availability with an expectation that the facility would operate continuously for a minimum of 90% of the time. Proposals were also evaluated on the ability to accelerate their construction schedule and guarantee their projected time lines. Evaluators assigned additional points for availability above 90% or for a shorter construction time. This category examined the robustness of the proposed system; the technical feasibility of the proposed process equipment; and that the proponent had proposed only proven and reliable Air Pollution Control Equipment. Evaluators appraised proposed facility operations and maintenance plans to ensure that plans provided for annual maintenance, multi-year maintenance including major equipment replacement and maximum residual value at the end of the contract. The evaluators also awarded points for high quality Environmental Management Systems compliant with ISO 14001:2004; Health and Safety Plans and Training Plans.
- The final five (5) points in the Technical Elements were awarded for innovations in Environmental Performance, Design, Construction and Operational Considerations.

### **PROJECT DELIVERY CONSIDERATIONS**

20 points were assigned to Project Delivery considerations:

- Up to six (6) points were assigned to Schedule and Cost Control systems, including information on critical path project management matching identified project milestones and budget forecasting and cost control measures.

- An additional six (6) points could be assigned based on construction impact controls including QA/QC; construction impact mitigation; and environment, health and safety and community relations plans.
- Up to two (2) points were assigned to Team Organization and Qualifications and the review included assessment of documentation relating to the proponent's project management qualifications, their accountability framework, corporate experience and track record on similar projects.
- The final six (6) points available under Project Delivery related to the proponent's plan to facilitate approvals and examined their proposed time allocation and schedule for obtaining all necessary approvals and permits including the Certificates of Approval from the MOE.

### ***COST AND COMMERCIAL CONSIDERATIONS***

RFP-604-2008 required proponents to provide a detailed computer model that allocated capital and operating costs through the lifecycle of the contract, consistent with RFP requirements and their submitted proposal, and including detailed capital, operating, maintenance and lifecycle costs as well as performance guarantees.

A total of 35 points could be assigned to Cost and Commercial Considerations:

- Up to five (5) points were assigned based upon the Evaluation Team's assessment of the integrity of the financial model and reasonableness of cost inputs, including consideration of whether the Model was consistent with RFP requirements, the proposal submitted, and with benchmarks based upon projects of a similar scope and nature;
- Up to 20 points were assigned for value for money components including the magnitude of the Net Present Value cost, timing of cash flows, and the sensitivity of costs to the Regions;
- The final 10 points under Cost and Commercial Elements were assigned based upon the financial capacity and condition of the project guarantor, acceptance of construction inflation, and other guarantees provided within their proposal.

### **3.0 COVANTA ENERGY CORPORATION – THE PREFERRED PROPONENT**

Based on their consensus evaluation, the evaluation team unanimously recommends Covanta Energy Corporation (Covanta) to Regional Council as the preferred proponent. Covanta not only achieved the highest aggregate score but also achieved the highest score in each of the three elements outlined in the RFP (technical, project delivery and cost and commercial considerations).

Covanta is proposing to be the single source, full service contractor to design, permit, build, startup, commission and operate a 140,000 tonne per year (tpy) Energy from Waste facility for the Regions of Durham and York. Covanta is the largest provider of

Energy from Waste services in North America with 35 operating facilities in the United States, including 24 that were designed and built directly by Covanta. Covanta will serve as the overall project coordinator with the responsibility for directing the design, engineering, procurement of equipment, and construction of the new EFW facility. The Covanta Team includes: Aecon Group, Inc. (Construction Services); Sigma Energy Solutions (Engineering); McMillan Associates (Architects); CH2M Hill (Environmental Consultant); and Miller Waste Systems (Waste Disposal/Transportation). Martin GmbH (Martin) will serve as Covanta's EFW technology partner. Martin supplied the technology that is currently used at 22 of Covanta's facilities, as well as numerous facilities in Europe.

The following outlines key technical components of the Covanta proposal:

