



Office of the
Chief Administrative Officer

May 31, 2021

Ms. Michelle Bishop, General Manager
Essex Windsor Solid Waste Authority
360 Fairview Ave. W., Suite 211
Essex, ON N8M 3G4

VIA E-MAIL ONLY
(mbishop@ewswa.org)

Dear Ms. Bishop:

**Re: Further Information Regarding the Regional Food and Organic Waste
Management Plan Letter from the County of Essex to EWSWA dated May 21, 2021**

Further to the letter addressed to you from CAO Mike Galloway, County of Essex (“Inquiry Letter”) regarding the above-noted matter, we write to provide some additional information that we hope will be of assistance to you and the Essex Windsor Solid Waste Authority (“EWSWA”) Board. We kindly ask that you provide this letter to the EWSWA Board in advance of its upcoming meeting on June 1, 2021.

A. Project Timeline

This is a project of generational importance, meaning that every day counts in our fight to address climate change. A tremendous amount of work has been completed since it started in 2018, as the key milestones below illustrate [**bold & underline indicates EWSWA Board approvals**]:

- January 15, 2018 – City of Windsor Council received a report from Administration informing them of the Act and City’s requirements for organics diversion
- September, 2019 – Dillon consulting report – organics management options evaluation
- April 27, 2020 – Stantec submitted a proposal for engineering services for a Class EA for Processing Source Separated organics and biosolids related to the Lou

Romano Water Reclamation Plant and Windsor Biosolids Processing Facility – was put on hold pending the results of the City’s expression of interest

- July, 2020 – Paul Kozak hired to visit the BioDryer facility in Whistler, BC and provide a technical report
- August 14, 2020 – Expression of Interest issued by City
- September 28, 2020 – City RFP closed for an environmental consultant to help the City determine next steps for organics/biosolids
- **October 6, 2020** – EWSWA Board approved development and implementation of a Regional Food and Organics Waste Management Plan and working group
- **November 3, 2020** – EWSWA Board approved the Oversight Committee and authorized them to strike a technical working group and asked each municipality to appoint a staff member and alternate to participate in the project
- November 17, 2020 – Technical working group formed – have met (min.) weekly since then
- November 24, 2020 – GHD hired as consultant through RFP
- **December 1, 2020** – EWSWA Board endorsed project charter
- December 9, 2020 – CAO meeting – introduction of project
- December 21, 2020 – 30% GHD report for comment
- January, 2021 – Stakeholder meetings (Toronto, London, Chatham-Kent, Lambton, Sarnia, Association of Municipalities of Ontario, Essex Region Conservation Authority)
- January 29, 2021 – Municipal representatives meeting – City and all 7 County municipalities representatives in attendance
- February, 2021 – Virtual tours by Expression of Interest respondents
- February 2, 2021 – Goals workshop with Technical Working Group
- February 16, 2021 – Goals workshop with Oversight Committee
- February 17, 2021 – 60% GHD report for comment
- February 19, 2021 – Goals workshop with the Municipal representatives group
- **March 2, 2021** – EWSWA endorsed direction (e.g. evaluation criteria) and goals

- March 16, 2021 – Oversight Committee endorsed the evaluation criteria and shortlist of alternatives
- April 1, 2021 – 90% GHD report for comment
- April 28, 2021 – GHD Report issued
- April 30, 2021 – Regional CAO Meeting – findings of the GHD Report presented
- **May 4, 2021** – EWSWA Board received the GHD Report and presentation from the Oversight Committee

B. Technology Solutions Available Under Current Ministry of Environment, Conservation & Parks' Policy

On May 19 & 21, 2021, members of the Technical Working Group consulted with the MOECP Resource Recovery Policy Branch and Approvals Group regarding acceptable technologies to process organics. MOECP confirmed the following key policy details and information:

- (i) composting and anaerobic digestion are technology options that meet the applicable provincial policy objectives;
- (ii) potential alternative technologies, such as BioDryer and Syngas, are not viable options at this time;¹
- (iii) upcoming changes (anticipated in Fall 2021) to the applicable provincial policy are expected to relate to feedstock materials, namely the types of compostable materials to be accepted; changes are not expected to relate to the waste treatment and processing requirements or the deadline for compliance (i.e., 2025); and,

¹ According to the MOECP, diversion targets cannot be achieved through the use of food and organic waste to generate alternative fuels or energy from waste without the concurrent recovery of nutrients. The MOECP expressed a desire to see the end-product of the organic processing facility go to the most beneficial end use (i.e., nutrient recovery), and as such, the thermal treatment of waste does not meet the requirements. Should there be a concurrent portion of the process which recovers nutrients, only that portion would contribute to the diversion targets.

