

**FURTHER TO AUTHORITY MEETING #11/07  
To be held Friday, January 25, 2008**

**Pages**

**FURTHER TO:**

**7. CONSIDERATION OF REPORTS TO THE AUTHORITY**

**ITEM 7.1 - LISTED ON AGENDA AS REPORT TO FOLLOW**

**7.1 ENVIRONMENTAL ASSESSMENT FOR THE DON MOUTH  
NATURALIZATION AND PORT LANDS FLOOD PROTECTION PROJECT**  
Contract to Undertake Subsurface Investigations on TEDCO-owned land in Port  
Lands 24-27

**ITEM 7.3 - NEW ITEM**

**7.3 REGIONAL MUNICIPALITY OF HALTON TIER 3 WATER BUDGET**  
Funding Agreement 28-29

**TO:** Chair and Members of the Authority  
Meeting #11/07, January 25, 2008

**FROM:** Adele Freeman, Director, Watershed Management

**RE:** **ENVIRONMENTAL ASSESSMENT FOR THE DON MOUTH  
NATURALIZATION AND PORT LANDS FLOOD PROTECTION PROJECT**  
Contract to Undertake Subsurface Investigations on Toronto Economic  
Development Corporation-owned land in the Port Lands

---

**KEY ISSUE**

Authorization to retain a qualified firm to undertake a subsurface investigation on lands owned by Toronto Economic Development Corporation in the Port Lands in support of the Don Mouth Naturalization and Port Lands Flood Protection Project Environmental Assessment.

**RECOMMENDATION**

**WHEREAS Toronto and Region Conservation Authority (TRCA) has identified the need to undertake subsurface investigations throughout Toronto Economic Development Corporation (TEDCO)-owned lands and City of Toronto road Right of Ways in the Port Lands in support of the Environmental Assessment for the Don Mouth Naturalization and Port Lands Flood Protection Project (EA for the DMNP Project);**

**WHEREAS TRCA has been authorized by Toronto Waterfront Revitalization Corporation (TWRC) to retain Decommissioning Consulting Services Limited (DCS) to undertake technical oversight services on behalf of TRCA relating to the required subsurface investigations;**

**WHEREAS City of Toronto staff will submit a report for consideration at the February 6, 2008 City of Toronto Executive meeting which will detail an agreement to be signed between the City of Toronto, TWRC and TEDCO to allow access to TEDCO-owned land in relation to TWRC projects and which will then proceed to the City Council meeting to be held on March 3, 2008 for approval;**

**WHEREAS DCS, as a component of their technical oversight services to TRCA, will prepare (with assistance from TEDCO, the City of Toronto and TWRC) and release a Request for Quotations to three firms that have been pre-authorized by TWRC to undertake subsurface investigations in support of the EA for the DMNP Project, following approval of the City staff report at the February 6, 2008 Executive meeting;**

**WHEREAS DCS will review the quotations submitted by the three eligible firms and make a recommendation to TRCA, TEDCO, TWRC and the City of Toronto as to which firm should receive the award based on a combination of lowest bid and demonstrated understanding of the work;**

**WHEREAS TWRC, City of Toronto and TEDCO staff will make a decision whether the firm recommended by DCS will sign a contract to undertake the subsurface investigations with TEDCO or whether the contract will be signed by TRCA;**

**THEREFORE LET IT BE RESOLVED THAT TRCA be authorized to enter into a Delivery Agreement with TWRC to an upset limit of \$300,000 (taxes and contingency included) to undertake the required subsurface investigations within the Port Lands in support of the EA for the DMNP Project, subject to TWRC instruction to TRCA to lead the subsurface investigations;**

**THAT TRCA be authorized to enter into a contract to undertake the subsurface investigations with whichever of the three, pre-qualified firms best meets the terms and conditions of the Request for Quotations at the lowest price, subject to the execution of a Delivery Agreement between TRCA and TWRC and subject to authorization by City Council to proceed with the execution of the approved access agreement;**

**AND FURTHER THAT TRCA staff be authorized and directed to take all necessary actions to implement the foregoing, including the signing of all Delivery Agreements, amendments or other legal documents deemed required in order to retain the successful firm, subject to approval of the award by TWRC.**