- Air Pollution Control Equipment including a Flue Gas Treatment Design that includes: Covanta's proprietary Very Low NOx (or VLN™) system; a Selective Non-Catalytic Reduction (SNCR) system with aqueous ammonia injection for additional NOx control; powdered activated carbon (PAC) injection for mercury and dioxins control; a spray dryer absorber (SDA) for acid gas control; and a fabric filter baghouse for particulate and heavy metals removal.
- Dual boiler system with a design capacity of 140,000 tpy, incorporating continuous emissions monitoring systems and dioxin samplers for both systems with flue gas trains fed into a common flue.
- Zero process water discharge to sewer with water sourced from municipal supply. Captured rainwater will be used for site irrigation and the plan incorporates the use of drought-tolerant species to minimize irrigation needs.
- Bottom ash and Portland cement stabilized fly ash sent for landfill disposal in New York, corporate wide material recovery and marketing division to maximize revenues from recovered non-ferrous and ferrous materials. The proponent has provided a letter from Miller Waste guaranteeing long-term disposal capacity over the life of the contract.
- Odour on the tipping floor controlled by a ventilation system that draws air from outside at all times through the receiving area and above the waste storage pit and finally directed to the combustion units for use as combustion air. Dual combustion systems offer the additional advantage of minimizing shut-down times for the odour control system since at least one system will operate most of the time.
- Noise during regular operations mitigated by confining all operations to enclosed areas. Covanta will limit construction activities that create noise to comply with local noise by-laws and will implement a community complaints system to address local concerns during both construction and operational phases.
- Energy recovery is optimized for both electricity generation and potential future district heating scenarios. Covanta has proposed a 20 MW generator capable of maintaining some electricity output even if one boiler unit is shut down. The turbine generator incorporates an extraction turbine as well as physical space for the heat exchangers, pumps and other required equipment for the future district energy system. Covanta provided the highest net electricity production and

performance guarantees of any vendor, both with and without a future district heating system.

- Expandable facility with an initial capacity of 140,000 tonnes per year (tpy) provided by dual 70,000 tpy boiler units. Covanta provided a clear plan delineating expansion in 3 phases from the initial capacity of 140,000 tpy to 250,000 tpy and to a final capacity of 400,000 tpy. The final expansion includes additional process buildings and an additional stack. Covanta has sized the utilities (water, sewer, gas, and electric) for the ultimate 400,000 tonne/year facility.
- Guarantees from Covanta included the shortest construction period of all proponents and 90% plant availability.
- Facility Design meets or exceeds critical design criteria and Covanta's proposal meets critical throughput and environmental performance requirements.
- Operations and Maintenance plans include detailed plant management charts and provide comprehensive details relating to waste handling; environmental monitoring; power generation; contingency operations; and a preventative maintenance plan to facilitate operations and provide for the turn-over of the plant in an acceptable condition at the end of the operating term. Covanta also provides a financial model to support these plans.
- Construction planning and critical path analysis indicated a potential process start-up date by the end of 2013, dependent upon the completion of the EA and EPA processes.
- Innovations include – Covanta's proprietary VLN™ System that reduces the formation of NOx emissions by staging combustion and reducing the amount of Excess Air required in the furnace. This also reduces parasitic electricity demands. The proposed high pressure/high temperature boiler design results in higher steam cycle efficiency enabling Covanta to maximize energy recovery.

#### **4.0 FINANCIAL CONSIDERATIONS**

The Covanta proposal received the highest score under Cost and Commercial considerations. The Covanta proposal includes:

- Provision of a detailed financial model including capital, maintenance, life-cycle, and operating costs deemed consistent with RFP requirements and with benchmarks based upon projects of a similar scope and nature. The detail and costing were supported by rationale that demonstrated consistency with accepted industry practices, including provision of adequate backup documentation;
- The lowest total annual operating fee, highest available electricity revenues and the lowest overall project NPV;
- The lowest construction price and a commitment to accept adjustments for inflation commencing April 30, 2009 and up to the Notice to Proceed (NTP) date,

that will be indexed based upon independent third party data from Engineering News Record for (Toronto, Ontario) as follows: 0% of the Construction Cost Index (CCI); 30% of the Material Cost Index (MCI); and 70% of the Building Cost Index (BCI).;

- Corresponding to the best technical guarantee for energy recovery, Covanta provided the highest annual revenues, primarily from electricity sales (based upon an assumed 8 cents per kilowatt hour (kWh)). Electricity revenues remain the highest with and without consideration of future district heating requirements; and,
- Sensitivity analysis performed on the Covanta financial submission demonstrated that the Covanta proposal would remain the lowest cost proposal under each sensitivity scenario investigated as defined within the RFP documentation.

Although not considered as part of the formal RFP evaluation, the Covanta submission did fall within the scope of the May 2008 Durham Business Case evaluation (Report 2008-J-13) conducted by Deloitte & Touche LLP. The Covanta proposal was within the Business Case scope despite:

- Significant changes which have occurred in the economic and capital market environment; and
- The requirement for proponents to bid to a Project Agreement developed during the procurement process, which included final provisions not known or considered at the time that the Business Case was developed. Most notably, these include the securities and guarantees that will protect the Region from risk during the design, construction and operation of the facility, and which are designed to work with other defined terms and conditions, to ensure a well maintained facility considered 'industry standard' at the end of the 20-year operating term (plus each of the two, five-year optional renewal periods).

