



STAFF REPORT ACTION REQUIRED

Brock West Landfill - 3rd Concession/Rossland Rd. Extension in Durham Region

Date:	March 21, 2016
To:	Public Works and Infrastructure Committee
From:	General Manager, Solid Waste Management Services.
Wards:	All
Reference Number:	P:\2016\Cluster B\SWM\April\004PW (AFS#22706)

SUMMARY

The purpose of this report is to seek authorization for the General Manager, Solid Waste Management Services, and the Chief Corporate Officer to complete the transfer of lands required for the extension of Third Concession/Rossland Road (the Road) to the Regional Municipality of Durham (Durham Region), in the City of Pickering.

The proposed road extension cuts through the southern buffer zone of the closed Brock West Landfill. This initiative is a component of the Central Pickering Development Plan and Durham Region wishes to acquire these lands to allow for the development of needed regional infrastructure.

RECOMMENDATIONS

The General Manager, Solid Waste Management Services recommends that:

1. City Council authorizes the General Manager, Solid Waste Management Services, with Legal Services, to negotiate, enter into and execute on behalf of the City of Toronto, a Memorandum of Understanding substantially on the principles set out in Appendix A, with Durham Region to facilitate the transfer of a portion of the closed Brock West Landfill buffer lands to Durham Region, which they require to complete the design and construction of the Rossland Road extension.

2. City Council declare surplus that portion of the Brock West Landfill property described and shown as Part 1 on Appendix B, subject to the reservation of an easement in favour of the City, for the purposes of maintaining the property (“the Property”) in accordance with the Certificate of Approval/Environmental Compliance Approval issued by the Ministry of the Environment and Climate Change, with the intended manner of disposal to be by way of a sale to Durham Region for the Rossland Road extension and that all steps necessary to comply with the City’s real estate disposal process, as set out in Chapter 213 of the City of Toronto Municipal Code, be taken.
3. City Council authorize the Chief Corporate Officer and Director of Real Estate Services, in consultation with the General Manager, Solid Waste Management Services, to negotiate an Agreement of Purchase and Sale with Durham Region for the sale of the Property in a form acceptable to the City Solicitor.
4. City Council direct the Chief Corporate Officer, or the Director of Real Estate Services, to exercise their delegated authority to complete the real estate transaction, provided that they may, at any time, refer consideration of any such matters (including their content) to City Council for its consideration and direction.
5. City Council authorize the City Solicitor to complete the transactions on behalf of the City, including making payment of any necessary expenses and amending the closing date to such earlier or later date(s) and on such terms and conditions as the City Solicitor may from time to time consider reasonable.
6. City Council authorize the General Manager, Solid Waste Management Services in consultation with the Chief Corporate Officer to negotiate a Post Closure Agreement with Durham Region, on the principles as generally set out in Appendix A, for the Property.
7. City Council direct the General Manager, Solid Waste Management Services and the Chief Corporate Officer to recover any additional cost, direct and indirect, to the City from the Durham Region, as a result of the extension of the Road that would not have normally been incurred if the road was not being extended, including but not limited to, costs associated with the Remedial Action Plan for the landfill site, currently filed with the Ministry of the Environment and Climate Change.
8. City Council directs the General Manager, Solid Waste Management Services in consultation with the Chief Corporate Officer, the Deputy City Manager and Chief Financial Officer to contribute any net proceeds from the sale of the Property to the *Perpetual Care of Old Landfills* Reserve Fund.
9. City Council directs the City Clerk to provide the Regional Clerk at Durham Region a copy of this report.

Implementation Points

The City's Solid Waste Management Services Division along with Legal Services and Real Estate Services are working with Durham Region to develop a Memorandum of Understanding (MOU) that would facilitate the sale of lands to Durham Region. This will be followed by an Agreement of Purchase and Sale and a Post Closure Agreement.

Financial Impact

The recommendations in this report will have no immediate financial impact for the City. Pending finalization of the MOU and Agreement of Purchase and Sale, any potential costs arising from the sale of landfill property and subsequent infrastructure development will be recovered from the Durham Region. These costs are yet to be determined and may include relocation of landfill monitoring equipment and site remediation, among others.