#### **BACKGROUND**

At Authority Meeting #3/01, held on April 27, 2001, Resolution #A58/01 was approved, in part, as follows:

*THAT the Government of Canada, the Province of Ontario, and the City of Toronto be advised that the TRCA will undertake the Naturalization and Flood Protection for the Lower Don River: Environmental Assessment and Functional Design component of the Toronto Waterfront Revitalization Initiative and will make every reasonable effort to complete the project through to the submission of the Environmental Assessment within the 18 month time frame established for the work;*

*AND FURTHER THAT the staff proceed as quickly as possible to hire the appropriate consultants that have proven expertise for this project in such a manner that expedites the process while providing a cost effective approach and achieving excellence in design and the incorporation of the City of Toronto's policies for environmental sustainability.*

Further, a Procurement Not Requiring Board Approval for a Sole Source Request for Proposal (Meeting RFP #2/07 - Sole Source (\$10,000 to \$50,000)), was approved, in part, as follows:

*THEREFORE LET IT BE RESOLVED THAT Toronto and Region Conservation Authority (TRCA) retain DCS to undertake the technical oversight for a subsurface investigation program on behalf of TEDCO in support of the DMNP EA to an upset limit of \$20,450.00 plus 10% contingency (plus applicable taxes), subject to the necessary funding being authorized by TWRC.*

The Environmental Assessment for the Don Mouth Naturalization and Port Lands Flood Protection Project is currently at the stage of evaluating a list of alternatives. This stage of the EA should be completed by March, 2008, at which time a very detailed evaluation of environmental impacts will be conducted on the remaining alternative(s) under consideration.

As such, it will be critically important in spring 2008 that the EA team be in possession of information summarizing the existing soil and groundwater conditions across the entire study area in order to be able to assess the potential environmental and financial implications of these subsurface conditions on the remaining alternatives under consideration.

City of Toronto, TWRC and TEDCO are discussing whether the preferred agency to lead the subsurface investigations should be TRCA or TEDCO. TRCA is anticipating receipt of a decision on this within a period of weeks. City of Toronto, TWRC and TEDCO have also been discussing the details of an access agreement to allow TWRC work to be conducted on TEDCO-owned land. A staff report with the access agreement details will be considered at the February 6, 2008 City of Toronto Executive meeting with a follow up report to be considered for approval at the March 3, 2008 City Council meeting.

To mitigate delays related to the start of the subsurface investigations, TRCA has been authorized to prepare (with the assistance of DCS) and release a Request for Quotations to three firms that have been pre-qualified by TWRC as being eligible to undertake these types of investigations, following the February 6, 2008 Executive meeting.

These firms include:

- Seacor Environmental Incorporated;
- Stantec Consulting Limited; and
- Water and Earth Science Associates Limited (WESA).

The Request for Quotations will outline a subsurface investigation program devised by DCS, with input from TEDCO regarding property access and availability of existing data. DCS will review the received quotations from the three firms and recommend one of the firms to undertake the proposed subsurface investigation to TRCA, TEDCO and TWRC.

In the event that TRCA is selected to lead the subsurface investigations, TRCA and TWRC are currently working on a framework for a Delivery Agreement that will authorize TRCA to proceed with the subsurface investigations.

Following City Council approval of the access agreement on March 3, 2008, the successful firm will either sign with TRCA or TEDCO to undertake the subsurface investigations with an anticipated upset limit of \$300,000 (taxes and contingency included).

Subsurface data collected by the successful firm will be analyzed, summarized and integrated with the technical evaluation for the EA for the DMNP Project.

**FINANCIAL DETAILS**

In the event that TRCA is selected to lead the subsurface investigations, expenses generated by the successful firm will be billed to a new account called 191-20 (Subsurface Investigations) and will be covered under the new Subsurface Investigations Delivery Agreement that would be signed between TWRC and TRCA. Expenses generated by TRCA staff in support of this work will continue to be billed to the existing account and Delivery Agreement for the EA for the Don Mouth Naturalization and Port Lands Flood Protection Project 191-02.