Covanta's submission includes a commitment to:

- A Total Annual Operating Fee of \$14.67 million (Canadian dollars at February 19, 2009), and excluding consideration of revenues from electricity or ferrous and non-ferrous recoveries;
- An electricity production guarantee of 767 kilowatt hours per tonne of waste (kWh/T), and a guarantee of 90% facility availability;
- A Construction Price of \$235.76 million (Canadian dollars at February 19, 2009);

The Covanta electricity production and availability guarantees noted above result in approximately a minimum of \$8.59 million (Cdn \$) in annual electricity revenues to the project, assuming a fixed power purchase price of 8 cents per kWh/T. Any increase in waste throughput beyond 140,000 tpy will increase annual power production.

Proponents have committed to their submitted costs, subject to adjustments as defined through the RFP documentation, and including inflationary adjustments set through the competitive bidding process. Any future potential scope changes beyond the

proponent's control, either resulting from future decisions of the Regions, and/or the Province through on-going approvals processes, could impact costs.

A subsequent project approvals report, anticipated to be submitted to Committee and Regional Council in June 2009 will include detailed costs and financial implications, upon finalization of the Phase II Project Agreement, and including any implications resulting from the on-going EA and/or other approvals processes.

Covanta confirmed if selected as the Preferred Proponent, it would negotiate in good faith with the Regions to finalize and execute a contract substantially in the form of the final draft Project Agreement. Staff do not anticipate any changes to operating performance requirements.

This report recommends moving to Phase I of the Project Agreement.

The Phase I Early Works Agreement was set up as a stand-alone agreement, which means if subsequent project approvals are not granted by the Province and/or the Regions, the preferred proponent will be paid for the architectural renderings and Early Works charges as provided.

It should also be noted however that the Regions are responsible for the obligations and costs of Early Works immediately upon the award of the Early Works Agreement, even if the project does not proceed beyond the Early Works stage to Phase II of the Project Agreement.

The Phase I Early Works component as recommended will result in the following costs which can be financed from the currently approved Solid Waste Management Business Plans and Budget through Federal Gas Tax funds as approved in the 2009 Business Plans and Budget with a cost sharing arrangement with York Region:

- Up to \$290,000 for Covanta to complete Enhanced Architectural Conceptual Design options (including development and provision of three architectural concepts for the facility for consideration by Regional and Clarington Councils);
- Up to \$567,750 for Covanta to complete other Early Works tasks including:
  - Completion of the Environmental Assessment documentation;
  - Designs, submissions and attainment of Environmental Protection Act (EPA) and Ontario Water Resources Act (OWRA) approvals and permits;
  - Municipal and other approvals and building permit support; and,
  - Final negotiation of Certificates of Approval with the Ministry of the Environment.
- Up to \$800,000 for technical consultant HDR Inc. in support of Early Works tasks and continued project technical oversight and advice;



- Up to \$1,200,000 for Genivar/Jacques Whitford to move from Phase II to Phase III of the Environmental Assessment process, including EA and EPA site and technology specific studies and documentation.

## 5.0 NEXT STEPS

Following Regional Council approval of the Preferred Proponent, the Regions will enter into Phase 1 of the Project Agreement with Covanta, the Early Works Agreement, which will undertake works including, but not be limited to:

- Completion of the Environmental Assessment documentation;
- Designs, submissions and attainment of Environmental Protection Act (EPA) and Ontario Water Resources Act (OWRA) approvals and permits;
- Municipal and other approvals and building permit support; and,
- Final negotiation of Certificates of Approval with the Ministry of the Environment.

In the event that the EA or the facility permitting process is not successfully concluded, then notice to proceed under the Project Agreement will not be given by the Regions.

Subject to approval of the recommendations herein, staff will proceed to negotiate the final terms and conditions of the Project Agreement with Covanta for the design, build and operation of a Regionally owned facility on the preferred site Clarington 01.

The timing of the initial Council approval of the Preferred Vendor and the inception of Early Works is critical to the timely completion of the Environmental Assessment process. Without successful completion of the Environmental Assessment process, Environmental Protection Act approvals can not be completed and the timing of the overall project may be significantly delayed.

Subject to the recommendations herein, Procurement and Legal Services will negotiate the final terms and conditions of the Project Agreement with Covanta as the Preferred Proponent. Following a successful negotiation process, staff will make a recommendation to Regional Council at the end of June 2009 as part of a detailed report as noted above.

In the event that the Regions and the Preferred Proponent are unable to come to agreement on the final terms and conditions of the Project Agreement, leaving the Regions to believe that further efforts are unlikely to be useful, then the RFP allows the Regions to break off the process with the Preferred Proponent and commence the process of finalizing the Project Agreement with one or more of the next ranked proponents. If necessary, the Regions may refine any of the terms and conditions of the RFP, re-issue some or all of it to selected proponents and request a revised proposal from said proponents.

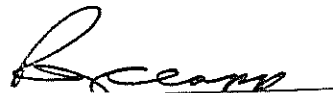
Upon completion of the Early Works Phase, resulting in Certificates of Approval, the project will enter into the second phase and the Regions will be in a position to provide

Notice to Proceed direction to Covanta. Phase 2 will include detailed design, ordering of equipment and construction of the facility.