Any proceeds resulting from the sale of the property are recommended to be contributed to the *Perpetual Care of Old Landfills* Reserve Fund (XR1013) in order to support future maintenance and monitoring requirements.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

The Brock West Landfill is a municipal solid waste disposal facility owned and operated by the City of Toronto. The site, which was in operation since 1975, was closed in 1997. The Brock West Landfill is comprised of a 64.4 hectare (ha) licensed landfill footprint within a 123 ha parcel of land, in the City of Pickering, within Durham Region. A total of approximately 18,311,000 tonnes of municipal solid waste was placed at the site during its operations.

The site is located to the north of West Duffins Creek and immediately to the west of Ganatsekiagon Creek, a left-bank tributary of West Duffins Creek. Lands to the south are owned by the Toronto Regional Conservation Authority. Lands to the southeast are owned by Miller Paving; lands to the west and north are owned by the Province of Ontario and by private landowners.

ISSUE BACKGROUND

Durham Region completed a Class Environmental Assessment (EA) in September 2014, for the provision of Regional Services for the Central Pickering Development Plan, including water, wastewater, transportation and transit. The project is proceeding to the detailed design phases. The project is a large undertaking that will be subdivided into multi-phase projects. Design projects for the regional roads, trunk sanitary sewers and water feeder mains are primarily managed by design consultants of the Seaton

Landowners Group. Design projects for the facilities such as reservoirs, water and sewage pumping stations are managed by Durham Region.

Durham Region proposes to extend the 3rd Concession Road, otherwise known as Rossland Road in the City of Pickering to the west through property owned by the City of Toronto (City), specifically through part of the landfill buffer zone of the closed Brock West Landfill. This initiative is a component of the Central Pickering Development Plan and will require Durham Region to acquire these lands to allow for the development of needed regional infrastructure.

The Brock West Landfill site is currently maintained and monitored by the City according to conditions of the Environmental Compliance Approval (ECA) No. A390402 (March 31, 2009). Currently the buffer zone contains various infrastructure assets required for the monitoring and long-term maintenance of the site. Some of this infrastructure will be in direct conflict with the proposed road alignment area and therefore requires relocation.

In addition, the Ministry of the Environment and Climate Change is currently reviewing a report authored by Golder Associated Ltd., entitled, “*Additional Site Investigation and Remedial Action Plan*” (Golder, 2013), therefore additional mitigative efforts may be required.

Durham Region will be responsible for all cost that would otherwise not have been incurred by the City of Toronto.

COMMENTS

The land sale and transfer to Durham Region is necessary to allow the Seaton Landowners Group the ability to construct the needed public infrastructure to support the Central Pickering Development Plan. While the property is outside of the City's boundaries, it continues to manage the Brock West Landfill through the City's Closed Landfill Program for monitoring and perpetual care in compliance with the ECA.

The Chief Corporate Officer has delegated authority to declare surplus City property; however, because this property is outside the City of Toronto boundaries and Solid Waste Management Services is only declaring this surplus for the sale to Durham Region, staff are asking City Council to declare it surplus in order to circumvent the process of circulating the property to the various Divisions, Agencies, and Corporations.

CONTACT

Carlyle Khan, Director, Infrastructure Development and Asset Management, Solid Waste Management Services, Telephone: 416-392-5488, Fax: 416-392-4754,
E-mail: ckhan@toronto.ca

Eugene Benda, Acting Manager, Closed Landfill Operations, Infrastructure Development and Asset Management, Solid Waste Management Services, Telephone: 905-303-4204,
Fax: 905-832-4944, E-mail: ebenda@toronto.ca

SIGNATURE

Jim McKay
General Manager
Solid Waste Management Services.

ATTACHMENTS

Attachment 1 – Appendix “A” – Guiding Principles for the Memorandum of Understanding and Post Closure Agreement

Attachment 2 – Appendix “B” – Draft Plan of Subject Lands

Attachment 3 – Appendix “C” – Reference Map – Subject Lands and Proposed Road Alignment