Any costs incurred by TEDCO staff will be billed through the mechanisms outlined in the Memorandum of Understanding between TWRC, City of Toronto and TEDCO.

**Report prepared by: Ken Dion, extension 5230**

**Email: [kdion@trca.on.ca](mailto:kdion@trca.on.ca)**

**For Information contact: Ken Dion, extension 5230**

**Email: [kdion@trca.on.ca](mailto:kdion@trca.on.ca)**

**Date: January 7, 2008**

## Item 7.3

**TO:** Chair and Members of the Authority  
Meeting #11/07, January 25, 2008

**FROM:** Adele Freeman, Director, Watershed Management

**RE:** **REGIONAL MUNICIPALITY OF HALTON TIER 3 WATER BUDGET**  
Funding Agreement

---

### KEY ISSUE

Approval for Toronto and Region Conservation Authority, as lead authority within the CTC Source Protection Region, to enter into an agreement to transfer funds to the Regional Municipality of Halton to undertake components of a Tier 3 Water Budget Assessment, at the request of the Ministry of Natural Resources.

### RECOMMENDATION

**THAT an agreement with the Regional Municipality of Halton to fund components of a Tier 3 Water Budget Assessment as part of the CTC Source Protection program, be approved:**

**THAT the agreement be subject to provincial funding being available for the full cost of the project and on terms and conditions satisfactory to Toronto and Region Conservation Authority (TRCA) staff and if necessary TRCA's solicitors;**

**AND FURTHER THAT appropriate TRCA officials be authorized and directed to take such action as necessary to implement the agreement including the signing and execution of documents.**

### BACKGROUND

The Ministry of Natural Resources (MNR) has been providing funding through the existing Memorandum of Agreement (MOA) amongst MNR, Conservation Ontario (CO) and the lead source protection authorities to undertake water budget work as part of the 'no regrets' technical work for drinking water source protection in advance of the *Clean Water Act, 2006* requirements. In addition to the MOA between TRCA, CO and MNR, TRCA, as the Toronto and Region Source Protection Authority, has executed agreements with the other two source protection authorities—Credit Valley and Central Lake Ontario—in the CTC Source Protection Region. Funding has been provided to cover 100 percent of the costs to date for conservation authority staff to undertake technical studies pursuant to provincial financial and technical direction. Current agreements for funding expire March 31, 2008. MNR has identified some additional funds and key projects that they wish conservation authority staff to facilitate using the provincial funds which are available in the current provincial fiscal year (ending March 31, 2008).

Under the *Clean Water Act, 2006*, source protection committees are responsible for developing terms of reference which will set out work plans, costs and responsibilities for future work. Municipalities have the first right of refusal to undertake this future work. The province will be providing funding through the lead source protection authority, which in turn is responsible for paying the money to the parties that undertake the work (e.g. municipalities, consultants and conservation authority staff).

### **Current Situation**

MNR has requested that TRCA, as the lead source protection authority, enter into an agreement to transfer funds to the Regional Municipality of Halton to undertake components of a Tier 3 Water Budget Assessment. In recognition of the future roles of municipalities under the *Clean Water Act, 2006* to undertake work, MNR has requested that three projects be completed: one project in the CTC Source Protection Region and two projects in the Lake Erie Source Protection Region (to be managed by Grand River Conservation Authority (GRCA)). CTC staff is working with staff at GRCA to format an agreement between the respective conservation authority and municipality for each of the projects.

### **FINANCIAL DETAILS**

It is anticipated that the value of the work will be in the order of \$500,000 to \$1,000,000. Provincial funding for the full amount of the work will be a condition of the agreement. If the provincial funding is not forthcoming, there will be no agreement. TRCA will be compensated for its costs to administer the agreement.

**Report prepared by: Adele Freeman, extension 5238**

**Email: [afreeman@trca.on.ca](mailto:afreeman@trca.on.ca)**

**For Information contact: Adele Freeman, extension 5238**

**Email: [afreeman@trca.on.ca](mailto:afreeman@trca.on.ca)**

**Date: January 22, 2008**