A final report regarding EFW project approval is anticipated to be brought back to Committee and Regional Council in June 2009, including a full assessment of technical, environmental and financial implications over the 20-year operating term.



C.R. Curtis, P.Eng. M.B.A  
Commissioner of Works



R.J. Clapp, CA  
Commissioner of Finance

Recommended for presentation to Committee:



G.H. Cubitt, MSW  
Chief Administrative Officer

## APPENDIX I

### Detailed Evaluation Criteria

#### Technical Elements – (45 Points)

The following Technical Elements were evaluated:

- Environmental and Performance Considerations - (25 Points)
  - air
  - water
  - ash management
  - odour
  - noise
  - energy recovery
  - recovered materials management
  - capacity and expansion capability
- Design, Construction and Operational Considerations - (15 Points)
  - guarantees
  - facility design
  - facility operations and maintenance
- Innovation in Environmental Performance, Design, Construction and/or Operational Considerations - (5 Points)

#### Project Delivery Elements - (20 Points)

The evaluation of the Project Delivery Elements of a proposal was done by evaluating the proposals content with respect to the following considerations:

- Schedule and Cost Control - (6 Points)
  - critical path management
  - budget forecasting and cost control measures
- Methods - (6 Points)
  - quality assurance/quality control plans
  - construction impact mitigation
  - environment and management plan
  - health and safety plan
  - community relations plan
- Team Organization and Qualifications - (2 Points)
  - project management qualifications
  - experience and track record
  - accountability framework

- Permits/Approvals Plan - (6 Points)
  - permitting schedule
  - coordination with project schedule
  - understanding and experience with local approval Requirements
  - minimized reliance on regional staff resources

#### Cost and Commercial Elements - (35 Points)

The evaluation of the Cost and Commercial Elements of a proposal was done by evaluating the proposals content with respect to the following considerations:

- Capital and Operating Costs - (5 Points)
  - reasonableness of cost inputs
  - integrity of the model
- Value for Money - (20 Points)
  - magnitude of NPV costs to Regions
  - timing of cash flows
  - sensitivity of costs to Regions
- Guarantees - (10 Points)
  - financial capacity and condition of project guarantor
  - construction inflation
  - other guarantees

## APPENDIX II

### Air Emission Limits (Revised May 13, 2008)

Pollutant	Units	Ontario Guideline A-7	EU Directive 2000/76/EC EU Limits	MAXIMUM Operational Limits
Total Particulate Matter	mg/ Rm <sup>3</sup>	17	9	9
Sulfur Dioxide (SO <sub>2</sub> )	mg/ Rm <sup>3</sup>	56	46	35
SO <sub>2</sub> Removal Efficiency	%		-	-
Hydrogen Chloride (HCl)	mg/ Rm <sup>3</sup>	27	9	9
HCl Removal Efficiency	%	95%	-	-
Hydrogen Flouride (HF)	mg/ Rm <sup>3</sup>		1	1*
Hydrogen Fluoride	mg/ Rm <sup>3</sup>	Not Specified	0.92	0.92
Nitrogen Oxides (NO <sub>x</sub> )	mg/ Rm <sup>3</sup>	207	183	180
Carbon Monoxide (CO)	mg/ Rm <sup>3</sup>	NS	46	45
Mercury (Hg)	µg/Rm <sup>3</sup>	20	46	15
Hg Removal Efficiency	%		-	-
Cadmium (Cd)	µg/Rm <sup>3</sup>	14	Not Specified	7
Cadmium (Cd) + Thallium (TI)	µg/Rm <sup>3</sup>	Not Specified	46	46
Lead (Pb)	µg/Rm <sup>3</sup>	142	Not Specified	50
Sum of (As, Ni, Co, Pb, Cr, Cu, V, Mn, Sb),	µg/Rm <sup>3</sup>	Not Specified	460	460
Cd + Ti	µg/Rm <sup>3</sup>		-	-
Sum (Sb, As, Pb, Cr, Co, Cu, Mn, )	µg/Rm <sup>3</sup>		-	-
Dioxins/Furans (ITEQ)	pg/Rm <sup>3</sup>	80	92	60
Organic Matter (as Methane)	mg/ Rm <sup>3</sup>	66	Not specified	49

**Notes:**

Rm<sup>3</sup> = "Reference Cubic Metre" – i.e. 1 cubic metre at Standard Temperature and Pressure (298 °K, 1atm)

All concentrations corrected to 11% O<sub>2</sub>

All values represent 24 hour averages

mg = milligrams = 10<sup>-3</sup> grams

µg = micrograms = 10<sup>-6</sup> grams

ng = nanograms = 10<sup>-9</sup> grams