

TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: Paul Allore, MCIP, RPP
Director of Planning and Development Services

PREPARED BY: Barbara Hodgins, MCIP, RPP
Senior Policy Planner

SUBJECT: **Duffin Creek Water Pollution Control Plant Outfall Environmental Assessment-Status Update and Consulting Funds**

WARD(S): All

DATE OF MEETING: November 8, 2012

REFERENCE: Capital Account No. 928211 – Duffin Creek WPCP Outfall EA
Staff Reports on Duffin Creek WPCP Outfall EA: GGC - May 5 & November 24, 2011 and June 18, 2012
Staff Reports on Duffin Creek WPCP Stage 3 Expansion: GGC – November 24, 2005; April 20, July 6 & September 21, 2006; April 17, 2007; Council – September 25, 2006 and October 22, 2012
Community Action Plan: Leader in Environmental Sustainability

RECOMMENDATION:

1. That the report to General Government Committee, entitled “Duffin Creek Water Pollution Control Plant Outfall Environmental Assessment-Status and Consulting Funds”, dated November 8, 2012, be endorsed;
 2. That Section 4.10.6 of Purchasing By-law 102-2012, which requires Council to award contracts over \$25,000, be temporarily suspended for the purpose of authorizing the Chief Administrative Officer and the Director of Planning and Development Services to award contracts in excess of \$25,000 to acquire professional advice to support the Town’s participation in the Class Environmental Assessment being conducted by Durham and York Regions for the Duffin Creek Water Pollution Control Plant Outfall (Outfall EA);
 3. That this temporary authorization remain in force until the Outfall EA is completed, excluding preparation of a potential Part II Order (Bump-Up) Request;
 4. That the increase in costs be funded from the Capital Projects Reserve; and,
 5. That the Director of Planning and Development Services report to Council in March 2013, and periodically thereafter, on the status of contracts awarded and expenditures made under this temporary authorization.
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BACKGROUND:

The purpose of this report is to:

- i) Provide a further update on the Outfall EA process being jointly conducted by Durham and York Regions to increase the volume of effluent released from the Duffin Creek Water Pollution Control Plant Outfall into Lake Ontario, from an average daily amount of 520,000,000 to 540,000,000 million litres per day (520-540 MLD) to 630 MLD or possibly more than 1 Billion litres per day; and,
- ii) Request Council's authorization to temporarily suspend Section 4.10.6 of Purchasing By-law 102-2012 to authorize the Chief Administrative Officer and the Director of Planning and Development Services to allocate additional Unbudgeted Funds in excess of \$25,000 to acquire the services of EcoMetrix Incorporated and potentially other consultants to support the Town's participation to the conclusion of the Outfall EA, excluding preparation of a potential Part II Order (Bump-Up) Request.

On June 21, 2012, Council authorized the allocation of \$55,000.00, inclusive of all taxes and disbursements, from the Capital Projects Reserve to Capital Account No. 928211 for staff to retain a number of consultants to peer review the Outfall EA process and several technical aspects of the Regions' Interim Report.

By September 2012, the Town's consultants had completed their tasks based on the available information. Ten issues were identified: three issues relate to how the EA process is being conducted, while seven issues pertain to Phosphorus levels in effluent discharged from the Outfall, particularly "Soluble Reactive Phosphorus" or "SRP". SRP is known to cause excessive growth of *Cladophora* algae such as is experienced along the Ajax-Pickering (West Durham) shoreline. Additionally, several recommendations for the Regions and MOE to resolve those issues, as part of the Outfall EA process were prepared, as detailed in the staff report to Council dated October 22, 2012.

Also, the Town's consultants assisted with the preparation and delivery of presentations on the Town's issues/recommendations to senior MOE staff (at their request) on September 26th and Durham Region's Joint Committee on October 18th and to Town Council on October 22nd. On October 4th, staff made the presentation to the Ajax Environmental Advisory Committee.

DISCUSSION:

On October 18, 2012, Durham Region's Joint Committee considered a motion put forward by the Town and City of Pickering Council regarding the Outfall EA. Divided into two parts, the following portion of the motion was passed by the Joint Committee:

THAT Regional staff continue to meet with representatives of the Town of Ajax and City of Pickering to try to reach an agreeable approach to resolving the Town's issues with the Duffin Creek WPCP Outfall Environmental Assessment and report back to Joint Committee before the end of February 2013.