- (iv) a ban on organics going to landfills is anticipated by 2030, which would apply to all waste sectors including those municipalities without current obligations under the applicable provincial policy.

C. Significant Non-Compliance Penalties Possible

Under the Organics Provincial Policy Statement (“OPPS”), municipalities must comply with their specified reduction targets by 2025. Non-compliance with that target could result in inspections, orders and penalties of up to **\$250,000 per day** (if convicted of an offence under the *Resource Recovery and Circular Economy Act*).

D. Odour Controlled

Odour concerns and prevention were also discussed with MOECP recently. The example of the City of Toronto’s anaerobic digester facility was raised, which has had few, if any, odour complaints, notwithstanding its location next to a residential area. It was acknowledged that any food and organic management system will produce odours; however, if diligent operation and maintenance procedures are strictly followed, odours can be successfully controlled. Members of the Technical Working Group have also discussed anaerobic digestion and composting operations with potential proponents, who have indicated that knowledgeable experienced entities who understand the importance of strict adherence to odour prevention measures experience little to no odour complaints.

E. Peer Reviewing Our Consultant

As noted above in the timeline, GHD was selected through a competitive process and verified to be highly qualified in this area of expertise. GHD has worked closely with the Technical Working Group, which includes staff members of the County of Essex, EWSWA, and the City of Windsor. Together, the consultant and our staff have reviewed and analyzed numerous options, as well as made recommendations regarding technologies, end-product markets, site selection and service delivery models. This evaluation has included numerous virtual site visits of various technological operations, the details of which are included in GHD’s Report.

Peer reviews are often used by municipalities when a private sector, third-party (e.g. developer) submits a technical report. That process provides an opportunity to review

not only the technical components and conclusions, but the objectives and public policy standards or expectations. Since multiple technological options were considered throughout the current process, it is unclear what a peer review of our own consultant would achieve, not to mention the cost and delay that would result from such a decision.

Next Steps

At the EWSWA Board meeting on June 1, 2021, we understand GHD will present an overview of all the technologies evaluated during the evaluation process, and will provide additional explanation as to why certain technologies either meet or do not meet the requirements of the OPPS.

We also understand that local municipalities within the County will shortly be engaged with presentations and discussions to help provide clarity regarding the technologies evaluated, odour control measures, financial and operating impacts, among other things. We look forward to their input.

We therefore encourage the EWSWA Board to continue to move this critically important project forward at a pace and scope that will satisfy our collective regulatory obligations and advance our collective climate change goals.

Should you have any questions, comments or concerns, please do not hesitate to contact me. I would be pleased to discuss this issue or any other matter related to the City.

Yours very truly,



Jason Reynar, B.A. (Hons.), LL.B., LL.M., M.B.A., Acc.Dir.
Chief Administrative Officer

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cc: CAO Mike Galloway, County of Essex
CAOs of Essex County Municipalities
Regional Food and Organics Technical Working Group



Office of the Chief Administrative Officer

Regional Food and Organics Oversight Committee

Andrew Plancke, Town of Kingsville
Antonietta Giofu, Town of Amherstburg
Nelson Calvalho, Town of Leamington
Gary Punt, Town of Lakeshore
Peter Marra, Town of LaSalle
Andy Graf, Town of Essex
Albert Dionne, Town of Lakeshore
Dan Beaulieu, Town of Amherstburg
Doug Sweet, County of Essex
Kevin Girard, County of Essex
Jerry Behl, County of Essex
Johnathan Osborne, Town of LaSalle
Kirby McArdle, Town of Tecumseh
Mark Beggs, Town of LaSalle
Phil Bartnik, Town of Tecumseh
Robert Sharon, Town of Leamington
Shannon Belleau, Town of Leamington
Shaun Martinho, Town of Kingsville
Tim DelGreco, Town of Kingsville