However, the second portion of the motion was deferred until February 13, 2013, at which time Durham Region staff are to provide an update on the Outfall EA and negotiations with Ajax and

Pickering staff:

THAT the Outfall EA timeline be extended to ensure that the Ministry of the Environment's current water quality study and the preparation of a comprehensive "Assimilative Capacity and Cumulative Effects Study" be completed and that these findings be used to determine the best scientifically possible Preferred Alternative for the Duffin Creek WPCP's Outfall-Diffuser.

As of early October 2012, approximately \$15,500 of the \$55,000 in Unbudgeted Funds allocated on June 22, 2012 for EcoMetrix Incorporated and other consultants remained in Capital Account No. 928211. By the end of October, the balance of the funds has been spent completing reports, making presentations and answering questions, as well as participating in meetings.

Due to the technical complexity and implications of this project and out of due diligence, it is necessary to request additional funds for continued consulting advice. The additional funds are needed to sustain the Town's participation in the Outfall EA to its scheduled conclusion at the end of 2013, exclusive of consulting and legal costs for preparing a potential Part II Order (Bump-Up) Request. As staff cannot predict what Regional staff will recommend to Durham Regional Council in February 2013, it is not possible to estimate the cost of this additional consulting advice required at this time.

As of the writing of this staff report, staff have had to schedule EcoMetrix to attend the following upcoming events:

- November 1st - a Water Quality Presentation being held by the Regions, at which updates on local water quality monitoring studies are being provided by Dr. Todd Howell of MOE and Gary Bowen of TRCA; and,
- November 6th - pursuant to the above-mentioned Joint Committee resolution, an initial meeting of Durham, York, Ajax and Pickering staff to discuss what actions can be taken to resolve the Town's issues during the Outfall EA.

Staff have offered to brief Pickering staff on the Town's issues in advance of the November 6th meeting. Should the Town's offer be accepted, attendance by EcoMetrix would be needed.

Additionally, staff will need EcoMetrix to attend further meetings with the Regions regarding the Town's issues, to review any new information released, and potentially to draft and assist with finalizing the Terms of Reference for the Assimilative Capacity and Cumulative Effects Study should the Regions decide to undertake the study in accordance with Council's recommendation of October 22, 2012.

EcoMetrix roughly estimated that an Assimilative Capacity and Cumulative Effects Study could be completed for approximately \$100,000 to \$300,000. The cost and scope of work will be clearer as a result of discussions with the Regions this fall through to the end of January 2013.

Beyond February 2013, staff also anticipate the following ongoing role for EcoMetrix:

- peer reviewing and critiquing new/revised technical documents and Lake Ontario current modeling (i.e., assumptions, methodology and conclusions); and,
- attending Stakeholder Advisory Committee meetings in 2013.

At this time, it is difficult to ascertain the extent of EcoMetrix' required work (meetings, teleconferences and presentations) or to provide a total estimated cost. EcoMetrix' 2012 hourly rates will continue to apply throughout 2013.

FINANCIAL IMPLICATIONS:

The authorization sought from Council does not include the costs associated with preparing, filing and defending a potential Bump-Up Request when the Outfall EA is completed.

COMMUNICATION ISSUES:

Ajax residents recognize the magnitude of the Outfall project and the existing/predictable impairment of the local water quality and environmental conditions. Consequently, the Town has been requested to provide more local advertising of Outfall EA reports and events.

Also, the Ajax Environmental Advisory Committee (EAC) has asked that the community be better advised as to how and when to provide input to the Regions, so as to encourage the Regions to select a Preferred Alternative that provides the best possible protection to Lake Ontario water quality and the Ajax living/recreational environment. Ajax EAC members encourage Council and staff to make this a priority matter and use Town communications to promote the participation of Ajax residents in the Outfall EA.

CONCLUSION:

Staff will continue to keep Council apprised of the Outfall EA process.

Barbara Hodgins, MCIP, RPP - Senior Policy Planner

Gary Muller, MCIP, RPP – Manager of Planning

Paul Allore, MCIP, RPP – Director of Planning & Development Services